A pot of gold at the end of the rainbow: Subsistence cannabis cultivation in the changing legislative context in South Africa.

By Kelly Fortune – FRTKEL004

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Supervisor(s):

Dr Simon Howell and Dr Annette Hübschle

Faculty of Law: University of Cape Town

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All praise to the Most High.

All thanks to each seed sown in the cultivation of my research journey.

It is not the kings and generals that make history, but the masses of the people.

Nelson Mandela

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Abbreviations and acronyms

ABET: Adult basic education training

AD: Anno Domini

BRICS: Brazil, Russia, India, China and South Africa

CBD: cannabidiol

CDA: Central Drug Authority

CONTRALESA: Congress of Traditional Leaders of South Africa

DAFF: Department of Agriculture, Forestry and Fisheries

DEDAT: Department of Economic Development and Tourism

DPME: Department of Planning, Monitoring and Evaluation

DSD: Department of Social Development

EC: Eastern Cape

FGA: Fields of Green for All

IKS: Indigenous knowledge system

IPILRA: Interim Protection of Land Rights Act

Kg: Kilogram

LARC: Land and Accountability Research Centre

MCDA: Multi-criterion decision analysis

NCOP: National Council of Province

NDMP: National Drug Master Plan

PMG: Parliamentary Monitoring Group

PTO: Permission to occupy

RICAD: Report of the Inter-departmental committee on the Abuse of Dagga

SA: South Africa

SAPS: South African Police Services

SERO: Socio-economic Review and Outlook

SOFA: State of Food and Agriculture

STATSSA: Statistics South Africa

TCB: Traditional Courts Bill

TDPF: Transform Drug Policy Foundation

THC: Tetrahydrocannabinol

TKLA: Traditional Khoi-san Leadership Act 3 of 2019

TKLB: Traditional Khoisan Leadership Bill

UFSN: Umzimvubu farmers support network

UN: United Nations

UNODC: United Nations Office on Drugs and Crime

US: United States

WC: Western Cape

WHO: World Health Organisation

Abstract

Cannabis cultivation is documented as a long-standing practice in Africa and Southern Africa specifically (Paterson 2009, Crampton 2015, Duvall 2019, Khan 2015, United Nations Office on Drugs and Crime 2019). The growing of cannabis is concentrated in three African regions; Pondoland in South Africa, the Mokhotlong district in Lesotho and the Hhohho district in Swaziland, with the majority of farmers growing the crop for subsistence (Crampton 2015:57). Cannabis thus holds significant value in supplementing incomes and sustaining livelihoods, especially of cultivators. Considering their geographic and economic positions, the contribution of cannabis to the livelihoods of those who live in the poorest parts of the country is great, yet has been largely ignored (Kepe 2003:605) despite the changing legislative context of cannabis law in South Africa. Moreover, as changes to the legislative framework emerge and the cannabis legalisation debate deepens, one is challenged in locating the voices of the rural farmers who have cultivated cannabis for generations. As an important source of information, they appear to be left out. What are their views? Are they for or against legalisation and why? What are the perceived impacts of legalisation on their continued production of cannabis?

In an attempt to garner and understand their views, needs and concerns, this thesis aims to showcase these, and further open up a small window of opportunity to relay the voices of the seemingly voiceless. It emphasises that, without their voices, a nuanced legalisation debate and support for a holistic, progressive, informed, sustainable legislative framework will be tainted.

1. INTRODUCTION

1.1 Background of the study

The cultivation of cannabis occurs at a large scale in Africa (UNODC 2018). South Africa (SA) is reported to be one of the top countries globally to produce cannabis (Khan 2015). This is repeatedly confirmed by the World Drug Reports (2019), recording SA as one of the biggest producers of cannabis in Africa (UNODC 2019). The cultivation of cannabis occurs mostly in SA's eastern parts and some northern areas (Peltzer & Ramlagan 2007:126). It is in these regions where one finds SA's poor farming population, where cannabis becomes a vital crop for many rural families to supplement their income (UNODC 2002:11).

Cannabis farming and cannabis as a cash crop sustains a number of communities in the Eastern Cape (EC) (de Greef 2016:1), supported by Polgreen (2012:1) who maintains that cannabis has become a cash crop that helps put "bread on the table" in poverty-stricken rural regions. Cannabis has been used as an elixir and its uses dates back centuries (Iversen 2001). It is a phenomenon that is covered in various pieces of literature, albeit un-holistically – the "Cannabis position paper 2013" (Du Plessis, Visser & Smit 2013) attempts to "summarise current scientific literature about the dynamics of cannabis while providing a platform for an integrated approach that assists the Central Drug Authority (CDA) in carrying out their mandate" – it appears that the rural farmer and the people-plant relationship is excluded here. Whilst the cannabis legalisation debate has gained traction in the last few years both in terms of importance and public concern the debate appears to neglect the inclusion of this cohort.

This apparent exclusion of the rural cannabis farmer provided the impetus to conduct research in the Eastern Cape, Pondoland region so as to garner views on cannabis legalisation, the continued production of cannabis if legal and by virtue highlight the people-plant relationship here that is seemingly scantly documented. This area is located on the African coast of the Indian Ocean in the EC province and is divided into west and east Pondoland by the Mzimvubu River (Encyclopaedia

Britannica 2019). Pondoland is the traditional area of the Mpondo (Pondo) people, forming part of the former Transkei homeland that was nominally independent until reincorporated into SA after the first democratic elections in 1994 (Encyclopaedia Britannica 2017, Hadju 2006:77-78). By way of providing context a preliminary literature review is sketched next linking to the demographics of the EC, history of cannabis, land tenure, inequality and cannabis legalisation. The preliminary literature review below showcases these aspects in an attempt to highlight these as factors contributing to the exclusion of farmers and as key to reflect upon as the cannabis legalisation debate evolves.

1.2 Preliminary literature review

The EC is one of four provinces where more than half of the population lives in poverty, however, the poverty headcount in the EC has decreased (StatsSA 2016). The Socio-economic Review and Outlook (SERO) (2017) report notes that although the EC province shows a reduction in the poverty headcount between 2011 to 2016, the 2016 community survey shows that the intensity of poverty in the EC has increased by 1.4% (Department of Economic Development and Tourism (DEDAT) 2017:48) which may see further increases as a result of the COVID-19 pandemic, thus likely to lead to greater inequality and impoverishment in the short-term. Among the five leading problems faced in the EC province, access to water (supply) is indicated as the leading problem, followed by inadequate housing, lack of employment opportunities, inadequate roads and the cost of electricity (StatsSA 2016:77).

The EC SERO report highlights consistent unemployment with changing population dynamics as the key challenges facing the EC (DEDAT 2017:1). Additionally, domestic constraints impacting the EC economy are pointed out and related to political uncertainties, energy, infrastructure and skills shortages, as well as outcomes linked to education, health and broader social ills that continually impact economic development (DEDAT 2017:1). Reports show that the EC province had the second widest coverage (2.7 million), after KwaZulu Natal, of social grants in SA for 2016, which are mainly the Child grant (1 845 098) and old age (pension) grant (534 553) (DEDAT 2017:50) suggesting a kind of dependence on the state in this regard. When compared to the Western Cape (WC) province where both provinces have a population headcount of over six

million, the stark disparities come to the fore. The WC and Gauteng province is noted to experience the lowest levels of poverty in over 15 years, considered as the economic hubs of SA and therefore have wealthier populations and more job opportunities (StatsSA 2017:34).

The history of the former Transkei homeland, now part of the EC province (second largest province by land in SA), affected livelihoods as a result of political changes, new laws and policies culminating in the systemic exclusion of the local people (Hadju 2006:65, 80, 81). This history has seen communities come to rely on agricultural and natural resources as a safeguard and supplement of income (Hadju 2006:80, 165). In observing the history of the homelands, populations of these homelands lost their South African citizenship under the apartheid system, relieving the government from economic and political responsibilities. The homelands are still quite distinct in that government neglect is still evident, i.e. poor infrastructure and facilities (Hadju 2006:69). The severe degradation, overpopulation and conflicts over environmental resources seen in the homelands are still reflected by government, researchers and in popular opinion (Hadju 2006:69). Decades of resistance through protests increasing global awareness of apartheid in SA eventually saw the release of Nelson Mandela and the transition to democracy in 1994 (Hadju 2006:69). This history resulted in a diverse population, “the rainbow nation” viewing itself according to rigorous categories where pale skin colour and European descent were viewed as good, developed, clever whilst dark skin and African descent were viewed as backward, stupid, where feelings of inferiority and superiority pervaded the population's mindsets (Hadju 2006:70). These mindsets, arguably still evident today, are key considerations for research and policy (Hadju 2006:70).

Challenges experienced in SA linked to poverty, such as unemployment and food security have given rise to the increase in expectations for agricultural land for which land reform programmes were critical to acquire such and make meaningful contributions (Netshipale et al 2017:57). In terms of the land used for agriculture in the EC, Hamann and Tuinder (2012:31) refer to land tenure applied in the region characterised by the “permission to occupy” (PTO) system, permitting locals to occupy land, but without land titles. As SA transitioned into a democracy, processes to address the land tenure gaps were implemented, known as land tenure reform (Hamann & Tuinder 2012:31). Land tenure reform aims to “secure and protect customary and informal land rights that

were left vulnerable by earlier land policies and apartheid. It serves to recognise local held rights and to transfer power over those rights to the land rights-holders" (Hull & Whittal 2018:1). For Hull and Whittal (2018:1) land reform in SA is failing "attributed to an inappropriate logic of land reform." Aligned to the Constitution of SA, government is obliged to enact legislation that secures land tenure for those where tenure is insecure as a result of apartheid, which has been provided for in a number of legislative frameworks, albeit no permanent legislation implemented to secure tenure (Hull & Whittal 2018:2). It appears the proposed Bills are unimplementable, suited to the elite at the expense of those living with insecure tenure (Hull & Whittal 2018:2). What this means for the rural farmer is that due to the insecurity of land tenure they are not in a position to reap the full benefits of the land they occupy (Hull & Whittal 2018:2). This is even more challenging for female rural farmers in accessing opportunities to secure land tenure as a result of insufficient land management and gender constructions in land allocation deepening gender inequality, limiting capacity and agricultural development in Africa (Akinola 2018:1).

As deduced from literature (Kepe 2003, Carrier & Klantschnig 2012, Crampton 2015) cannabis as a commodity crop, farmed for subsistence is key to sustainable livelihood strategies. Kepe's (2003) study suggests, the full import of cannabis as an important cash crop in rural poor areas, although to varying values in households. The majority of farmers cultivate cannabis to supplement an income (Crampton 2015). Although key to livelihoods in some villages (Kepe 2003:614), it is not the panacea for rural development, socio-economic development or the developmental ills experienced in SA (Carrier & Klantschnig 2016:185).
Considering its noted importance, cannabis' contribution to the livelihoods of those who live in the poorest parts of the country has been ignored (Kepe 2003:605). Not only has the economic importance of cannabis been side-lined or largely ignored by conservative policymakers in general, but seldom have rural farmers[1] been provided with a platform to speak even amongst the cannabis lobby groups, despite their significance in such debates.

[1] It should be noted that, for the purposes of this thesis, the terms "farmer/farmers/cultivators" and "farming community" will be referred to, however this usage does not imply that this is one entity or group; their heterogeneity and diversity are significant factors to consider in attempting to influence and inform a nuanced cannabis legalisation debate. Moreover, where reference is made to rural subsistence farmers/subsistence farming cannabis as well as other crops for livelihoods, that may to be considered as small scale farmers given the apparent evolution of the practice in the research community and as suggested in reports by Prohibition Partners (2019).

Their exclusion is posited as a direct result of poverty, living in isolated rural communities, with limited access to and from the mainstream economy. This compounded by drug policy and the global economy of cannabis that is seemingly structured against rural farmers (Carrier & Klantschnig 2016:186). Drug prohibition has further segregated communities maintaining modalities of inequality and entrenched mechanisms of marginalisation that invariably have their own historicities (Crampton 2015, Shelley & Howell 2019, Paterson 2009). Thus, strategies have been employed (by rural farmers) as a measure to safeguard sustainable livelihoods facilitating economic development, where agrarian activities form part of the community culture and practice.

The African cannabis report (Prohibition Partners 2019) notes that SA has an estimated 900 000 cannabis farmers and 350 000 traditional healers that grow cannabis, however, no specifics per region are documented. It is posited, that cannabis' illegality limits the true extent and accuracy of this figure and requires further research, although this shows that there are at least 900 000 farmer views that may be garnered in the context of cannabis legalisation. Moreover, that cannabis cultivation in the context of poverty outlined above may provide an important source of legitimate income if legalised, however regardless of legalisation remains an important, albeit illegitimate source of income for the rural cannabis farmers.

The varied policy positions encompassed in the debate suggest that cannabis legalisation and cannabis policy specifically is not a binary choice (Caulkins et al 2015:1). It is almost ironic that the history of cannabis prohibition in SA first saw attempts to validate it rather than prohibit it (Chattopadhyaya 2019:587) where prohibition was instigated by the South African government in a letter to the Secretary-General of the League of Nations in 1923 tabled at the Advisory committee meeting in 1924 (Mills 2003:158-160). This saw the listing of cannabis in the League of Nations' International Opium Convention of 1925 (Duvall 2016:20, Duvall 2019:8). The "war on drugs" rhetoric promoted the prohibitionist approach where these ideologies seem to be perpetuated contemporarily which calls for a paradigm shift from a draconian prohibitionist approach to one grounded in human rights and harm reduction. In so far, reforms have contributed to the transformation of the global political economy of cannabis, however still insufficiently considers the potential implications on agriculture and excludes the rural farmer (Duvall 2016:12).

In reflecting on the last two decades, the legalisation debate in SA has seen developments. This includes amendments to and the development of legislative and policy frameworks among others. Whilst developments may be seen as progressive, its scope arguably highlights the impediments faced by rural farmers and their lack of participation here. More recently the gentrification of cannabis appears spurred by the media's depiction and opinions reflected by politicians praising cannabis for its economic potential *inter alia* (as compared to earlier notions of cannabis seen as a "dagga evil" (SA. Inter-departmental Committee 1952: iv, Crampton 2015)). This apparent gentrification remains largely silent on the rural cannabis farmer. Literature, the media and policymakers seemingly neglect the rural farmer in the cannabis legalisation debate and the meaning cannabis holds for them.

The Constitutional court judgement of 2018[2] is noted to have changed the landscape of cannabis (cultivation, possession, use and consumption for private purposes) in SA by clarifying the rights of South Africans concerning cannabis (Schindlers Attorneys 2018). This judgement saw the publication of the Cannabis for Private purposes Bill (B19 -2020) in September 2020, open to public opinion due on or before 30 November 2020. Given the timeframe and estimated scale of cannabis farming in SA; have the rural farmers been provided with an adequate opportunity to provide inputs in a substantive manner? The Constitutional court judgement of 2018 and the subsequent Bill appear to be key milestones in the debate, however, arguably falls short in its consideration of the rural farmer and the people-plant relationship.

1.3 Research problem, research questions and research objectives

From this point of departure, the cannabis legalisation debate appears deficient in recognising the rural cannabis farmers role in the cannabis sphere, the meaning cannabis holds here as well as what legalisation would mean for them. This is evident in the near-total silence of their voices in the media and academic literature. As in a number of countries – the United States Of America

[2] See *Minister of Justice and Constitutional Development and Others v Prince (Clarke and Others Intervening); National Director of Public Prosecutions and Others v Rubin; National Director of Public Prosecutions and Others v Acton* (CCT108/17) [2018] ZACC 30; 2018 (10) BCLR 1220 (CC); 2018 (6) SA 393 (CC); 2019 (1) SACR 14 (CC) (18 September 2018).

(USA), Netherlands and Australia for instance (Clements and Zhao 2009:235) – the cannabis legalisation debate in SA has grown both vertically – in that a growing number of individuals and organisations are engaging with the concerns – and horizontally – in that its legislative and governmental impact has also increased – in recent years. Despite the debates growing influence and importance however, it continues to speak to a relatively small number of issues and has been driven by partisan concerns of limited substantive concern. A principle effect of this, as this research aims to engage with, is that the voices and concerns of the primary cultivators of cannabis in South Africa (SA) feature very rarely. Mostly economically isolated rural farmers in the least developed areas of the country – and thus some of the most politically vulnerable of citizens – their discursive exclusion has multiple effects. As an important source of information, they are largely silent, while as distributors they are most likely to fall foul of the draconian sentencing policy outlined in the Drugs and Drugs Trafficking Act 140 of 1992. The research as such a) aimed to sketch out the cannabis legalisation debate in SA so as to highlight how these producers have been excluded, and b) conduct empirical fieldwork so as to create a snapshot of their views, concerns, and needs as they relate to the changing legislative framework for the regulation of cannabis in the country.

In endeavouring to garner their perceptions, views and needs around cannabis legalisation (debate), I embarked on a journey to uncover whether the rural farmers are for or against legalisation, as well as the perceived impacts of legalisation on their continued production of cannabis. Central to this research study then were two questions; what are the perceptions of the cannabis farmer in terms of the current cannabis legalisation (debate), are they for or against legalisation and why?; what do they perceive as the direct and indirect impacts of cannabis legalisation on their continued production of cannabis?

In focusing on the key research questions the research objectives and outcomes of research could be realised. The objectives and outcomes of research set out to uncover answers, to provide an analysis of the cultivators' perceptions and view around the current cannabis legalisation debate, critically review the political economy of cannabis, its regulation and legalisation by engaging with cannabis cultivators (farmers). In support of this research journey, the research design and

methodology provided the roadmap as is briefly outlined below with details unpacked in chapter four of this thesis.

1.4 Research design and methodology

The methodology and analytical strategy employed in research is one that is qualitative in nature following the ethnographic paradigm. The Pondoland region was selected as the research site on this journey to garner the perceptions, views, needs, experiences and concerns of the local producers of cannabis as it relates to the cannabis legalisation debate. Pondoland was chosen as the research site as limited research has been conducted in this region specifically honing in on the cannabis farmers and their views on the cannabis law as well as legalisation. Given the historical factors connecting to inequality, poverty and the apparent gap in the cannabis legalisation debate, a greater understanding of cannabis farming and its importance can be gleaned. It is argued that the rural farmers experiences and needs are a function of what they prioritise, shaping as well as influencing their views. As such, this thesis aims to showcase their views, and further open up a small window of opportunity to relay the voices of those who have thus far been largely excluded. To give effect to this, the interview, and participant observation (to a lesser extent) were applied as methods in the field where data gathered were analysed thematically. A summary of how this study is set out in this thesis is discussed below.

1.5 Outline of the study

In sketching this research journey, an exploration of literature makes up the second chapter of this thesis. The goal of this chapter is to provide an overview of cannabis' history in Africa and SA, its prohibition and economics in the contemporary. Chapter three is dedicated to the conceptual framework of research commencing the discussion with notions, thoughts, concepts and conceptual work related to the cannabis legalisation debate. The concepts of voicelessness and silencing, apparent from the limited inclusion of the rural farmers in the cannabis legalisation debate is unpacked. This discussion is followed by the methodological framework in chapter four describing the ethnographic methodology utilised, as well as ethical considerations in research. The methods employed are included in this chapter where I share the activities, mechanisms and

tools implemented further providing a descriptive overview of the research journey including the role of gatekeepers as well as key informants, access to the research site, locating participants and the process of engagement.

Chapter five is devoted to cannabis farming in the EC sharing findings that have emerged from data outlining that which transpired in individual interviews, group discussions and through observation, thereby informing the themes structured. The aim is to portray the patterns arising in an attempt to ascribe meaning to narrative as it relates to cannabis legalisation, its impact on the continued production and why this is so. With this in mind, the discussion that follows in chapter six then focusses on the potential sites of conflict between economic and political freedom as well as tradition and modernity.

The final chapter of this thesis reviews and concludes the discussion highlighting the thesis argument as well as key research takeaways. The research journey is finally reflected on, and how it might be drawn on in moving forward. Albeit varied, the importance of the inclusion of the rural cultivators in the legalisation debate is noted, especially as they have important opinions that should inform a sustainable legislative framework. Without their voices, the debate and the support that legalisation requires is impaired, where their *pot of gold at the end of the rainbow* may continue to be a dream, despite the promises of an almost 30-year-old democracy in SA.

2. LITERATURE REVIEW

> Again, it is not the case that we have a wrong understanding of some phenomenon; it is the case that we do not understand it well enough. But it is important to document the understanding that we do have, and that is the role of the literature review (Shank 2006 in Delport, Fouche & Schurink 2011:300).

This chapter primarily reviews the literature on cannabis and cannabis legalisation in SA, as it emerged. The goal of this research study aimed to garner insight and better understand the rural farmers (individual) and group perceptions, needs as well as concerns around the cannabis legalisation (debate) in SA. As such, this chapter aims to set the scene for this research study by exploring the history of cannabis in Africa and SA, as well as cannabis' prohibition and cannabis economics in the contemporary. The conclusions drawn here form the basis of the argument on which the larger study has been based.

First, however, a brief note on cannabis uses, its practices and nomenclature is needed, as cannabis (use) in Africa has a diverse association in that it encompasses a botanical, agricultural, pharmacological and cultural role. These roles are described as being longstanding roles specifically in African societies (Duvall 2017:1) where the ontological meaning of cannabis may differ from one context, individual or group to another. African perceptions[3] of cannabis are polarised; some see it as a "hard drug" that is connected to addiction and irrationality and others (pro-cannabis) see it as a "herb", "good for ailments (asthma, appetite loss), reading, contemplation", "sexual potency" and as an aid in "meditation" (Carrier & Klantschnig 2012:36-37). The notion of madness here could be seen as an archetype of exclusion, which defines class, and may be attributed to cultivators of cannabis being excluded in the cannabis legalisation debate. Those who hold the "hard drug" view are noted to be "respectable" people of society – religious denominations - with these views often being encouraged by the media's portrayal and discourse around drugs (Carrier & Klantschnig 2012:37). Literature demonstrates that smoking cannabis is the common method of use, however besides this, the cannabis leaves can be used for tea, can be

[3] While the views on cannabis are as different as the many people who live on the continent, on the whole perceptions of cannabis seem to be polarised.

added to cakes or added to cuisine; all of which is recorded in early records, portraying the Khoikhoi to have practised all these methods (Crampton 2015:25).Linguistically, cannabis in Africa is known by various terms based on geographical complexes as suggested by Du Toit (1975:81) depicted in Figure 1 below. A host of terms are used by various groups in Africa, one of which is *ntsangu*, also used in SA (Du Toit 1975, Duvall 2017:4-9, Crampton 2015:15, Carrier & Klantschnig 2012:35). Further to this, cannabis is known as *dagga* in SA, with reference made to van Riebeeck's interpreter who pointed out the "Hancumqua who lived further inland cultivating the soil in which they grow daccha" (Crampton 2015:1-2). *Daccha* is described as "a dry herb which the [Khoikhoi] chew, which makes them drunk, and which they highly esteem" (Crampton 2015:2). Per van Riebeeck the Hancumqua were subsistence farmers, farming cattle and planting a valuable herb, *daccha,* that "drugs the brain just like opium" (Crampton 2015:2). The latter being attributed to the reason the Hancumqua was so fond of it (Crampton 2015:2).

Figure 1: Sketch map showing terms by which *Cannabis sativa* is known.

Source: Du Toit (1975:87).

It should be noted that certain sources appear to use the terms cannabis/*dagga* and hemp interchangeably, ascribing the same meanings, although the botanical distinctions have become clearer in more recent years. There is no clear distinction between hemp and cannabis found in the literature sketching its historical legislative journey (Coogan 2016:12). Indian hemp was a "colonial English phrase" referring to the hemp plant as well as its by-products that is grown in India and *dagga* was a "complex term" used when referring to *Leonotis* plants and the Linnean classifications; *Cannabis sativa* and *indica* (Chattopadhyaya 2019:599). It is noted that the collective use of these terms reflects two things; the acknowledgement of difficulty in classifying cannabis and its "intoxicant products"; and the continual attempts by the colonial regime to do so (Chattopadhyaya 2019:599). Importantly, in terms of legalisation, the difference between hemp and *dagga* has and at times still is overlooked by law enforcement agencies.

2.1 A history of cannabis in Africa and South Africa

Africa was a frontrunner in developing the diverse cultures of cannabis use (evident today) (Duvall 2017:1). This "herb", as Du Toit (1975:81) suggests, originated in the semi-desert regions south and east of the Caspian Sea, gradually making its way throughout central Asia. It is argued to be one of the earliest plants cultivated (Du Toit 1975:82). The path by which cannabis was introduced to Africa is documented to have been "through the Indian Ocean trade networks and Arabs who settled on the eastern African coast, from there percolating southwards and westwards" (Carrier & Klantschnig 2012:33). Cannabis' dispersion from Africa to Southern Africa is suggested to have occurred around a thousand years ago (Crampton 2015:14). It is estimated that cannabis was introduced to Southern Africa after 1500 (AD) (Duvall 2017:7), whereas another view notes its diffusion and use in Southern Africa by the San and Khoikhoi may have been well before AD 1500 (Carrier & Klantschnig 2012:33). There is no doubt that the antiquity of cannabis and the relationship with human society holds a significant history dating back several millennia (Paterson 2009:8). Associated with human habitation, cannabis' distribution can almost exclusively be attributed to human agency (Crampton 2015:22).

Farming of cannabis in Africa began after it arrived from Asia about 1000 years ago (Duvall 2019:4). Cannabis cultivation is documented to be concentrated in three African regions – Pondoland, SA, Mokhotlong district, Lesotho and Hhohho district, Swaziland – with the majority of farmers growing it for subsistence to supplement an income (Crampton 2015:57). An older report suggests that "cannabis grows wild in SA", and was referred to as a traditional crop concentrated mainly in the EC and KwaZulu Natal province (Gastrow 2003:9). The cultivation of cannabis by white farmers during the eighteenth and nineteenth century appears to have served as a commodity traded as an incentive grown for the labourers on the farms (Paterson 2009:34). The literature suggests that this was a common practice historically. This practice seems comparable to the "dop system" known as a system introduced by colonialism to convince indigenous people to work for Dutch settlers, gradually becoming an established system of labour control that over generations enmeshed farm labourers in a cycle of poverty (London 2003:61).

The descriptions provided in historical literature fails to provide a detailed (over)view of cannabis farming in Africa (Duvall 2016:13). Insufficient evidence exists, outlining the historic plant selection practices said to be embedded in indigenous knowledge systems (IKS) (Duvall 2016:14), which includes the cannabis cultivated in the EC. Indigenous knowledge is described as a "systematic body of knowledge acquired by local people through accumulation of experience, informal experiment and understanding of their environment" (Rankoana 2017:63). The historic production of cannabis encompasses genetic diversity attracting commercial bio-prospectors, thus increasing the significance of cannabis in Africa (Duvall 2016:10, 20). That said, the African cannabis crop yields less than its potential monetary value where decriminalisation is suggested to open lucrative markets for farmers (Duvall 2016:20) contributing to economic growth.

The necessity of unpacking the agricultural history of cannabis in Africa is highlighted, noting that current literature is "topically and geographically patchy" (Duvall 2016:13). The historic descriptions that exist are based on observations by colonial regimes, often associated with the low social class, i.e. farmers, soldiers, slaves and prostitutes (Duvall 2017:5). For example, in North Africa colonial French soldiers smoked cannabis with prostitutes (Duvall 2017:5). In colonial Africa, European documentarians saw cannabis use intertwined with race and social class (Duvall

2019:10). As historical epidemiology of drug use evolved so too did racial ideologies with drug use by the lower social class seen as pernicious to public and individual health (Duvall 2019:10). Racial ideologies (as per category) marked social class differences where wealth and poverty were deemed natural for the respective racial groups (Duvall 2019:11). "Blackness, marginality and psychoactive drug use" held negative connotations for Europeans whilst drug use by white elites was seen as "open-minded experimentation, free-thinking expression and intrepid worldliness" (Duvall 2019:11). Western travellers are noted as the primary documenters of cannabis history, despite the majority claiming no direct experience with cannabis (Duvall 2019:11). Those who did could brag about consuming cannabis while disapproving of others simply because of their social status enabling them to use "low-class drugs" without fear of social consequence (Duvall 2019:11). Considering this, and as argued by Duvall (2019:11) elite privilege too, shaped the narrative in cannabis history.

Historical events related to cannabis fails to notice the relationship between people and the cannabis plant (Duvall 2019:7). It appears the same can be said when observing the cannabis legalisation debate in SA today. An example of the disconnect between the people-cannabis plant relationship can be traced back to the origins of global prohibition where cannabis histories document Harry Anslinger as the "champion" of global prohibition neglecting cannabis' history outside of the United States (US) (Duvall 2019:7). More concerned about heroin and morphine, but to favour the democratic politicians, Anslinger was instrumental in bringing cannabis under federal control (Duvall 2019:7). The "war on drugs" thinking is documented to have originated in Mexico well before it was promoted by President Richard Nixon in 1972, whose administration declared a "total war" on drugs, advocating a harsh anti-cannabis rhetoric and harsh supply-reduction measures (Duvall 2019:7). Transform Drug Policy Foundation's (TDPF 2014:23) view is that it follows a militarised form resembling a war, which to a significant degree, is a war on people. The increasing acknowledgement that the drug prohibition approach has a disproportionate impact on marginalised communities and people of colour is highlighted (Shelley & Howell 2019:161). The view held is that the "war on drugs" is subsumed by a political agenda, where examples include the "subordinating attempts to combat drug trafficking to further its ideological war against communism" by the US, and the apartheid regime in SA, arguing that government had to clamp down on its use, as cannabis posed a threat to the authority of the

apartheid state (Paterson 2009:120). It is suggested that governments globally manipulated mandates under international law to end drug use in pursuit of political goals (Paterson 2009:120). Nuances of this view are supported by TDPF (2014:22), highlighting that in the 1970s Nixon himself was motivated by domestic political gain to enforce the "war on drugs." These views are widely documented. The role of imperialism and colonialism in shaping the war on drugs to suit self-interest should not be underestimated (Shelley & Howell 2019:161). Harry J. Anslinger's actions toward cannabis control, typify the political capital that the absolute prohibition of drugs may have and illustrates how racism can support a lifelong career (Shelley & Howell 2019:161). That said, racial bias in US law was entrenched before Anslinger's time and his thoughts on human difference are noted to be a reflection of his time where none of his writings reflect the racial hostility pro-cannabis activists connect to his narrative (Duvall 2019:7).

The roots of global prohibition lay in early twentieth-century Africa (Duvall 2019:8). Before prohibition, governments in an "imperial context" sanctioned cannabis experiments, intending to validate it and not prohibit it (Chattopadhyaya 2019:587). These experiments by SA and the British colonial regime in India indicate how profits motivated state efforts to gain entry to the imperial markets as well as how the psychoactive effects of cannabis were defined (Chattopadhyaya 2019:587). Histories reveal the level of uncertainty in scientific knowledge, the role of animals as human substitutes in science, and the inconclusive views held by governments about cannabis use, long before international prohibition was driven forward by SA (Chattopadhyaya 2019:587). The listing of cannabis in the League of Nations' International Opium Convention of 1925 was instigated by SA's white minority government backed by Egypt with cannabis controls in both countries since 1870 (Duvall 2016:20, Duvall 2019:8). It is highlighted that most cannabis control laws were motivated by ulterior concerns, such as labour control and religious proselytizing (Duvall 2016:16, Duvall 2017:11). Cannabis use was viewed with contempt, which was followed by colonial prohibition, thereby subjecting human-cannabis interactions to the undocumented "underground" of the 1800s and almost fully underground by 1940 (Duvall 2017:17). Despite decades of prohibition, cannabis cultures and agriculture in Africa continue as is evident in the adoption by farmers of cannabis providing distinct products valued for household use and the income it generates (Duvall 2016:20). Reference is made to the farmer networks that had formed by the 1930s in West Africa, where farmers were cultivating cannabis in

villages selling their produce to particular traders, whereupon males and females retailed it to smoker-consumers (Akyeampong 2005:433). Undoubtedly, cannabis as a commodity has a long-standing history contributing to the economic development of farmers.

Before cannabis' listing, as noted by Mills (2003:158, 60), cannabis as a topic appeared to be forgotten until a letter from SA, by J.C. van Tyen, then secretary to the Prime Minister of the Union of SA, Jan Christiaan Smuts, arrived at the office of the Secretary-General of the League of Nations in 1923 for consideration at the next Advisory Committee meeting in 1924. The letter, as cited in Mills (2003:160) read:

> Pretoria November 28th 1923
> With reference to your letter no. 12/A/22951/17217 dated September 6th 1922, on the above subject and to my letter no.29/8/85 dated December last, forwarding copies of the Regulations promulgated under Proclamation no.181 of 1922, I have the honour to inform you that, from the point of view of the Union of South Africa, the most important of all the habit-forming drugs is Indian hemp or 'Dagga' and this drug is not included in the International List. It is suggested that the various Governments being parties to the International Opium Convention should be asked to include in their lists of habit-forming drugs the following: Indian hemp: including the whole or any portion of the plants cannabis indica or cannabis sativa.
> Signed, JC. Van Tyen, for Secretary to the Prime Minister.

The indication by SA stemmed from the fact that Indian migrant workers were deemed to habitually use cannabis as a medicine and an intoxicant (Mills 2003:161). This is echoed in Carrier and Klantschnig (2012:86), noting the British colonial authorities' concerns around the use of cannabis and lack of productivity of Indian migrant labourers. As reflected in the *Report of the Indian immigrants Commission 1885-87,* cited in Mills (2003:161): "Smoking of hemp……renders the Indian immigrant unfit and unable to perform with satisfaction to the employer, that work for which he was specially brought to this Colony."

Cannabis use was controlled by the Governor of the Natal colony as early as 1870 (Mills 2003:161 supported by Duvall 2019:8). It is posited that the South African Government's concerns around cannabis were linked to racialised ideas relating to labour control and productivity on farms (Carrier & Klantschnig 2017:357). The letter penned by the Secretary for the Prime Minister of SA thus placed cannabis back on the agenda of the Advisory Committee on Traffic in Opium and Other Drugs, resulting in cannabis being caught up in the opium politics (Chattopadhyaya 2019:588).

Indian hemp/hashish was included in the list of narcotics as a dangerous substance, subject to the international laws of the International Opium Convention of 1925. Prohibition thereof is decreed by law in all African countries, although some countries have done so centuries ago (Carrier & Klantschnig 2017:357). Cannabis' indigenous traditional uses were no longer acknowledged, as reflected in a drug control agreement of 1961 (Duvall 2017:11) documented as the UN 1961 Single Convention on Narcotic Drugs (Duvall 2016:19). The various UN drug Conventions from 1971 to 1988, prescribing the strict prohibition of cannabis, was ratified by all African states, except Equatorial Guinea, Somalia and South Sudan (Duvall 2017:11). Regardless of prohibition, the production, trade and use continued, seeing increased growth in illegal markets throughout the 1900s. This suggests that the need for economic growth outweighed risking political freedom as early as the 1900s.

Following earlier developments, the Inter-departmental Committee report was released in 1952 in SA, known as the *Report of the Inter-departmental committee on the Abuse of Dagga* (RICAD) (Paterson 2009:55). The RICAD contents included the extent of the use of *dagga* (Indian hemp) in the Union, dagga cultivation and trafficking, uses and effects, the dagga problem in three High Commission territories (Basutoland, Swaziland and Bechuanaland), measures to deal with the "dagga evil" and international obligations (SA. Inter-departmental Committee 1952: iv). Almost surprisingly, the 1952 report appears to attempt to follow a holistic approach to cannabis by including cannabis cultivation by farmers and farm labourers, but this component is scant providing a very brief overview. The main focus of the report is devoted to cannabis use, its effects, as well as legal and other measures in dealing with the "dagga evil." In terms of the segment on cannabis cultivation, the report notes that the cultivation of cannabis was used as an

incentive for labourers and their retention (Inter-departmental Committee 1952:16). This notion is corroborated by scholars, as previously noted (Paterson 2009, Du Toit 1975). Interesting to note is that farmers and representatives from farmer organisations were afforded an opportunity to provide their views about cannabis cultivation. These views, as reported, indicated that cannabis was cultivated by those who were ill informed and immoral (Inter-departmental Committee 1952:16). These ideologies show how cannabis cultivators have been rigorously categorised where these notions seemingly permeate contemporarily. For Paterson (2009: 62), in unpacking the abovementioned report, it becomes apparent that the political economy of cannabis and its implications became a growing concern for the South African government. This is echoed in a statement by the then Minister of Social Welfare and Pensions, C.P. Mulder, in providing the mandate for the local Committee of Inquiry into the Abuse of Drugs (appointed in 1969), stating that "drug abuse in SA contained political implications" (Paterson 2009:62).

The *Drug Dependence and Some of Its Concomitant Aspects in the Republic of South Africa* report, issued in 1970 by the Department of Social Welfare and Pensions, contributed to the introduction of the Abuse of Dependence Producing Substances and Rehabilitation Centres Act 41 of 1971, repealed by the Drugs and Drug Trafficking Act 140 of 1992 (Du Toit 1980:68, Crampton 2015:7). The latter Act is described as a conglomeration of all previous legislation dealing with illegal substances (Paterson 2009:62), increasing punitive jurisdiction, carrying harsh minimum sentences (Crampton 2015:7) and seemingly enforcing draconian scheduling, following the "war on drugs" rhetoric. This rhetoric specifically refers to the language used and associated with the drug prohibition debate, reflecting the primary ideologies of policymakers (Peniche 2015:5). These ideologies include economics, criminal behaviour, morality and later public health (Peniche 2015:5, 7). This rhetoric promises to drive individuals away from criminal behaviour, disciplining those who do not for their deviations (Shelley & Howell 2019:157).

It appears that not much has changed since the 1971 Act was repealed by the 1992 Act. It is argued that a potential connection exists between the "demonization" of cannabis in SA and the rise of racial discrimination and Afrikaner nationalism (Crampton 2015:26). The prohibition of cannabis fuelled the segregation between South Africans from different cultures and backgrounds (Crampton 2015:26) excluding and marginalising South African people of colour (black, coloured

and Indian). This is echoed by Paterson (2009:14), arguing that the colonial construction of individuality, eventually influencing apartheid policy, also laid the foundation for cannabis prohibition. Drug policy maintained inequality and marginalisation, to the benefit of colonising powers (Shelley & Howell 2019:161). Examples include the disproportional impacts of drug policy on marginalised communities and people of colour such as the mass incarceration of African Americans (Shelley & Howell 2019:161) and closer to home, the crop spraying forays in the EC region of SA noted to have started close to the end of the apartheid era (Fields of Green for All (FGA) 2016:4), notwithstanding suggestions of much earlier forays (Nkosi, Devey & Waetjen 2020: 80). The crop spraying forays were attempts by the South African Police Services (SAPS) – dating back to the 1990s and as recent as 2015 – to eradicate cannabis in the EC by spraying crops with *Kilomax*, a glyphosate herbicide, using low-flying helicopters (Crampton 2015, FGA 2016) indicating the indiscriminate methods of crop eradication. The 2015 incident endangered livestock, reduced the fertility of the soil, destroyed crops and polluted the rivers and springs (Crampton 2015:56). "In one stroke, the local village economy had been eviscerated" (Crampton 2015:56). Pursuits of this nature appear to link to what Barnett (2009:11, 34) refers to as the addiction to drug laws, where people or entities such as law enforcement continually support prohibition despite its harms. The addiction to drug laws is caused by an inadequate understanding of human rights and the important role these rights play in decisions of legality (Barnett 2009:11, 34). This addiction could be argued to be associated with the "war on drugs" rhetoric and approach. The "war on drugs" aimed to prohibit and criminalise production, distribution, use and users of illicit drugs (Howell & Couzyn 2015:2). The fear-induced "war on drug" rhetoric has contributed to further state intervention, that resulted in coercion in people's daily lives (Polomarkakis 2017:398). The overall rule of the law influences the continued distrust by the marginalised of the state (Comaroff & Comaroff 2007:11). This distrust further influenced by the perception that state policy protects the elite and holds little relevance for the marginalised thus encouraging operations in illegitimate activity (Sissener 2001:3) contributing to their economic development.

It is highlighted that the response to drugs uses the apartheid approach, marginalising and excluding the majority, and protecting the interests of the minority (Shelley & Howell 2019:172). Denoting from Shelley and Howell (2019:172), this (approach) keeps the majority in a cycle of

economic exclusion, doing what is necessary to survive, which in turn escalates responses by colonising powers, while detracting from the real social ills; poverty, lack of access, limited resources and the failure of politicians to meet community needs. Arguably and in agreement with Sissener (2001:3) above, economic exclusion is among the factors that provide the impetus for the marginalised to find and implement measures for economic inclusion (creating their own opportunities for economic growth), albeit illicit. Apartheid in SA limited opportunities for economic growth by people of colour, seemingly creating a society in conflict and social upheaval resulting in a society that resembles societies where drug cultivation becomes one of the only means possible to earn a liveable income (Paterson 2009:82).

For many proponents, reference is made to the failure of the "war on drugs" (Howell & Couzyn 2015:7, TDPF 2014:17, Fellingham et al 2012:1, Nadelmann 2007:24, Polomarkakis 2017:397). It is described as "defunct" (Howell & Couzyn 2015:2). The Global Commission's report on Drug Policy (2011:4), highlights the "war on drugs" as ineffective in addressing and decreasing the global drug problem as well as heightening the burden that drug abuse places on society. The report recommends for a public health, human rights-based approach, rather than a punitive one (Global Commission 2011:5).

2.2 Cannabis economics in the contemporary

Despite running the risk of arrest, cannabis cultivation has become a means to an end for many farmers in African countries, safeguarding livelihoods by providing a source of income (Klantschnig, Dimova & Cross 2016:170). The cannabis economy is one that promotes the development of African farmers, making up for underdevelopment and injustices of the past, thus maintaining some kind of stability (Chouvy & Laniel 2007:139). A decline in living standards and war is argued to contribute positively to the demand and supply of cannabis in Africa (south of the Sahara) (Chouvy & Laniel 2007:139) resulting in more farmers cultivating cannabis (Carrier & Klantschnig 2012:60). As predicted suitable climatic and agricultural conditions, among other factors, in many parts of the Southern African region will contribute to an increase in the production and export of cannabis in the years to come (Gastrow 2003:15).

It is suggested that cannabis is probably the main (illicit) crop that benefits SA's poor the most, even though the "peasant" producers only get a small piece of the monetary pie compared to what is earned by sophisticated criminal groups (Gastrow 2003:1). The modest returns gained from selling the cannabis crop enables producers to provide for the family (Gastrow 2003:1). A similar sentiment is shared referring to hints in a nation-wide socio-economic survey; finding that cannabis significantly contributes to rural household economies (Bloomer 2009:51). More than ten years later, findings from this research study seemingly supports this view. SA, Lesotho and Swaziland (the so-called southern African cannabis complex) are believed to be one of the largest producers of cannabis in the world (Crampton 2015:55). It is estimated that post-1994 the southern African complex was producing 180 000 metric tons annually, valued at approximately 15 billion US dollars (Paterson 2009:3). The view held is that limited research and evidence prevents an accurate quantification of the scale of cannabis cultivation in SA (Gastrow 2003, UNODC 2007, Khan 2015). Cannabis cultivation and distribution has become more and more complex and entails important social, political, biological and economic considerations, suggesting that more research is required to garner further insights into cannabis cultivation, diversity and ubiquity, to inform responses (Rooke 2012:361).

There seems to be a lack of documented connections made in the South African context that includes the cultivator and dealer of cannabis, telling us that considerably less attention has been given to their views, needs and perceptions. A case study in Pondoland distinguishes between three types of growers (cultivators): some grow for their own consumption, some consume and sell their leftover crops, and lastly, some grow and trade the crop for full-time employment (Kepe 2003:608-609). There are farmers who cultivate cannabis in the homestead garden and those who cultivate it in the forest, where the former does so for own consumption, selling small amounts, and the latter invests effort in growing it as a key aspect of their livelihood (Kepe 2003:609). Similar distinctions are apparent in gleaning from research findings. The cultivation site is influenced by social differences amongst growers and the location of cannabis in a household's livelihood complex (Kepe 2003:609).

The EC region takes advantage of two harvests per year; January and April for a major harvest, and a smaller, lower quality harvest between September and November (Paterson 2009:89). The

majority of the former Transkei's cannabis is moved toward Cape Town, with quantities sold in the major urban centres, such as East London, Port Alfred, Port Elizabeth and George (Paterson 2009:89). Large quantities are transported toward Durban. From Kepe's (2003:614) case study in the Pondoland region, confirming Bloomer (2009), the conclusion indicates that cannabis is an important cash crop in the rural economy of poor areas, values differing from one household to another, with monetary values influenced by distance from tarred roads, social differences, land tenure and legal frameworks. Correlations may be drawn in observing research findings corroborating earlier works (Kepe 2003, Bloomer 2009). These will be unpacked in chapter five of this thesis. Scholars concur that cannabis is cultivated to supplement income (Potter 2006:102, Carrier & Klantschnig 2016:180, Kepe 2003, Gastrow 2003, Bloomer 2009). The income derived from the cannabis crop is limited, as producers seldom cultivate a large crop and the profit is divided among the producers, wholesalers and dealers (Paterson 2009:4). Small scale farmers sell to wholesalers that combine small quantities for onward trafficking (UNODC 2007:5). The cannabis market is described as a network of networks, comprised of growers, dealers, users and their associates (Potter 2006:17).

Research on cannabis production conducted in Lesotho suggests that cannabis has become a crop that compensates for several presenting problems such as wage decline, greater demand from surrounding countries like SA as well as land degradation (Carrier & Klantschnig 2016:179). Cannabis (cultivation) has become a means of agricultural diversification for farmers faced with declining terms of trade, however, just as with other cash (drug) crops, it exposes farmers to "new risks and uncertainties" (Carrier & Klantschnig 2016:185). Policy is posited to impede development making production as well as the sale of legal crops challenging fuelling operations in the black market, where policy further has the capacity to negatively impact livelihoods (Carrier & Klantschnig 2016:184-185).

It is implied that cannabis' popularity as a commodity and cash crop is reflected in the inequalities associated with the global trade, where farmers in developing countries find more benefit in these crops than in the mainstream global economy structured to exclude them (Carrier & Klantschnig 2016:186). Will the benefits improve post legalisation in SA? Will it influence the economy to be more inclusive? Where is the farmer, what is their perception and need? Ambivalence about the

cannabis crop is said to exist among farmers and traders (Carrier & Klantschnig 2016:181). Many are willing to grow and sell other products; others are questioning cannabis' illegality, given its widespread use in Africa for generations.

In concluding the literature review, it is clear that cannabis (use) as a phenomenon is widely documented; however, the interests and the voices of rural farmers are largely silent. Mention of the rural cannabis farmers have emerged more in recent times as depicted in various media articles that will be reflected upon in the conceptual framework of this thesis however, the rural farmers generational role in cannabis cultivation and the meaning it holds here, highlighting them as key stakeholders in the cannabis legalisation debate remains scant. From this literature review, it is deduced that cannabis is a crop that provides a safety net securing an income in rural communities (for farmers). It is further a crop that may be perceived as presenting economic opportunities for marginalised farmers that have been excluded from the mainstream economy seemingly structured against them compounded by the ideologies encompassed in colonial and apartheid policy. The extent of their silence is even more apparent in the cannabis legalisation debate in SA that will be unpacked in the next chapter. There is no demonstration in literature that specifically hones in on the rural cannabis farmer in SA, aiming to uncover their perceptions, views, needs and concerns related to legalisation and the cannabis legalisation debate. Moreover, literature fails to demonstrate the inclusion of the rural cannabis farmer in the Pondoland region of the former Transkei and the people-cannabis relationship here.

To uncover the sentiments of this vital constituent, it needs to be asked: What are their views, perceptions and needs around legalisation; are they for or against it and why? As posited farmers may likely lean more toward prohibition, as it is the illegality of cannabis that keeps prices high (Kepe 2003). Subsequently, this research study postulates that the rural cannabis farmers views will be shaped by their experiences (related to cannabis) and their views, as well as needs, will be a product of what they prioritise. As far as literature goes the need for economic freedom and development has surfaced where cannabis cultivation has increased over time despite its illegality suggesting that political freedom may mean less here. This thesis will set out to test this theory by showcasing the context in which (a small cohort of) farmers operate, and pivotal to this thesis relay their views, recognising them in all their diversity as key role players in the debate as well as

cannabis arena. Moreover, I will attempt to argue that if included the rural farmers may be pro-legalisation suggesting the continued production of cannabis irrespective of legislation and state policy that may be perceived with mistrust given the perpetual challenges faced due to past injustices as well as the broken promises of democracy.

First, I will dedicate the next chapter to the conceptual framework of this thesis where the cannabis legalisation debate will be discussed aiming to project particular notions and thoughts drawn on to understand as well as highlight the rural cannabis farmers "role" here. I will further unpack the concepts of voicelessness and silencing to provide some form of a theoretical view that may explain why and how these may surface for farmers when observing the cannabis legalisation debate. The chapter that follows will hone in on the methodology and methods employed on this research journey.

3. CONCEPTUAL FRAMEWORK

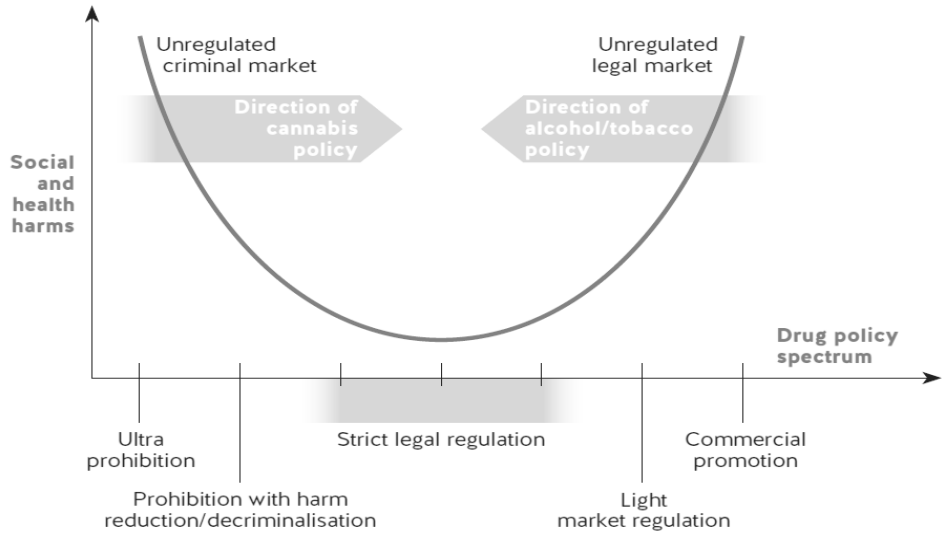
3.1 The cannabis legalisation debate and legal context of South Africa

The cannabis legalisation debate in SA like elsewhere in the world is complex and controversial. The history of cannabis prohibition saw colonial governments sanction experiments to validate it rather than prohibit it (Chattopadhyaya 2019:587) and further the legitimate cultivation of cannabis served as an incentive for migrant labourers on farms (Paterson 2009:34). This followed by the emergence of the "war on drugs" rhetoric that, albeit its widely documented failures, seemingly remains the narrative in the approach to cannabis legalisation where draconian ideologies continue to pervade a nuanced legalisation debate. It appears that the current debate falls short on the inclusion of all key role-players (from the "ivory tower" to those at local level) thus impeding a holistic, sustainable and inclusive legislative framework. As such, power is restricted to the connected elite that may further marginalise the rural cannabis farmers.

The discussion that follows will endeavour to sketch the cannabis legalisation debate showcasing the varied policy positions encompassed, including the associated harms. In observing the cannabis legalisation debate, thinking is ignited to reflect on what legalisation could mean for rural subsistence farmers, forming the basis of research. It is posited that farmers may either be for or against legalisation; their position arguably influenced by a need for economic freedom and hope for political freedom where these freedoms ideally should coexist in society. Albeit in context, these freedoms may present a potential dichotomy of sorts where one freedom may be attained at the expense of the other. I will explore these arguments further in chapter five and six where I will present and analyse the findings emerging from research. In this segment of this thesis, the legal context of cannabis in SA will too be unpacked in an attempt to provide a timeline reflecting the 20-year history culminating into the development of legislative and policy frameworks present today. Despite these seemingly progressive developments in drug policy reform, the debate and legal context in SA emphasises the limited inclusion of the rural cannabis farmer. Moreover, elevating the potential of elite or corporate capture of the cannabis economy. I begin by discussing the varied policy positions that inform the legalisation debate.

The policy options available can be observed on a spectrum, as illustrated below in figure two.

Figure 2: Legal Regulation- Getting Drugs under control.



Source: Transform Drug Policy Foundation (2014:29).

TDPF's (2014:28) description of the illustration above notes:

> There is a spectrum of legal/policy frameworks available for regulating the production, supply and use of non-medical psychoactive drugs, in this case, cannabis. At one end are the criminal markets created by absolute prohibition, moving through less punitive prohibition models, partial/de facto/quasi-legal supply models, legally regulated market models with various levels of restrictiveness, to legal/commercial free markets at the other end.

"Factions" (or varied positions) are not radical alternatives to the other and there is no single version to legalisation or prohibition (Nadelmann 1992:96). Legalisation is surrounded by a range of possible forms of controls, and cannabis policy specifically should not be viewed as a binary choice (Caulkins et al 2015:1). Legal regulation becomes the endpoint on the journey of cannabis legalisation (TDPF 2014:31). Rogeberg et al (2018:1, 8), led by a multi-criterion decision analysis

(MCDA) define four regulatory regimes; absolute/full prohibition, decriminalisation, state control and the free market. Emanating from their evaluation an overall judgement favoured the state control regime (Rogeberg et al 2018:8). For cannabis, a shift from current policies is suggested; a strict regulatory framework with a less restrictive policy rather than the decriminalisation and strict prohibition approaches currently in place (Rogeberg et al 2018:8).

The question one should ask is "what kind of regulation model will most effectively achieve policy aims of any given jurisdiction?" (TDPF 2014:23). This insinuates that a "one size fits all" approach cannot apply for cannabis legalisation and that context should inform policy, i.e. South African policy should consider the fact that cannabis has been farmed for many years as a subsistence crop, thus determining optimal solutions for policy development to accommodate and include rural farmers. Six key aims for a cannabis policy are suggested by TDPF (2014:24), namely: protecting and empowering public health, reducing drug-related crime, improving security and development, protecting the young and vulnerable, protecting human rights and providing good value for money.

In observing the varied policy positions, TDPF (2014:30) along with Felix and Portugal (2016:121) note that the concepts of legalisation, legal regulation and decriminalisation are often used interchangeably or misused; however, it is important to note that these concepts are different. It is noted that legalisation and regulation entail the removal of all types of penalty for the production, supply or possession that occurs within the parameters of a regulatory framework (TDPF 2014:31). The difference between legalisation and legal regulation is highlighted; legalisation is the process of removing illegality and legal regulation is the process that commences after legalisation, where a system of rules is implemented to govern a product or behaviours (TDPF 2014:31). Legalisation is referred to as the amendment of law eliminating any sanction associated with possession, distribution or use (Felix & Portugal 2016:121). As proposed by TDPF (2014:31) legalisation and legal regulation should be coupled (i.e. legally regulated cannabis market) as legalisation alone could lead to a commercial-free market that most drug policy reformists do not support.

Decriminalisation, on the other hand, refers to the removal of criminal sanctions (Svrakic et al 2012:90). Contextually, decriminalisation excludes arrest for personal possession or cultivation of cannabis, however, prohibition in terms of commercial cultivation and selling are maintained (Du Plessis et al 2013:86). Decriminalisation can be separated into two categories; *de jure* decriminalisation that refers to the removal or amendment of legislation and *de facto* decriminalisation; is where behaviour remains criminal but is not prosecuted (Du Plessis et al 2013:205). Although these concepts are not as widespread and meaningful in SA, arguably the latter is where SA finds itself in the cannabis legalisation debate (*de facto* decriminalisation of adult consumption, possession, use and cultivation in private as per the Constitutional Court judgement of 2018[4] as well as the subsequent Cannabis for Private Purposes Bill (B19-2020) with the former model being more apparent in the Medicines and Related Substances Control Amendment Act 14 of 2015.

The legalisation of cannabis may not be ideal for the farmers as its legal status seems to be the key contributing factor that determines the value yielded from dealing in the cannabis crop; its illegality keeps prices high (Kepe 2003:614). In slight contrast, it is suggested that the decriminalisation of cannabis will enable farmers to access lucrative domestic and international markets, although favouring well-resourced farmers, which could exclude those who currently grow cannabis (Duvall 2016:21). A study analysing perceptions of cannabis legalisation and decriminalisation, drawn from a sample of users who participated in a blog[5] found that; "the legalisation of cannabis will financially benefit only the pharmaceutical companies due to many health-related properties contained in the drug and that accessing it in its natural form by users places them at risk of being criminalised" (Khan 2015:175). Deducing from a similar view, the downside to legalisation maybe that legal markets would be monopolised by the powerful alcohol, tobacco and pharmaceutical companies (Nadelmann 2007:29). The observed trend following the legalisation of cannabis in Colorado and Canada, show that small-scale farmers are outcompeted

[4] See *Minister of Justice and Constitutional Development and Others v Prince (Clarke and Others Intervening); National Director of Public Prosecutions and Others v Rubin; National Director of Public Prosecutions and Others v Acton* (CCT108/17) [2018] ZACC 30; 2018 (10) BCLR 1220 (CC); 2018 (6) SA 393 (CC); 2019 (1) SACR 14 (CC) (18 September 2018).

[5] This work provides a good example of how grey literature supports scientific literature rather than replace it (Corlett 2011:4).

by entities with capital (Mabee 2019, confirming Kepe 2003, Nadelmann 2007, Khan 2015, Shaw et al 2016).

In reviewing available literature and considering the progress of the legalisation debate, the gap widens in that the rural cannabis farmers are largely silent thus garnering an understanding as to whether decriminalisation and or legalisation is perceived to have a positive or negative impact is limited. Their voices on legalisation and its impact on their livelihoods appear to be missing. This was amplified when studying the *Cannabis position paper 2013* (Du Plessis et al 2013) that attempts to "summarise current scientific literature about the dynamics of cannabis while providing a platform for an integrated approach that assists the Central Drug Authority (CDA) in carrying out their mandate." Here too the rural cannabis farmers are excluded, arguably limiting integration. Additionally, in Khan (2015) and in (Farham 2016) – the rural cannabis farmers are not portrayed as role players in the cannabis arena.

As one observes the varied positions of the legalisation debate, Griffin (2017:1) suggests that legalisation for medical use occurs first, then decriminalisation for recreational and personal use, followed by the legalisation and regulation of cannabis. "That is how it works" Griffin (2017:1) argues. In SA, the Drugs and Drug Trafficking Act of 1992, the Pharmacies Act 53 of 1974, the Prevention of and Treatment for Substance Abuse Act 70 of 2008, along with the Medicines and Related Substances Amendment Act 14 of 2015 prescribes the law (including schedules) for illicit substances like cannabis. The latter Act's amendment followed Mario-Oriani-Ambrosini's [6] presentation of the Medical Innovation Bill in 2014, supporting the legalisation of cannabis for medicinal purposes. This Bill influenced government's decision to regulate medicinal cannabis for prescribed health conditions capturing its essence in the Medicines and Related Substances Amendment Act 14 of 2015 (Parliamentary Monitoring Group (PMG) 2017:1).

[6] The late Mario-Oriani-Ambrosini was a Member of Parliament (MP) in SA, affiliated to the Inkatha Freedom Party (IFP). He spear headed the "impassioned plea" to legalise the medicinal use of cannabis presented in a Private Members Bill known as the Medical Innovation Bill (Parry & Meyers 2014:399). Parry and Meyers (2014:399) note that Ambrosini's plea must be understood in the context of his ill health (diagnosed with cancer) as well as legislative changes in a number of countries.

Reflecting on the past two decades, the cannabis legalisation debate appears to have made scant headway. In 2000 the South African Supreme Court of Appeal held that cannabis use, especially in large doses is harmful to an individual and society; this notion was upheld by the Constitutional Court at the time (Crampton 2015:46). Many proponents, along with the Supreme Court of Appeal held the view that cannabis is a gateway drug and that harsh punishments would act as a deterrent and thus decrease levels of drug use (Crampton 2015:46). Moreover, the view is held that use will increase due to the relaxation of laws (Parry, Myers & Caulkins 2019). A study in the Netherlands, however, indicates no increase in use since laws have been relaxed (Khan 2015:175). It is suggested that legal regulation will enable control, not increase availability, with controls in place on what can be sold, where it can be sold and to whom (TDPF 2014:6-22).

Reservations about legalising cannabis still revolve around the same concerns; fears of it being a gateway drug, impaired respiratory function, cardiovascular complications, the potential adverse impact of teenage development, and general anti-social behaviour (Crampton 2015:68). Albeit, at community level, the harms associated with cannabis are lower than alcohol and tobacco use harms (Crampton 2015:69, Parry & Myers 2014). In an attempt to debunk these notions, van Kerken (2015/16:10-11) refers to the gateway theory noting that cannabis is not a contributing factor, but poverty, social environment and criminalisation are gateways. Studies (Parry et al 2019) continue to highlight health concerns related to cannabis use and rightfully so as shifts to a harm-reduction approach (wider than just the public health sphere, e.g. human rights harms by the police (Shaw et al 2016)) are encouraged, however, empirical evidence requires strengthening in support of confirming the benefits of cannabis use as well as finding further ways to minimise all harms. There is a school of thought (Khan 2015:167, World Health Organisation (WHO) 2016:40) holding the view that the majority of all disciplines have not been able to provide a conclusive view on cannabis' benefits or harms, and that these are elements that require further insight. The harm-reduction approach to drug policy "requires comprehensive intervention at the political level" (Shaw et al 2016:9).

The milestones leading up to where the cannabis legalisation debate in SA finds itself today has seen rather slow progression in the first decade of the 2000s until 2017 (arguably the start of more "progressive" developments). In the 2000s the *Prince* case emerged, where Gareth Prince was

denied registration (by the Law Society) to practice as an attorney based on his religious practices as a Rastafarian. Prince appealed the Law Society's decision, arguing that the Drugs and Drug Trafficking Act 140 of 1992 is unconstitutional in that it failed to make provision for the possession, use and transportation of cannabis by a Rastafarian for religious purposes (De Vos 2001:89). In 2002 the Constitutional Court ruled against Prince, allowing for additional evidence on appeal, and ruling that it would be challenging for the police if religious exemptions were granted (Smith 2014:618).

Years later, in 2009, the Dagga Party, also known as *Iqela Lentsango*, was launched, led by Jeremy Acton who was arrested on a cannabis-related charge in 2011 (Child 2018:1). In 2010, Julian (Jules) Stobbs and Kathleen (Myrtle) Clarke's home was raided, resulting in the 2011 so-called "Dagga couple" case later dubbed the "Trial of the plant", which was heard in the Pretoria High court on 31 July 2017 and adjourned *sine die* on 18 August 2017, until after parliament amended legislation to include the provision of private use, cultivation, possession and consumption (Dagga Couple 2019). In their case, the Dagga couple advocate for cannabis legalisation on four levels; recreational (responsible adult use), religious, cultural and traditional, health as well as industrial and scientific, following a human rights approach (FGA 2017:1-4). This supports Rogeberg et al (2018) in calling for a paradigm shift from a draconian prohibitionist approach to one grounded in human rights and harm reduction. Shifts in drug policy are noted, where reform is transforming the global political economy of cannabis, although the reform is still insufficiently considering the potential implications on agriculture and excludes the rural subsistence farmer (Duvall 2016:12).

An Urban Safety Brief (2016:5) report suggests that some kind of reform is occurring in SA; shifting from current law enforcement responses, and focusing on a softer approach to reducing harms associated with substance use. The National Drug Master Plan (NDMP) is perceived as one of the supporting frameworks to assist in enabling this shift. The purpose of the NDMP is to "provide policy direction and coordinate efforts to respond to substance abuse in SA" (Department of Planning, Monitoring and Evaluation (DPME) 2016:1). In critically reviewing the NDMP (2013-2017), it is argued that it lacks consistency, suggests impractical resolutions and is in contradiction to the stated holistic framework (Howell & Couzyn 2015:1, 3, 4, 5, 11, 12, 17). The

DPME (2016:4) highlights that the NDMP has provided some policy direction and guidance for aligned operational planning, resource prioritisation and measurement, while its weaknesses need to be addressed. Scholars suggested that the next NDMP reflects a more balanced, effective document and policy landscape, despite external influence and lack of political will, that may render it ineffective (Shelley & Howell 2018:1).

Following the evaluation by the DPME, a reviewed five-year NDMP 2019-2024 was developed, and made available on 25 June 2020, where notable shifts are observed. The understanding with a plan of this nature is that it provides guidance to holistically address all factors related to drugs. However, the sense is that the latest plan lacks balance in totality; it says little about those who produce drugs, although producers are mentioned in relation to the shift in the law enforcement response targeting producers, manufacturers and distributors instead of people who use drugs. The deduction made here is that the rural cannabis farmers in the EC, that have been subject to the crop-spraying forays by SAPS since the 90s will continue to experience this kind of draconian enforcement. The tone of prohibition seemingly remains and, as posited (Shelley & Howell 2019), since drug prohibition maintains inequality and marginalisation in rural communities, the fate of the rural cannabis farmers in SA seems set to remain unaltered. Where are their voices and what are their views? The NDMP, much like the legalisation debate, seems to largely exclude the rural farmers and the meaning cannabis holds for each of them. Despite this apparent lack of recognition, the NDMP commits to ensuring equal access and distribution of resources in rural areas (DSD 2019:122) where one would hope that access will not be subjected to elite capture, benefitting all.

A statement made by the Premier of the EC advocates for strengthening inclusion, economic empowerment and development as key aims of the legal cannabis economy in SA. As seen in an article quoting Oscar Mabuyane, the EC Premier (African News Agency 2019:1):

> Our agenda is to create a thriving, legal cannabis economy in our province to create jobs for our people. This means we must want to focus on using cannabis for medicinal use to cure ailments such as asthma, we want to use it to manufacture products such as fiber that

> is used to build aeroplanes, we want to use it as clothing material, we want to use it to produce bio-fuels and other essential products that are used globally.

This statement arguably suggests support for the legal regulation of cannabis, but the question remains, where does this leave the rural cannabis subsistence farmers and what are their views and needs? An article by a SABC News journalist (2019:1) notes that the proposed economic development master plan intends to outline how small-scale farmers will benefit from the formal commercialisation of cannabis. Will this be realised or is it simply media sensationalism or "lip service" by government? Again, what are the farmer's views and needs around cannabis legalisation? Have they been partners in drafting the master plan? Literature (Kepe 2003, Khan 2015, Farham et al 2016) shows that these farmers have been largely silent in the legalisation debate.

"Progressive" developments occurring in SA have arguably influenced frameworks such as the NDMP (2019-2024). However, the NDMP continues to contradict its stated intention of being a holistic framework, as reflected by Howell and Couzyn (2015) in their critical review of the NDMP 2013-2017. These "progressive" developments include the outcome of the Western Cape High Court judgement. In this case, *Prince v Minister of Justice and Constitutional Development and Others; Rubin v National Director of Public Prosecutions and Others; Acton and Others v National Director of Public Prosecutions and Others*, 2017 (4) SA 299 (WCC) (31 March 2017) the court found that legislation, namely the Drugs and Drug Trafficking Act 140 of 1992 and the Medicines and Related Substances Control Act 101 of 1965, breached the constitutional right to privacy (Evans 2017:1). The judgement suspended the invalidity of the relevant sections in these Acts, allowing parliament two years to amend legislation accordingly. Consequently, the state lodged an appeal with the Constitutional Court appealing the Western Cape High Court judgement as being constitutionally invalid. The Constitutional Court proceedings commenced in late 2017, with the final judgement delivered in September 2018 (*Minister of Justice and Constitutional Development and Others v Prince (Clarke and Others Intervening); National Director of Public Prosecutions and Others v Rubin; National Director of Public Prosecutions and Others v Acton*, 2018 (6) SA 393 (CC) (18 September 2018). The summary of the judgement reads:

> Sections 4(b) and 5(b) of Drugs and Drug Trafficking Act 140 of 1992 read with Part III of Schedule 2 of that Act and section 22A (9)(a)(1) of the Medicines and Related Substances Control Act 101 of 1965 inconsistent with section 14 of the Constitution to the extent that they criminalise the use or possession in private or cultivation in a private place of cannabis by an adult for his or her own personal consumption in private. Interim relief – reading - in order of invalidity granted but suspended for 24 months and interim relief granted.

In an opinion piece by Schindlers Attorneys[7] (2018), this judgment has significantly changed the landscape of cannabis (cultivation, possession, use and consumption for private purposes) in SA, by clarifying the rights of South Africans concerning cannabis. The piece by Schindlers, however, cautions that the police, prosecutors and courts should have a sound understanding of the judgement and respond accordingly (Schindlers Attorneys 2018). To facilitate this, a SAPS directive (SAPS 2018:34) was issued, outlining the judgement, supported by a later directive pertaining to cannabis arrests (SAPS 2019). The Constitutional Court afforded parliament 24 months from 18 September 2018 to amend the relevant statutory provisions. In the interim, the order is set to change cannabis prohibition (Schindlers Attorneys 2018:4) as seemingly prescribed in the draft Cannabis for Private Purposes Bill (B19-2020), presented by the Minister of Justice to the National Assembly on 1 September 2020 (de Wet 2020:1). Driven by parliament, a process of public consultation commenced with interested parties invited to provide their written submissions on or before 30 November 2020 (extended from 9 October 2020). What becomes apparent is that this Bill has not been consulted holistically. Where does this leave the rural subsistence farmer? How has or will this impact them? What are their views around this? Civil society organisations have since the publication of this Bill, been rallying to obtain input from the rural farmers, although the extent of input may be minimal given the tight timeframes and suggested scale of cannabis farming in South African rural communities. It is proposed that the best way to garner the local inputs is to go directly to these communities, to actively listen and engage providing the platform for their voices to be heard.

[7] This piece whilst seemingly falling into the category of grey literature, adds value to the cannabis legalisation debate in that it aids keeping abreast with developments, further considered as a rich source of evidence in systematic reviews (Paez 2017:234).

In keeping to the reflections on the changing legislative context of cannabis in SA, 2019 saw further medicinal developments arise when the Minister of Health gazetted an exemption removing cannabidiol (CBD) from SA's list of highly controlled drugs (King 2019:1). This exemption expired on 23 May 2020, whereupon on 22 May 2020 a Government Gazette (43347 notice 586) was published, de-scheduling certain CBD products, down-scheduling tetrahydrocannabinol (THC) as well as de-scheduling THC, on condition. In essence, the Notice serves to update schedules in terms of section 22A (2) of the Medicines and Related Substances Act 101 of 1965. It is posited that this development may see the "canonisation" of cannabis industries (Pollack 2020:1), albeit the rural subsistence farmer remains largely excluded. There are no guarantees that the legal framework administered by the Department of Agriculture, Forestry and Fisheries (DAFF) will include the rural farming communities (Pollack 2020:1), albeit consideration given to farmers in the draft master plan, it is unclear as to whether measures proposed is best suited to the rural farmer contexts. The inclusion of the disenfranchised rural farming communities is highlighted as an imperative to decriminalisation and economic liberation (Pollack 2020:1). These communities play an integral role in informing the cannabis legalisation debate.

Given the developments in SA, medicinal developments can be said to have more clout, e.g. amendments to the Medicines and Related Substances Act, issuing of licenses, de-scheduling of CBD and THC. The licensing model, however, has come under critique (Mabee 2019) where it is posited that accessible, reasonable regulation appears better suited enabling rather than disabling entities such as local producers/farmers to produce and cultivate cannabis fostering inclusion in the mainstream economy. Research shows that licensing criteria involves a significant amount of economic and social capital compounded by highly selective application processes that can limit farmers from participating in the economic market (Mabee 2019:6). This may increase opportunities for the elite and or corporates to capitalise, i.e. companies that can afford to do so, thus excluding the rural farmers completely.

The international conventions SA has assented to seem to continue to hold significant relevance. These conventions have and may influence the "new" provisions that will be included in

legislation, much like they influenced the NDMP (2019-2024). The perception is that these conventions are used as an excuse to hamper reform efforts (FGA 2018:18). United Nations (UN) treaties are outdated, and a modern international drug framework is required (TDPF 2014:19). It is noted that UN member states have a responsibility to change policies that have failed, actively causing harm to society (TDPF 2014:21). Open dissent over global drug prohibition is expressed, where debates and actual reforms are taking place all over the world. The UN Commission for Narcotic Drugs has recently voted to remove cannabis from the list of drugs as contained in schedule IV of the 1961 Single Convention on Narcotic Drugs, recognising the medicinal value of the cannabis plant (Daly 2020). What remains is how global control systems will be reformed (TDPF 2014:21). This kind of reform cannot effectively be achieved without including the rural cannabis farmers' views, needs and concerns.

The media too has played into the sensationalism and the frenzied emotionality that characterises the cannabis debate on various platforms; "for a drug that induces a sense of mellowness in its users, it seems to have an extraordinary ability to provoke hysteria among its detractors" as Crampton (2015:60-61) notes. However, the narrative appears to have changed in the South African context as the legalisation debate evolves; cannabis has become somewhat gentrified in the media as expressed in these media headlines: "New dawn for weed" (De Lange 2019), "South Africa's budding cannabis industry is waiting for regulations to catch up" (Businesstech 2019), "Cannabis Sativa to be cultivated in KZN" (The Post 2018), "R23 000 will get you a license to grow your own weed" (Pillay 2019). The elite capture of the cannabis market has already begun (Gerwel 2018:12). Elite capture is described as the appropriating (or capture) of resource distribution, project implementation, and decision making that negatively impacts non-elites[8] (Musgrave & Wong 2016:92) where the resources only benefit some (the elites[9] including large multinational corporations), suggesting selection bias that implies patterns of selective decisions exists on the distribution of resources (Dutta 2009:3). Those who benefit are usually politically

[8] Non-elites refer to the beneficiaries of development programmes occupying spaces where development is needed (Musgrave & Wong 2016:91).

[9] Elites are not homogenous groups distinguished into three categories namely; social elites (educated individuals with no clear political or leadership roles or in a position of wealth); economic elites (wealthy owning land and or have business interests and is connected to the social and political elite); and political elites (public officials or individuals with political affiliation), albeit roles of elites are not only defined by position and are flexible as well as permeable (Musgrave & Wong 2016:90-91).

and or economically powerful groups benefitting at the expense of marginalised groups (Dutta 2009:3).

The media contributes to showcasing the potential of elite and or corporate capture in the cannabis market as the gentrification of this "social evil" continues in the portrayal of news: "Stellenbosch dagga farm gets go-ahead" (Wasserman 2019), "Well-known strawberry farm gets rights to grow dagga in Stellenbosch" (Stone 2019), "Cape of Good Dope? City releases vacant land to grow medical cannabis" (Gous 2019), "They're spending over R2 billion on a Cape marijuana production plant" (Stone 2019). The question remains, who will benefit from this? Who is excluded? The rural cannabis farmers. Media articles certainly reflect talk *about* the rural cannabis farmers and *to* these rural farmers (to a lesser degree). What is apparent is that these articles, the draft national cannabis master plan along with literature even that considered as grey literature (e.g. the opinion piece by Schindlers Attorneys (2018), the Cannabis position paper (Du Plessis et al 2013), blogs (cited in Khan 2015), government reports, academic papers among other works that is not controlled by commercial publishers (thus negating publication bias facilitating a more balance view of evidence) (Paez 2017:233-234)) scantly depicts talk *with* the farmers. The missing link seemingly remains considering the sources of information tapped into for research in that it neglects the rural farmers views, needs and concerns related to the cannabis legalisation debate, thus amplifying their exclusion as well as the need for their voices to be heard. Their voicelessness and silencing as well as how it shows up will briefly be discussed below.

3.2 Voice-lessness and silencing

One of the objectives of this research study is to showcase and provide a small window to relay the voices, or more so the need for the voices, of those (the rural cannabis farmer) who appear to be largely voiceless and or silent in the cannabis legalisation debate. The voice relays a kind of physiological "truth" of how the world is understood (Watts 2001:180). Being without a voice is defined as being voiceless, wherein the social sciences voicelessness is cited as "voice being denied" (Adams 2014:1). With reference to a community engagement case study, gaining a voice is a twofold process to breaking the silence (Schramm, Krause & Valley 2018:247). First, it is concerned with gauging experience of daily life and second, it entails making voices heard to

government, i.e. speaking out from the margins (Schramm et al 2018:247). In the cannabis legalisation debate, the voice of the cannabis farmer is largely silent, albeit being the focus of journalistic articles (by Clarke 2019). Following from this frame of reference it can be argued that voice-lessness and silencing are complementary, i.e. where there is voice-lessness there is silence/ing.

Excluded and or marginalised groups often face the challenge of public representation (or lack thereof), where exclusion and marginalisation may be understood as processes of silencing (Herzog 2018:18). Silencing as a construct is described as a powerful mechanism used to eliminate participation in the public sphere (Herzog 2018:18). For social integration to be achieved, the silenced, marginalised and or excluded groups should be given a voice enabling their visibility (Herzog (2018:13). Providing a voice for a disadvantaged, marginalised group allows policymakers to become more responsive to human needs and government can be held firmly accountable (Norris 2001:2). The availability of information is a crucial aspect of quality decision making by people and policymakers (Norris 2001:3). From this viewpoint, the inclusion of the cannabis farmers voice in the cannabis legalisation debate is critical.

It appears that as a result of living in isolated regions in economically and politically marginalised contexts, farmers have neither access to the mainstream economy nor the opportunity to adequately engage with the traditional tools of civil society – such as policymakers and the national press. As such their voice-lessness and silence is not necessarily of the personal form, but the political kind. Considering that the cannabis legalisation debate is mainstreamed in the political economy, they, therefore, cannot easily or legitimately engage with this debate in a substantive manner. It is in this guise that voice-lessness and silencing are used here. It can be argued that the cannabis farmers are largely silent and voiceless in the cannabis legalisation debate; their participation excluded or at the very least significantly limited.

Physical or material silencing and social silencing is distinguished by Herzog (2018). Physical silencing occurs when groups are physically prevented from accessing a public space, i.e. segregation that keeps poverty away from the public sphere (Herzog 2018:19). For instance, the EC region, specifically Pondoland, is a poverty-stricken region away from the mainstream. This

being said, scholars suggest that poverty is a major contributing factor to voice-lessness, silencing and powerlessness. The lives of poor people are characterised by this same voice-lessness and powerlessness, suggesting that it is these factors that limit choices and define the quality of interactions (Narayan 2000:18). Voice-lessness is described in relation to the inability of people making themselves heard or to influence or control what happens to them (Narayan 2000:18). Powerlessness, on the other hand, is noted to be a result of many disadvantages. Disadvantage and the lack of power combined contribute to a cycle of poverty that is difficult to escape (Narayan 2000:19). Silence too is associated with powerlessness (Guzana 2000:75).

Herzog (2018:19) highlights the "order of the discourse" associated with physical silencing, being that a small minority of stakeholders dominate the public debate, i.e. politicians, journalists and experts, thereby minimising the voices of the marginalised. When observing the cannabis legalisation debate, it is clear that the debate is not dominated by the rural cannabis farmers; they are largely excluded and the voices of the politicians, journalists and experts are at the forefront, despite voices by pro-cannabis activists that continue to advocate for inclusion.

Social silencing, as referred to by Herzog (2018:19), is the socially created capacity to ignore the presence and voice of another even when outwardly expressed, especially by non-hegemonic groups. Nuances of social silencing may be heightened as the legalisation debate unfolds and may have surfaced as verbal presentations and inputs to the Cannabis for Private Purposes Bill is made to parliament; however, the crux of the matter is that scant literature, research and engagements with the farmers have occurred to date to assume its presence. Social silencing may further be observed in traditional politics, where traditional leaders hold power and may silence voices of those with less authority (possibly more so when views differ). The present debate arguably reflects a more physical silencing where the "order of discourse", as well as access to the public sphere, restricts participation and precipitates voice-lessness. Conversely the "order of discourse" may suit when considering the importance of cannabis as a cash (illicit) crop supporting economic development in context. Arguably, if these economic "rewards" outweigh the risk where sustainability may have been proven given the generational practice of cannabis cultivation, the choice to participate (or not) may surface as a different kind of voicelessness (a chosen form, that may influence the extent of participation).

Creating space for the voices of the rural farmers deems vital for cannabis legalisation that goes way beyond the ten voices gleaned in this research study. Their apparent resistance to current policy may be because policy is seen to go against their very practices, way of life and desire for economic freedom. As such the farmers seemingly continue with the status quo, the known, uncertain of where the legislative changes will leave them with some hope that their views may still influence policy given there is still an opportunity to do so. A later discussion in chapter six will unpack the contested illegality that exists, reflecting on the resistance experienced here which may be precipitated by the rural farmers continued exclusion from matters that will have a significant impact.

Opening space for the marginalised, to enable participation in policy processes is noted to be a challenging task albeit developments in technology, medicine and human rights where ironically poverty, inequality and voicelessness of many people remain (Lombe & Sherraden 2008:211). A number of approaches to inclusion and participation are gleaned from literature (Chambers 1994, Siddiqui 2014), further noting that actual inclusivity is a long-term process warranting a culture of inclusivity (Siddiqui 2014). If simply a tick box exercise in the short-term policy endeavours and efforts for inclusion are likely to fail (Siddiqui 2014). A human oriented development agenda is called for dispersing power and reconfiguring it in society where elites become substantively uncertain about their future and as such accountability is re-established between elites and citizens resulting in policy that responds to the needs as well as interests of the marginalised (Habib 2008: 46, 56). This requires strong political will that goes beyond ideologies and political orthodoxies (Habib 2008:56) that by virtue enables a voice to the largely voiceless.

4. RESEARCH DESIGN AND METHODOLOGY

As documented in the literature review, the history of cannabis, its prohibition, and economics in the contemporary has been sketched. There is scant empirical evidence that focuses on the social dynamics of cannabis cultivation by rural people (Kepe 2003) where their near-total silence is further highlighted in the cannabis legalisation debate and concepts of voicelessness as well as silencing unpacked above in the conceptual framework of research. It is from this stance that the choice to conduct fieldwork at a research site where cannabis has been cultivated for subsistence for several generations, emanated. This thesis aims to uncover and understand the rural cannabis farmers view, needs, perceptions, as well as concerns in relation to cannabis legalisation and the broader debate upon which such processes are prefaced.

This part of the thesis will endeavour to provide an overview of the methodology and methods utilised in research. It will outline the methodological framework, including limitations, and describe the research process involved to uncover the rural cannabis farmers' experience as well as their lived reality, as it relates to cannabis policy and the legalisation debate. The chapter will include a discussion on ethnography, specifically as it relates to marginalised groups and the illicit economy. The ethnographic discussion, in alignment with the research topic, attempts to provide an overview of existing literature on ethnographies relating to a similar subset. I will then delve into discussing the ethical considerations of research followed by outlining methods further providing a descriptive overview of the research journey and concluding with tools employed to analyse research data.

4.1 Embarking on qualitative research

Qualitative research, "provides for a more nuanced, comprehensive, and meaningful explanation of the phenomenon under study" (Trochim, Donnelly & Arora 2016:59). Qualitative research is defined as a situated activity locating the observer in the world, made up of interpretive, material practices that make the world visible (Denzin & Lincoln 2005:3). It involves the collection of a variety of empirical materials that describe meaning (Denzin & Lincoln 2005:3). Qualitative researchers study phenomena in their natural setting in an attempt to understand and interpret ascribed meanings (Denzin & Lincoln 2005:3).

Qualitative research aims to ascribe meaning to a phenomenon. Certain experiences cannot be meaningfully shown in numbers, but rather by concepts, descriptions, symbols, definitions, characteristics and metaphors (Berg 2001:4). It is a naturalistic, interpretative approach that explores meaning people ascribe to phenomena in their social worlds (Snape & Spencer 2003:4). Quantitative research methods would be ill-suited as they quantify and measure phenomena. In selecting a research approach, I opted for an approach that could facilitate answers to research questions through an in-depth analysis of a phenomenon. The distinct methodological tradition of qualitative research grounded this research, enabling me to engage with, relay the voice and present a detailed view of the rural cannabis farmer and their perceptions on cannabis legalisation. Arguably, this could not be achieved by following a quantitative research approach.

At the time of writing, cannabis remains an illegal (cash) crop cultivated by rural subsistence farmers in SA and could be classified as an illegal market crop. In the pursuit of studying illegal markets, quantitative methods run the risk of producing biased results (Sissener 2001:6). It is deduced that in collecting data of illicit markets, the extent of quantifiable data in a difficult to access social field may be limited, for which field methods are best suited (Sissener 2001:5-6). Furthermore, as noted, field methods encompassed in the social sciences inventory of methodological tools highlight observation as a key method that enables one to assess tensions that may exist between informal and formal systems (Sissener 2001:6).
Reference is made to the undeniable quality of qualitative studies, highlighting that narrative contains more “flavour” than numbers (Gray 2004:319). Qualitative research captures stories that describe a phenomenon (in detail). An informal saying by social researcher’s state that; “one good personal story trumps pages of quantitative results” (Trochim et al 2016:58). The view is that numbers are impersonal and may not translate well or connect to the true experience (Trochim et al 2016:58). Gaining this level of understanding would be difficult to achieve if the quantitative research approach was employed as it provides a more general description of a group or phenomenon (Trochim et al 2016:59). When researching people’s views Trochim et al (2016:59) assume difficulty in applying a quantitative methodology that would provide a nuanced in-depth description of a phenomenon. It is more likely, that the product will merely be a summary of key positions on the phenomenon.

The qualitative research approach was the preferred choice as it was pivotal that the research garnered a rich complexity, deepening understanding of the rural cannabis farmer and their views around the cannabis legalisation debate. The sections that follow will expand on the ethnographic research design applied, including a discussion on ethnographies of illicit markets and hard-to-reach, vulnerable, hidden populations. Thereafter I outline the ethical considerations of research, followed by unpacking the methods employed, then a descriptive overview of the research journey, ending off with how data was analysed.

4.2 Ethnography

A popular qualitative method for engaging with individuals and groups in a manner that is subject-centric is that of ethnography, which is employed by this study. Ethnography is defined as the study of a phenomenon in its cultural context (Trochim et al 2016:60). As a study of culture rooted in anthropology it involves an exploration of a groups' learned and shared behaviours, customs and beliefs (Angrosini 2007:53). People are studied in organised, enduring groups, also known as communities or societies (Angrosini 2007:53). It is an approach that endeavours to "understand lived experiences, social processes, cultural practices and structural parameters of a group or community" (Ritter 2006:454). The ethnographic methodology employed incorporated elements of phenomenology that focus on people's subjective experiences and interpretations of the world (Trochim et al 2016:61). The aim is to understand how the world is experienced and perceived by others (Trochim 2016:61). The differences and similarities of these approaches are highlighted, noting that both are exploratory in nature, use the researcher as the data collection instrument, use interviews and aims to uncover meaning in narrative (Maggs-Rapport 2000:219). The distinction is that the ethnographic approach concentrates on individual or shared views and values of a culture, aiming to describe cultural knowledge, whereas phenomenology attempts to uncover hidden meaning in spoken words (cited in Maggs-Rapport 2000:219-220). It can be argued that this distinction does not exempt these approaches from co-existing, in fact as one aims to describe and interpret culture, the other describes and interprets meaning of experience (related to a research topic) within a particular culture.

In following the ethnographic approach, I was able to gather rich insights of the cannabis farmers' view and practices in their natural habitat (farm and village) by collecting data using the interview

as the primary method, coupled with observation. As a central aim of this research study, an ethnographic exploration was best suited in the research journey to uncover and analyse responses by conducting qualitative research that included fieldwork. The key features involved when conducting ethnographic research include; exploration, primary work with unstructured data, investigation at small scale and the explicit interpretation of meanings in data analysis (Reeves, Kuper & Hodges 2008:512). These factors were considered and applied in this research study. It is argued that ethnography aims to "get inside" the way a group perceives the world (Reeves et al 2008:512).

Ethnography has a reflexive characteristic where the researcher possesses a full understanding of being part of the research communities' "social world." Reflexivity is referred to as the "representation, recognition and placement of the self in ethnographic inquiry" (Reeves et al 2013: e1370). Deducing from Berg (2001), reflexivity entails the researcher constantly reflecting on what is known and how it became known. It is suggested that reflexivity enables researchers to engage with the environment, research community and own understanding of how knowledge produced can be used for interested scholars or policymakers (Pacheco-Vega & Parizeau 2018:3).

The ethnographic methodological approach best enabled exploring the cannabis farmers' views to ascertain whether they are for or against legalisation and why, the impact of legalisation on their continued production, as well as how they believe it best for cannabis to be regulated and legislated. To facilitate this, I entered the "lifeworld" of the cannabis farmers (Rodriguez & Smith 2018:96, Gray 2004:22). Exploration is noted as one of the key features of ethnographic research, placing emphasis on exploring the nature of a social phenomenon, rather than testing a hypothesis (Reeves et al 2008:512). By conducting ethnographic research, data analysis included an explicit interpretation of meaning and functions of the cannabis farmers actions (Reeves et al 2008:512). This taps into the underpinnings of phenomenological research that asks; "what is the experience like?", "what does the experience mean?", and "how does the lived world present itself to the participant or the researcher?" (Rodriguez & Smith 2018:96). The product of the analysis will be depicted as verbal descriptions and explanations (Reeves et al 2008:512) in chapter five where I will present the research data and findings.

The relevance of qualitative research when studying deviant or hidden populations is highlighted by Power et al (1996:87). The scholars postulate that it is more efficacious than some formal methods, for example, surveys or structured questionnaires. The difficulty with researching illicit markets is emphasised by Thoumi (2003:2), stating that it is the illegality of drugs that limits research and places constraints on the interpretation of information. This is evident as one links it to the cannabis legalisation debate (illegality of cannabis and limited research). As documented few ethnographic studies on illegal markets exist (Sandberg 2012:1134), which is apparent in southern Africa where few pieces of empirical research focus on rural cannabis farmers. Scholars (Kepe 2003, Chouvy & Laniel 2007, Duvall 2016) echo this view, highlighting the gaps in research and literature, where a deficit exists in documenting the extent of cannabis cultivation by rural farmers and the social dynamics. No evidence could be found in the literature to suggest that these farmers had been consulted on cannabis legalisation, even among lobby groups, their voices have been largely silent. The view is that many times "drug debates" are representative of basic social conception debates that "determine a priori each debater's position" (Thoumi 2003:2). Researchers are advised to remain mindful of this and check their own biases (Thoumi 2003:2).

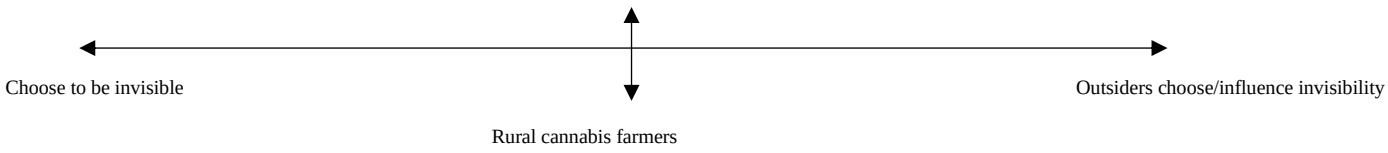
Strategies for data collection in ethnographies of illicit markets encompasses fieldwork, which includes observation, and interviews (Sandberg & Copes 2012:2-3). Interviews appear to be a common method used in illicit market ethnographies, examples being the studies of Bernasco and Jacques (2015), Mohamed and Fritsvold (2006), Cepeda, Nowotny and Valdez (2016) and Sandberg (2012). The work of Bucerius (2007), Venkatesh (2006, 2009, 2013), Sandberg (2008, 2012) and Lalander (2016) are celebrated for the contributions to fieldwork in illicit markets. It is posited that illicit markets differ, and each is unique, possessing its own cultural norms, roles, behaviours and economic factors, therefore generalising to one understanding is untenable (Ritter 2006:454). This suggests that the rural cannabis farmers (including farming practices) are not homogenous. Ethnographies of illicit markets are not without criticism or consequence. Goffman's (2009, 2013) ethnography, for example, was questioned for its accuracy, methods employed, potential harm to participants and alleged involvement in illicit activity (Hübschle 2016:74). Considering this and as emphasised by Hübschle (2016:74), research remains cognisant of the importance of "documenting and justifying methodological and ethical choices made in pursuit of research."

In reflecting on ethnographies of illicit markets, a connection can be drawn with ethnographies of hidden populations, in that contextually the former could be categorised as the latter where for both challenges in gaining access may exist. For Ashe, Fraser and Piacentini (2009:3) hidden populations refer to:

> Social groups that are difficult to access for the purposes of social research; where issues regarding access, emotions, power, and the politics of representation were particularly sharply posed.

In researching hidden populations, researchers need to understand what is hidden from view in the field and what is exposed, as well as to consider why and how (Blee 2009:10). A distinction is made between those groups who choose to be hidden and those that are hidden because outsiders choose not to see them (Blee 2009:10). If viewed on a continuum as illustrated in figure three below, it can be argued that the rural cannabis farmers may be located in the centre, as on one hand they are hidden because society, policy and lawmakers have chosen not to see them. Evidently so, as their voices are largely silent in the cannabis legalisation debate. On the other hand, they may choose to be hidden, as being hidden allows the farmers, dealers, *inter alia,* to remain invisible from harassment by police or condemnatory parties continuing their operations clandestinely. That said, in acknowledging the diversity of farmers, the position on the continuum may be influenced by their individual views, experiences, needs as well as context, emphasising the importance of engaging them.

Figure 3: Continuum of hidden populations.



Source: Own depiction in research context, based on Blee's (2009) distinction of hidden groups.

Ethnographic research focusing on hard-to-reach and vulnerable populations include Fleetwood's (2009) study involving women, Manwar, Johnson and Dunlap (1994), Johnson et al's (1990) research in minority communities participating in the illicit market, Parry et al (2008) and Hübschle's (2016) multi-sited ethnography. Common methods employed when researching hidden or vulnerable populations are interviews and observation. Guidance for researching hidden and marginalised populations is provided, i.e. caution on the subject of illegality, probing, sampling and establishing good relations to mitigate the perceived common challenge in gaining access (Hübschle 2016:90).

It is suggested that in undertaking ethnographies of populations facing inequality and abject poverty researchers should reflect on three traits; positionality (researcher as insider and or outsider) and how it influences research; engagement versus exploitation, where establishing rapport, building good relations is imperative; and representation – accurately depicting the research journey (Pacheco-Vega & Parizeau 2018:1). Positionality, as a key trait, is described as the position and view a researcher adopts in pursuit of research (Savin-Baden & Howell-Major 2013). In reflecting on positionality, I located myself in relation to research (topic/subject), research participants, the research context and research process (Savin-Baden & Howell-Major 2013:71-73). This enabled me to acknowledge; my personal position as a female of colour researcher and its potential influence on research; view of self and how others view me and; the influence of context on research (Savin-Baden & Howell-Major 2013:71-73). My positionality as a female contributed to the ease and connection established with female research participants. It is posited that females feel more open, connected and comfortable with female researchers especially when speaking about female issues (Manohar et al 2017:2). If research was conducted by a male researcher, a different data set may have been collected. Socioculturally, gender is important and evident in the boundaries and gender domains observed (i.e. custom and tradition observed) requiring certain expectations from the researcher and participants. It was often females that created awareness of customs, social norms and gender domains. I relied on this and my curiosity to probe and gain an understanding of why things happen in a certain way. Given many of the research participants have lived in these communities all their lives building rapport and collecting good quality data became easier (Manohar et al 2017:4). Culture too plays a role where it is

suggested that cultural commonalities enable easier communication, appreciation of gender and culture allowing data to be interpreted more sensibly (Manohar et al 2017:5). My culture, along with the interpreter was seemingly viewed in a sense of sameness. That said, cultural or racial differences do not determine insider or outsider positionality, the social organisation of gender is posited too (Manohar et al 2017:5). When reflecting on male and female responses, females often tended to share more as well as provide more detail than males in research.
Pacheco-Vega & Parizeau's (2018:4) statement holds relevance for this research study:

> We read our differences within and from the communities we study (Crossa, 2014) and seek to represent and give a voice to those who aren't heard, but at the same time to maintain a healthy distance that enables us to critically examine phenomena occurring within the community under examination. This stance allows us to work with research communities to communicate their primary concerns across lines of difference.

4.3 Ethical considerations

Social science research requires researchers to consider the impact of research on the research community, the social environment as well as the emotional and psychological impacts on themselves (Hübschle 2016:99). Researchers have two basic ethical responsibilities; they are responsible for those who participate in research and; are responsible to the science discipline to be accurate and honest in reporting research (Strydom 2011:114). There are several reasons emphasising the importance of ethics in research; firstly, that ethical research promotes moral and social values; secondly, it advances the key aims of research and thirdly, it holds researchers accountable (Trochim et al 2016:34). No social science research study is exempt from applying research ethics. Informed consent, anonymity, confidentiality, and avoidance of harm were key ethical considerations in research. These concepts, in the context of this research, will be discussed below (further detail is contained in the ethics proposal).

4.3.1 Informed Consent

Informed consent entails the provision of adequate information on the goals of research, expected duration of participants involvement, processes that will be applied during research, advantages, disadvantages and dangers as well as the credibility of the researcher (in Strydom 2011:117). Consent to enter the research villages were negotiated and obtained informally via the Chief in one village, a senior member (elder) in the other, facilitated and coordinated by gatekeepers where some further played the key informant role. For this process, the purpose and benefits of research were highlighted as well as avoidance of harm, anonymity and confidentiality. Following permissions, introductions and referral to research participants, research participants were informed that participation in this research study was voluntary and that they would be able to withdraw consent at any point during the research without consequence. All research participants received an information sheet detailing the research study, i.e. research title, background, aims, voluntary participation, process, anonymity, confidentiality, research feedback (process), risks, protections, research ethics committee details, my personal introduction and the affiliated academic institutions' details. The information sheet was accompanied by a consent form (Addendum A) that each research participant was requested to sign or verbally agree to, to voluntarily participate in the research study. Resistance was observed and concerns addressed on a case by case basis. One potential participant opted out. Consent extended to the use of a voice recorder, to which all participants expressed a sense of ease, although some participants were more comfortable than others. An important part of the process was to establish a sense of ease, trust and comfort with research participants, whilst ensuring confidentiality.

4.3.2 Anonymity and Confidentiality

Cannabis' illegality automatically makes it a sensitive issue for discussion. For this reason, assuring anonymity and confidentiality was key to building rapport and gaining trust with research participants. As research required the assistance of an interpreter, it was vital that the interpreter understood and committed to an anonymity and confidentiality agreement. All data obtained by the interpreter was deleted. Participants were assured that all information provided was for research and that only I would have access to the information.

Confidentiality and the shield of anonymity were guaranteed for all participants; each participant was assigned an anonymous identifier and the actual names were removed from all materials. In presenting research data, direct quotes are used to sketch context using anonymous identifiers following a blanket approach, e.g. Interview with farmer 2019 or Group discussion 2019.

4.3.3 Avoidance of harm

All measures necessary to ensure the safety and security of all involved was implemented. This included the selection of an appropriate and best suited research site for interviews. When elements of fear emerged from engagements with research participants, fearing that information may be disclosed, reassurance and emphasis were placed on confidentiality and the measures implemented to ensure confidentiality. Participants and the research community were respected throughout and provided with a clear and concise brief of what the research project entails, aims to achieve, benefits and risks involved before interviews commenced. As noted by Flicker et al (2007:485) research participants should be given time to consider all the risks of participation.

The approach to mitigating risks employed a number of the fieldwork guidelines set out by Felbab-Brown (2014:2-24). Detailed information regarding the research site and interview logistics were shared on a strict "need to know" basis (Felbab-Brown 2014:2) with research supervisors; in case of emergencies, I carried a cell phone. The probability of the research participant (s) admitting to illegal activity existed. To alleviate this risk, the types of interview questions were key in that questions were not framed to obtain any intelligence or names of cannabis cultivators nor to obtain information that could place me, the participant (s), local facilitator, key informant or interpreter at risk (Hübschle 2016:119). Participants were encouraged to only share and focus on their perception, needs and views relating to cannabis law and the legalisation debate (Sandberg & Copes 2012, Hübschle 2016). The details of research activities and mechanisms including tools used during this research journey will be unpacked next.

4.4 Methods

Utilising an exploratory ethnographic framework enabled me to look beyond the participant narrative to understand shared meanings (Goulding 2004:298). It is the participant voices (views, needs, concerns, perceptions) that are a key data source. Methods employed in the field made up

the fieldwork component of research and entailed interaction with participants in their natural environment (Goulding 2004:298). In adopting the qualitative ethnographic methodological approach, more than one data collection method could be applied; the interview and participant observation (to a lesser extent), as will be outlined below.

4.4.1 The in-depth semi-structured interview

The interview is defined as a process where "two (or more) people are involved, and their exchanges lead to the creation of a collaborative effort called the interview" (Fontana & Frey 2005:696) to uncover the perceptions, feelings and attitudes of the rural cannabis farmer around cannabis legalisation. The interview is deemed one of the best approaches to gather rich data.

The interview style utilised was in-depth, semi-structured interviews and, "attempts to understand the complex behaviour of members of society without imposing any a priori categorisation that may limit the field of enquiry" (Fontana & Frey 2005:706). Semi-structured interviews are an informal, conversational interaction, shaped partially by the researchers pre-existing topic guide, and points that emerge in the narrative during the interview process (Bloor & Wood 2006:104). "[I]nterviewing is a powerful way of helping people to make explicit things that have hitherto been implicit – to articulate their tacit perceptions, feelings and understandings" (Arskey & Knight 1999:32).

The interview held greater appeal than the questionnaire among other methods as it allowed participants to speak freely, reflectively and openly. A questionnaire may leave participants feeling uncertain about the use of information and questions posed that may be unclear (Gray 2004:214). In an interview, unlike with the questionnaire method, concerns can be clarified immediately resulting in a greater response rate (Gray 2004:214). Selecting the interview as the favoured approach considered the opportunities required for probing, as well as the fact that participants were not fluent in English, eliminating the use of questionnaire or survey methods. The interview provided an opportunity to delve deeply into the participants' perspective to garner an in-depth understanding of their experience relating to the research phenomenon in its context (Lewis 2003:58). Focus groups are noted to provide less opportunity to collect individual accounts (Lewis 2003:58). The interview approach involved the use of predetermined and open-ended

questions, leaving room to follow up on matters of interest that may arise (Rugg & Petre 2007:138). Interview questions are captured in an interview schedule (Addendum B), serving as the roadmap for individual interviews as well as informal group discussions addressing key areas of research. This approach was flexible and allowed me to gain detailed information of a participant's beliefs, perceptions and experience (Greeff 2011:351). The semi-structured interview is well suited when the research interest is controversial (Greeff 2011:352). It allowed for probing of views to expand on detail provided, complete or clarify or request further examples.

Employing the interview method was not without limitation. It can be time-consuming, labour intensive and requires interviewer sophistication (Adams 2015:493). In response to Adams, it was important to keep abreast with the subject matter as well as new developments. Time was managed as effectively as possible during the research process, allocating a maximum of one hour to each engagement as well as developing a detailed itinerary and schedule. Interviewing (including informal group discussions) and participant observation complemented each other, and the data collected in participant observation was derived from engagements in the field (Fontana & Frey 2005:705).

4.4.2 Participant observation

Participant observation is a typical method of gathering data that requires engagement, interaction and entails capturing various nuances in field notes garnered by way of informal interviews (Reeves et al 2008:512-513). The interaction can be described as an enquiry into the way of life of the cannabis farmer; i.e. observing daily activities and probing accordingly. Participant observation is the first step in ethnographic research (Schensul et al 1999:91) and was central to establishing relationships with participants from the point of entry into the field, further providing opportunities for the endorsement of my presence as well as for research participants to be identified. Observation occurred naturally whilst in the field; from entry into communities and research participants homes, to exit, where observation notes were mainly captured after engagements, in addition to field notes captured in the field. Through observation, I was able to ascertain how things are done in the community, how people relate, how things are organised and prioritised as well as observe social boundaries. Nuances relating to leadership, hierarchy, status, etiquette and cultural patterns could be recognised through participant observation. It facilitated

gaining access (including to community activities e.g. preparing dinner). Observation allows for the objective experience of the community to be achieved whereby the researcher better understands and captures the context (Strydom 2011:337).

Validity and reliability are noted concerns, as data gathered relies on perception and the generalisability of findings can be a challenge (Strydom 2011:339). To mitigate these concerns, participant observation is complementary to the interview data collection method. By employing two methods, methodological triangulation is applied to compare and contrast methods in an attempt to provide comprehensive insights, strengthening validity and reliability. Observation in the field played a vital role in confirming and or contrasting views garnered in individual interviews and informal group discussions. Following a multidimensional approach, i.e. combining methodologies and or methods (as in this research study), creates the potential for the researcher to come closer to understanding their interpretation of the research phenomenon as well as the research participant's experience (Maggs-Rapport 2000:224).

4.4.3 A descriptive overview of the research journey

Role of gatekeepers and key informants

Gatekeepers and key informants played a vital role in this research journey where O'Reilly (2012:3) suggests that these roles often blur into each other. The role of key informants in ethnographic research is noted to be the most developed, where key informants serve as gatekeepers navigating access and information (McKenna & Main 2013:116). Through gatekeepers, access to the cannabis farmers and villages were facilitated. As key informants connections to the gatekeepers could be established where often these roles overlapped in that gatekeepers were also key informants sharing topic specific information. The suggested criteria that key informants should meet entails holding a position in the community, possessing knowledge relevant to research, willingness to share knowledge, communication skills, and to be unbiased or possess the ability to reflect on own biases (McKenna & Main 2013:117). These factors were considered in identifying key informants as well as gatekeepers where introductions often occurred in spaces where I was at the right place at the right time thus enabling my credibility as a researcher, circumventing potential uncertainties regarding my positionality. These

uncertainties include checking whether I was a law enforcement official or related, arguably considered as vital checks to conduct when the research is set to occur in an illicit context, placing key informants, gatekeepers and research participants at potential risk (of arrest, interrogation *inter alia*).

Following introductions and engagements with potential gatekeepers and informants, enabling me to probe suitability, gatekeepers as well as key informants were identified (in the scoping phase of research) based on their connections (gatekeepers), involvement (gatekeepers and key informants) and expertise (key informants) in the cannabis space aligned to the research topic. Some gatekeepers were only identified when the research field was entered by initial gatekeepers who further played the role of key informants. Gatekeepers and key informants played a critical role in this research journey. Naturally, they became the first point of contact and engagement in setting up various elements of research. These included providing guidance in terms of the most appropriate research sites, facilitating access, referral to a skilled interpreter, establishing (informal) sponsorship (support) with the Chief (or senior/elder in the community) as the first contact in the cannabis farming community who assisted with identifying willing and diverse participants, arranging accommodation, networking as well as vouching for me, as the researcher. The Chief/senior elder then became one of the gatekeepers in research assisting with access to the group (i.e. cannabis farmers). Gatekeepers and key informants played a key role in introducing me to the community and in ensuring access was successful, journeying alongside me (physically in entering one village and more remotely in another). Moreover, key informants (who often were gatekeepers too) assisted with pointing out interesting insights and provided me with further information about the context and background of cannabis farming in the Pondoland region and more specifically of the cannabis farming communities identified for this research study.

Key informants and gatekeepers provided insight into the key role players in cannabis farming and have over time built strong relationships with the cannabis farming community, thereby strengthening rapport and my credibility. Throughout the research journey, I remained cognisant of the fact that the key informants' as well as gatekeepers’ positionality and perspectives may influence research. In strengthening effective translation, I was mindful of any differences that may have emerged in stages of research whether between key informants, gatekeepers and the

group (community) or the individual engagements (McKenna & Main 2013:116). No significant differences came to the fore, and the key informant's role extended to confirming or providing further insight into aspects requiring further detail or clarity.

As the research journey drew to a close, my relationship with key informants and gatekeepers continues, to the extent that I've been able to reach out to seek further clarity around certain aspects uncovered in research, garner further thoughts and developments in the communities related to the research topic since my departure from the field. As an avenue to sharing research feedback, upholding research ethics, key informants as well as gatekeepers too serve as the nodal point where an overview of research findings can be provided to further share with the research community and stakeholders.

Access and the research site

Two villages were identified for this research study by key informants. These villages were selected as both are actively involved in cannabis farming. Moreover, these were deemed easy to access given the relationships established between the community and key informants. Both villages are situated in remote rural settings in the former Transkei, Pondoland region. Obtaining permission was a vital step in the research journey and served as an essential practice to garner approval, buy-in and support as well as establish rapport. Requesting the necessary permissions strengthened my credibility as a researcher showing respect for the community, its culture and practices further enabling a level of trust. Furthermore, it strengthened the approach to locating research participants, where permission further influenced the willingness of participants to feedback. Once permission was granted for access, potential participants were referred forming the basis of the sampling strategy (snowball sampling). It was important for me to become immersed in the cannabis farmers setting. To facilitate immersion, I opted to stay in the village where the research was conducted, albeit for a short period. This was arranged before entering the field through gatekeepers who further played the role of key informants.

Reaching the research sites entailed travelling on gravel roads using 4x4 vehicles. This was the means of transport throughout the fieldwork component of research. Leaving the 4x4 vehicle parked in the closest village, gatekeepers, key informants, tour guides, a porter, interpreter and I

accessed one of the villages on foot, this being the only way to reach our destination. We hiked for approximately two kilometres to access one of the villages identified. A river separated this village from the other villages and town. Crossing the river was the only way one could enter the first identified village. The depth of the river, at the time of entry, appeared low to medium, however, we did not know its actual depth until stepping into it. The water was a murky brown colour limiting us from determining its depth and distance to the ground from first glance. Upon removing shoes and socks with rolled-up pants and belongings on our backs, we stepped foot into the river. The ground was not level and one could feel the muddy sand beneath along with rocks and stones ranging in size. Some in the group used tree branches as sticks to maintain balance and avoid slipping on rocks or the muddy sand. Others held on to each other to limit the possibility of falling into the river. The river had a current and if one were to fall one could be swept away for a short distance. Moreover, the river's depth varied as each step was taken, some steps were met with surprise as one would seep deeper into the river and mud, similar to quicksand. As we reached the end of the river crossing, those who knew the river well reached the other side faster than those of us who did not and held out their hands to pull the rest of us onto the river bank. From this point, we walked along the mountainous range, enthralled by the beauty of the villages, observing livestock, plantations and huts as we went along. As we approached the destination village, children from the village were the first to welcome us with a great sense of excitement. Once the research journey ended in this particular village, we (a smaller group this time: interpreter, two guides and I) embarked on our journey to the next village (already passed en route). This involved crossing the river a second time to reach the point where we parked the 4x4 vehicle. Crossing the river this time was done with more confidence, albeit the river seemed deeper than with the first crossing. We had two guides throughout; young men from the community, adding ease and interest to the journey. They helped with carrying our belongings, shared stories related to an almost daily practice of crossing the river and the walk to reach the nearest village to catch a ride (taxi) to town. As we reached the 4x4 vehicle we were met with a flat tyre, where in no time the guides and the community banded together and we were set for our trip passing through many villages, reaching the next research destination, received with a warm welcome from our hosts.

Locating research participants

In locating research participants and as briefly alluded to above, the sampling strategy applied in this research study was snowball sampling. Snowball sampling is defined as a method of sampling whereby sample elements are selected as they are identified by successive informants (Bachman & Schutt 2014:120). Snowball sampling is useful when accessing hidden populations (Hübschle 2016:91).

Snowball sampling best suited this research study as participants were not easy to reach due to access to the village and the fact that cannabis is prohibited in SA. The approach was to identify participants that happened to have experience in cannabis farming. In one village gatekeepers (also key informants) introduced me, the interpreter and the research topic during a community meeting. Following this, I was introduced to a community member (senior/elder in the community) who was the first point of contact playing a gatekeeper role, referring and introducing me to other cannabis farmers in the community. This strengthened the level of participation, engagement, rapport and trust. As research participants were identified, they were asked to select a safe space that was best suited, whereby all measures ensuring confidentiality were implemented. The intention was to engage with a diverse group of farmers; male and female; younger and older, to have each group represented and possibly uncover whether views differ in terms of diversity. This approach helped to address the potential limitations of snowball sampling. This being that a final sample may have been limited by contacts of the initial sample thus likely homogenous excluding isolated individuals (O'Reilly 2012:5). In requesting for a balanced cohort of participants varying views evident of the heterogeneity of the rural farmers could be gleaned.

Establishing good relationships in the field was an important part of this research study, essential in ensuring a good level of engagement by research participants (Bloor & Wood 2006:71) and crucial for the sampling strategy's success. A level of acceptance was evident in the sense of comfort observed on the part of the cannabis farmers and community members. The community members were welcoming as well as friendly and this was reciprocated. This positively influenced first impressions. The aim was to explore and describe the meaning of experiences that the cannabis farmer associates with the cannabis legalisation debate. Drawing from the ethnographic

methodology, I observed the interactions, actions and behaviour, listened to conversations and simultaneously observed the context in which these occurred all in pursuit of understanding the views, needs and concerns of the farmers regarding the cannabis legalisation debate, further opening a small window to relay their voices.

Process of engagement

The process of engagement was primarily driven by the interview method employed. The objective of the interview process was a fundamental element of research aiming to provide an account of the attitudes, motives and behaviours related to cannabis farming and legalisation. It was necessary for me to step outside the "norm" and explore assumptions, views and perceptions. In upholding the ethnographic commitment of naturalistic enquiry, the research occurred in the cannabis farmer's and community member's village (in a place of the research participants choice); the same setting in which they go about their daily lives. This could be done overtly as gatekeepers and key informants played a vital role in facilitating access, introducing me (including the interpreter) to the community, enabling a level of credibility and a climate of trust from the outset. Interviews were conducted on an individual basis and in a group (community) setting, as set out in Table one.

Table 1: Research interviews and group discussions

Research Engagements	Total
Group Discussions	2 (1 in each village)
Female Interviews	5
Male Interviews	5

Source: Own research data 2019- Number of engagements.

Group discussions like interviews were coordinated by gatekeepers assisting in gathering a cohort of community members to informally engage about cannabis farming and the legalisation debate, sharing their views, needs and perceptions. Table one reflects all research engagements, indicating a total of ten individual interviews conducted and two group discussions held. All engagements were guided by the interview schedule that remained a working document, subject to change

throughout the research study and was well suited because as feedback was provided, in some cases adjustments were required. The kind of questions in the interview schedule was influenced by Kvale's (1996) proposed nine types of questions namely; introductory questions, follow-up questions, probing questions, specifying questions, direct questions, indirect questions, structuring questions, silence, interpreting questions and in addition throw-away questions. For group discussions, a similar set of questions (Addendum B) were posed where questions predominantly focused on key areas around cannabis legislation and legalisation. The purpose of incorporating engagements of this nature was to garner the collective view of cannabis farming and cannabis legalisation in the research community.

Obtaining informed consent was pivotal to the research and was supported by an information sheet (Addendum A) detailing the research. I utilised basic isiXhosa skills as a mechanism to "break the ice", establish rapport, and strengthen the assurance that the research project is for research purposes. Language proficiency was a barrier in most cases as the majority of research participants could not speak English. To overcome this, the assistance of an interpreter was sourced. The interpreter was referred to me by key informants (also gatekeepers), and possessed the necessary skills (i.e. language, expression, similarity and commonality to me and participants), establishing a level of trust from the outset. The interpreter was present for the duration of the research study. A briefing took place between the interpreter and I before commencing with the research process aiming to discuss the purpose of the research and interview, roles, ethical considerations and conceptual issues. The principles of confidentiality, anonymity, benefits of research and ethical considerations were emphasised. The interpreter was a partner in the research process. A good working relationship with an interpreter is important as it strengthens an in-depth analysis, allowing one to uncover nuances that could have been missed (Berman & Tyyskä 2011:187). Our relationship included debriefing after interviews, which added depth to the research process by highlighting potential issues, meaning making and reflection of the research process.

Interviews (extended to informal group discussions) occurred in the participants' language as a way to fully understand and accurately capture meaning. I made use of shorthand fieldnotes during interviews enabling me to capture observations outside the interview context, as suggested by Arthur and Nazroo (2003:133). Interviews and group discussions were flexible, interactive,

involved probes and applied Legard et al's (2003:141) interview stages; commencing with my arrival and introduction to the community as well as my host (an elder/senior/Chief in the community who then became further gatekeepers in the field) via gatekeepers (also key informants). Engagements only took place once introductions to the community (village) were complete, following the necessary permissions obtained. Thereafter, the first contact was made with an identified research participant where personal introductions were shared (researcher, interpreter, participant). Following arrival, I introduced the research topic providing the informed consent form and the information sheet (Addendum A). After verbally presenting research information (as contained in Addendum A) and confirming consent, the scene was set for the interview to begin where warm-up (introductory) type and opening questions were asked, allowing for the emergence of ideas, thoughts, views, feelings and perceptions related to cannabis law and the current cannabis legalisation debate; a topic that is not openly spoken of in daily life. Following interaction and engagement, I made the participant(s) aware that the interview will be drawing to a close, allowing the participant(s) to return to the level of everyday interaction. The final question allowed the participant(s) to feedback any further responses in an attempt to avoid the participant(s) feeling as if they have not fully expressed themselves. The post-interview process involved switching the voice recorder off, showing appreciation to the participant(s) for their participation, briefly sharing how their contribution will benefit the research (sharing their views and relaying their voices *inter alia*) as well as how data will be used and fed back (via gatekeepers).

To ensure depth and nuance, interview data was captured in its natural form by using a voice recorder whereby consent and comfort with being recorded were established as part of the informed consent process. The transcription of recordings and fieldnotes, primarily done by me, occurred upon completion of research in the field. This entailed listening to recordings as translated by the interpreter, capturing data, typing fieldnotes and corroborating transcriptions. For accuracy, transcriptions were re-checked by a peer (multilingual) who was bound by ethics, committed to anonymity as well as confidentiality. Following this, transcriptions were tabulated allowing for the structuring of data by thematic ordering. The data analysis tools utilised will be discussed below.

4.4.4 Data analysis tools

As data was collected, so too preliminary analysis naturally occurred. Uncovering the views of the cannabis farmer in relation to cannabis legalisation (debate) was the main focus of the fieldwork component of this research study. Observation, utilising field notes and voice recordings became the first steps in the data collection and analysis process. The field notes and voice recordings were subsequently transcribed and analysed in order to extract themes and the meaning embedded in these interactions. Conclusions were drawn from the data analysis and interpretation process which used a thematic analysis approach. Thematic analysis is described as; "a method for systematically identifying, organising and offering insight into patterns of meaning (themes) across a data set" (Braun & Clarke 2012:57).

For the verification of the findings, triangulation was incorporated to combine, compare and contrast. Methodological triangulation is noted to be a technique that is commonly used in ethnography (Reeves et al 2008:514). Emphasis is placed on the importance of methodological triangulation, combining and using methods in parallel to verify and substantiate findings (in Sissener 2001:6). Triangulation is a research strategy employed to compare data collected from different sources to enhance understanding of potential biases or that which is left out to provide a complete view of the researched phenomena (Espeland 2009:66). Triangulation entailed corroborating, cross checking and comparing data collected from different individuals and the community in different villages. It included comparing and analysing data collected from the interview method (primary method) and observation. The transcription of field notes and the voice recordings (on consent) further assisted in the triangulation process as themes were constructed. Transcriptions were further rechecked for accuracy, as suggested by Hübschle (2016:98). Following this, transcriptions were tabulated to assist the thematic analysis process and simultaneously triangulate data. The extraction of themes from the data collected allowed for a comprehensive picture that depicts the collective as well as individual experience and view of the cannabis farmer. Analysis steps started with coding the material; identifying themes; constructing the thematic network; describing and exploring the thematic network; summarising and interpreting patterns and lastly writing the report (Attride-Stirling 2001:389, Braun & Clarke 2006, Patton & Cochrane 2002).

The thematic analysis approach aligns with the ethnographic methodology and methods employed, as it enhanced my ability to observe and understand the meaning as well as the experience the cannabis farmer associates with cannabis legalisation. Moreover, this approach allowed for identifying commonalities and spotting contrasts in terms of views, perceptions, ideas and needs the cannabis farmer associated with the topic that I will delve into next. For safe storage, voice recordings have been archived, field notes typed and saved in a password protected computer file. Backup copies of notes and voice recordings have been stored in an encrypted storage repository.

5. CANNABIS FARMING IN THE EASTERN CAPE - FINDINGS AND ANALYSIS

Central to this research study were two questions:

1. What are the perceptions of the cannabis farmer in terms of the current cannabis legalisation (debate), are they for or against it and why?
2. What do they perceive as the direct and indirect impacts of cannabis legalisation on their continued production of cannabis?

This thesis proceeds on the assumption that the cannabis legalisation debate is tainted, as it excludes the rural cannabis farmer. In an attempt to highlight their needs, thus broadening the cannabis legalisation debate, this research study aimed to uncover as well as understand the rural cannabis farmer's views, needs and concerns, beginning to relay their voices, emphasising their inclusion to enable a more holistic, integrated approach to legalisation. This was facilitated through conducting ten individual interviews, two group engagements and through observation.

The key findings that emerged from this empirical enquiry will be outlined, drawing on the views, perceptions and needs garnered from engagements in the field. This section will aim to provide a descriptive overview of data emanating from these engagements (the interview, group discussions and observation), interspersed with quotes, followed by structuring themes that emerged. The main objective is to provide an understanding and insight into the rural cannabis farmers' view, needs and perceptions linked to the cannabis legalisation debate. Chapter six that follows will take a deeper dive into themes connecting the discussion to data points endeavouring to justify the research argument, highlighting cannabis' importance in the community as a cash crop cultivated for many generations embedded as a traditional practice aiding economic development, that at the same time may threaten political freedom due to it being an illicit crop where it's illegality as per contemporary law keep the prices high. This telling of the ambiguous role cannabis may play here.

5.1 Individual interviews

Interviews commenced once all introductions and permissions were obtained. I started the interview by obtaining demographic detail asking all participants about their racial or cultural identity where participants all identified themselves as black, isiXhosa South Africans from the EC province. To be a black South African may hold many meanings, where the injustices of the past as a result of segregation, marginalised people of colour from opportunities in the mainstream economy such as impeding on their ability to accumulate wealth, and acquire education *inter alia*. The remnants of which still exist reproduced in a political economy. These factors are seen in the demographic findings of research.

When probing around employment status, all participants indicated unemployment at the time of research; for some participants, this included most of their family members. Unemployment is an experience for many in the EC province assumably more so in rural communities, due to living on the margins (away from the economic and political mainstream). When employed, the majority of research participants (mostly males) started working away from home (the village where research was conducted) for a short period. In terms of educational levels, five participants reported reaching high school where three (all males) completed grade 12. This could be attributed to the traditional role taken up by females tending to household responsibilities as well as child-rearing and males seeing mainly to the economic aspects, for which education may be one pathway to better opportunities. Two participants reported no schooling, where one went on to complete an adult basic education training (ABET) course later in life; the other (more senior) reported that school was not necessary in that period. Further to this, participants that did not complete school mainly associated this with lack of funding due to poverty. As the final phase of garnering profile and demographic data, research participants were asked to describe their standard of living. The commonality expressed is one that is strongly associated with poverty and a constant “fight” for survival. Half of the participants and both communities expressed a reliance on government grants that cover the bare necessities; “Money is not enough” (Interview with farmer 2019). The standard of living is described as poor whereby all means necessary are taken to support the family, provide education for the children and ultimately for a better life. Research participants further expressed

the difficulties faced in not having enough money to survive. One participant mentioned that money will “never be enough as profits are not seen” due to the constant needs to fulfil i.e. to buy food.

Poverty is rife in this region; statistics provide an overall depiction of the O.R Tambo district, but hardly zooms into these specific villages (DEDAT 2014, 2017) such as where research was conducted. The SERO informs that the intensity of poverty has increased, suggesting that people are becoming poorer (DEDAT 2017:48). Elements of poverty are obvious and emphasised by research participants with accessibility emerging as a key challenge and “blessing” (less harassment by law enforcement); the latter more so in the village that could only be accessed by river. Accessibility, as expressed, remains a challenge aligning to the challenges reflected in the SERO (DEDAT 2017) as well as StatsSA (2016) reports previously reflected upon in the introductory chapter, sketching a brief contextual overview of research.
It was reported that “people from outside are not buying due to accessibility” (Interview with farmer 2019), “we need infrastructure to make it more accessible” (Interview with farmer 2019). On the other hand, lack of access is seen positively as “police don’t come often because of accessibility to village” (Interview with farmer 2019). This is where a potential tension may start to show up; in that accessibility or lack thereof is good for political freedom, but not for economic freedom as lack of accessibility may limit traffic to the village and thus limits buyers from accessing the village to purchase crops affecting financial gains.

Research participants shared about key aspects implemented for sustenance. This includes a variety of crops and livestock cultivated for subsistence where money yielded from agrarian activities (crops, i.e. cannabis, fruit, vegetables, and livestock) significantly contribute to livelihoods. In expanding on this, cognisant of Hadju's (2006) study it could be added that the cultivation of these crops especially cannabis provides the “safety net” and avenue to supplement an income, rather than being viewed as just a livelihood activity, it has become a necessary activity seen to contribute to economic growth. Many participants referred to farming as a means

of how money is made in the community. “Veg and ganja[10] make money” (Interview with farmer 2019). One participant reported that (legal) crops are sold in the marketplace and another suggested that crops are used to barter with or serve as a form of payment (especially cannabis) in exchange for a particular service, i.e. assisting with work on the farm or with transporting the ill to town or the nearest public clinic.

Deducing from the narrative, subsistence farming[11] is a means of survival and is defined as; “[f]arming and associated activities which together form a livelihood strategy where the main output is consumed directly, where there are few if any purchased inputs and where only a minor proportion of output is marketed” (Morton 2007:19680). The literature reviewed shows that subsistence farming is a practice that has been in existence for many years and can be seen in Jan van Riebeeck’s reference to the Hancumqua as subsistence farmers (Crampton 2015:2). As confirmed, cannabis is mostly farmed for subsistence in Pondoland (Crampton 2015:57). The definition above by Morton (2007) suggests that only a minor portion of crops farmed are marketed, where the opposite is demonstrated by the responses from research participants, many suggesting that the majority of crops (especially cannabis) are marketed thus implying that farmers could be regarded as small-scale farmers. It is suggested that other farming activities exist that are more important on a village-wide scale (Hadju 2006:147). One participant reported selling cannabis and livestock. Various responses referred to the community’s tourism and agricultural potential that should be further explored. This finding concurs with Carrier and Klantschnig (2012) who notes the willingness of the farmers to diversify into producing and selling other cash crops. It appears that for the participants already diversifying these activities too provide a safeguard for income and as such those who have diversified shared that they do not solely depend on *ganja*, however so far cannabis has seemingly provided the greatest returns, economic viability and utility despite the risks.

To garner an understanding of the (researched) farmer’s daily life, I probed research participants to share experiences of their daily activities. All participants indicated involvement in - direct or

[10] From engagements with research participants, the common term used to refer to cannabis is *ganja* or *ntsangu*, where *ganja* was the term predominantly used by research participants. The use of the cognate *ntsangu* dates back several decades, as cited in Du Toit (1975) and Kepe (2003).
[11] See footnote 1.

indirect - the cultivation of crops (fruit and or vegetables and or cannabis). Research participants described the array of crops cultivated and livestock on the farm. Crops include cabbage, spinach, carrots, pumpkin, potatoes, samp, beans, maize, butternut as well as oranges. As described and observed, livestock includes pigs, and chickens with some producing eggs that are sold. In describing how things work on the farm participants indicated that everybody assists, in what is referred to as the "garden." The narrative gauged from responses implies that roles, between males, females and families are shared and there is a sense of equality, "Everybody helps in the garden, everyone does what is needed. Traditional roles do not apply*"* (Interview with farmer 2019). This sentiment was shared by another, stating that "there are no specific gender roles. Males and females work in the garden" (Interview with farmer 2019). This view may be perceived as such as roles appear to naturally be passed down where there may have been some evolution (more flexibility) given the times. Traditional roles then may be stated or perceived not to apply, although they seemingly do, in that males and females have defined roles where males appear to hold more authority especially when it comes to decision making. Besides this, unity and *Ubuntu* are observed in the research community, further expressed by one participant in relation to cannabis farming; "Nobody reports each other" (Interview with farmer 2019).

To explore the existence of the farming practice in communities, participants were asked how long farming as a practice has been around. Responses suggest that farming *ganja* has been part of the community culture for many years, farming *ganja* is generational. This finding is supported by literature; documenting that the relationship between *ganja* and human society holds an extensive history (Paterson 2009:8). As gleaned from responses, three participants report farming and selling cannabis since the '70s; two shared that they have been in the "industry" since the '90s.
Worth noting is the level of resistance experienced whilst in the field when asked to share about farming. This deduction is made from observation in locating participants, which is contrary to nuances in narrative. One research participant indicated growing cannabis for a friend that is away, and another stated no involvement as her son does all the growing. One potential participant expressed no involvement despite referral (by gatekeepers) suggesting otherwise and chose not to participate. The underlying nuance of resistance can be attributed to fear. Fear as a factor that emerged from this research study was evident in some cases and could arguably be linked to the perceived threat (i.e. persecution by law enforcement) to some kind of political freedom that

comes with expressing no involvement in an illegitimate operation. Deducing from the work of James Scott (1985: 274) the notion of fear is not uncommon in villagers' minds, structuring views on the options available to them. This resistance is further not uncommon due to cannabis' illegality (Kepe's 2003:606). Kepe's (2003) research found that few villagers were prepared to talk freely and pretended not to be involved noting that villagers would refer to others' involvement.

Aside from the resistance observed, the majority of research participants reported involvement in cannabis cultivation and that cannabis is a major source of income, yielding the most money. For some, cannabis is the only source of income and is important for more than just survival. Views expressed by the minority share that; "life doesn't solely depend on ganja" (Interview with farmer 2019), and the sense that they "don't want to depend on ganja only" (Interview with farmer 2019). Statements made by research participants expanded on how planting *ganja* has helped them, indicating that money made from cannabis plays a significant role in providing the funding to build houses, acquire assets and send the youth to university; graduating as doctors, for example. These sentiments are shared by the majority of research participants and can be connected to the economic utility associated with cannabis i.e the ability to acquire and access things.

Participants were asked how things work on the farm and many references were made to the seasons, grades, (uses) and income yielded, specifically related to cannabis. As deduced from the interview engagements, *ganja* is seasonal and consists of three predominant grades, first grade with "reddish hairs", second grade is "green and dark green with seeds" and "mixed grade" which is a mixture of all grades (Interview with farmers 2019). Interview data suggests that all grades are cultivated in the spring to summer months, to which literature concurs (Kepe 2003, Crampton 2015, Paterson 2009). Participants share that the first grade is harvested in June, where it was indicated by one participant that this is the most expensive grade. This suggests that prices vary depending on quality. Similar sentiments are shared by Riley, Vellios and van Walbeek (2019:3) when referring to the price paid by the end consumer, highlighting variations on price according to quality. As reported by one participant, the second grade is planted in October and November. Research participants further described the *ganja* farming process; it entails planting the seed, fertilizing the land with cow manure (also known as *grom*) and watering. One participant indicated

that “ganja depends on the rain for growth” (Interview with farmer 2019). Another reported that “water is used from the river” (Interview with farmer 2019).

The modus operandi of cannabis cultivation and the “marketplaces” were briefly alluded to by some research participants reporting that cannabis is transported to big cities, i.e. Cape Town and Durban. Literature corroborates this (Crampton 2015). In illustrating the cannabis supply chain networks, cannabis farmers and producers grow cannabis and sell it directly to the consumer or wholesaler (Goga 2014:9). Those who transport cannabis across SA include large wholesalers and independent merchants (Goga 2014:9). From the case study in Pondoland, the commodity chain sees some traders in Mlanjeni (Pondoland) rely on others to take cannabis to the city markets and some double up as retailers; the difference between the two depends on the willingness to risk arrest (Kepe 2003:613). It is noted that profits are higher further along the cannabis commodity chain (Carrier & Klantschnig 2016:180) notably even higher given cannabis illegality. The difference between the profits dealers make in the city compared to the profit growers make is highlighted; this being R1000 per kilogram (kg) versus R40 per kg made by the grower (Kepe 2003:608).

It is deduced that income levels vary for dealers as well as distributors, whereby varied supply chain processes and networks exist (Kepe 2003, Goga 2014:9), i.e. as posited by Leggett (2001) and supported by Carrier and Klantschnig (2016); the grower and dealer are lowest paid and wholesalers earn more. It is argued that drug prohibition expropriated the wealth of poor farmers (Blackwell 2014:667) where the same has the potential to occur in a legitimate context, evident in nuances of elite and or corporate capture in the US (Mabee 2019).

Research findings support Goga’s (2014:9) description of the cannabis supply/commodity chain in that the farmer (producer/grower) sells cannabis directly to the consumer (i.e. tourists) or the wholesaler. The wholesaler would mostly be the one transporting cannabis to major cities, however, the cannabis farmer too may play this role, enabling them (the farmer) to maximise profits. The narrative suggests that male and female cannabis farmers are involved in the commodity chain. One participant shared that (distribution/buyer) networks are established (the detail of which was not delved into for ethical reasons, i.e. eliciting detail on an illegal activity) strengthening the opportunity to participate at many levels in the supply chain process (i.e. producer, wholesaler, independent merchant). However, it appears that most farmers included in

this research sell to the consumer and wholesaler where the wholesaler makes a higher profit than the farmer. As suggested, the extent of involvement in the commodity and supply chain is influenced by the hedonistic principle (Kepe 2003); where the benefits override the risks or morality. In this way a degree of balance may be struck between the need for economic freedom and political freedom; less involvement (at a lower level in the commodity chain) still provides an income, but may also minimise the risk of arrest if less involved.

A clear disparity between responses was found in terms of income yielded from cannabis. This may be attributed to fear of disclosure and or the competition mentioned by some research participants, leaving some asking lower prices to generate some income. Moreover, this finding could be seen to support earlier works (Kepe 2003, Bloomer 2009) indicating that values differ from one household to the next influenced by distance to tarred roads (apparent in research villages where the one was easier to access than another), social differences, land tenure and the impact of legislation. One participant reported that "people aren't always honest on how much they make from ganja out of fear" (Interview with farmer 2019). Prices reported range from R300 per dish (estimated to be a five to ten litre plastic bucket), to R2000 to R14000 per 50 kg bag. Two participants reported that prices differ, depending on the buyer and where they are from. It is stated that "white people give more money" and that "a 50 kilogram bag can cost up to R14 000" (Interview with farmer 2019), equating to approximately R280 per kg/R0.28 per gram. This perception and narrated experience is arguably ingrained in history, economics, politics and identity.

The history of apartheid in SA enforced rigorous categories to segregate people of colour. Light skinned white people perceived as advanced, wealthy, privileged and superior whereas darker skinned, black people perceived as backward, stupid and inferior (Hadju 2006:69). These ideologies still exist today such as in how the black rural farmer views the white consumer and vice versa. It can be assumed that "white people give more" and in turn, white people also get charged more because of the positionality of both the consumer (white) and seller/farmer (black). This positionality can be better understood when reflecting on the economics of apartheid or racial discrimination. These structural factors have contributed to disparities in wealth (Seamster 2019:31) where white capitalism continues to dominate the South African (political) economy (Anwar 2017:1). The racial wealth gap widens in observing asset ownership, increasing the wealth

of white people, reaping the benefits of past privilege in a “new economic system” whilst the majority of black people remain poor and marginalised (Anwar 2017:4) thus limiting or decreasing opportunities for economic freedom. These developments have seen a ripple effect of implications passed on from generations, seemingly reproducing racial inequalities evident in the opportunities of higher education, higher positions, and higher wages of white people compared to their black counterparts (Anwar 2017:3). The notion of white people being wealthier and seemingly so enhanced by apartheid is presumably the premise on which the rural farmers operate informing their positionality and perspective holding the view that white people are wealthier, have more money and therefore can afford to pay and or “give more money” for cannabis.

The price of cannabis, as reported by research participants show that R0.28 per gram is the estimated average yield. In considering prices, Kepe (2003) suggests that the average “street value” per gram varies in that the cannabis farmer is the lowest paid and profits are higher further along the commodity chain (see also Riley et al 2019:3, Legget 2001:3, Carrier & Klantschnig 2016:180). Research conducted aiming to understand how the cannabis market operates, found that, based on survey results from cannabis consumers across SA, the price of cannabis varied depending on quality, where the mean price range per gram for low quality is R8.33; R11.17, medium quality range per gram is at R18.75; R22.96 and high quality range per gram costs roughly R88.37; R93.54 (Riley et al 2019:3).

More recent data from the National Drug Pricing Project provides the provincial cost averages of cannabis, based on three quarterly sample prices where cannabis is categorised by organic (outdoor grown) cost per gram, hydroponic (indoor grown) cost per gram and hashish (resin) cost per gram (Howell 2020). The data indicates a national price average of R3,65 per gram for organic cannabis, R212,14 for hydroponic cannabis and R126,46 per gram for hashish (Howell 2020). When honing in on the EC data, organic cannabis costs less compared to the national average totalling R2,47 per gram, R212,50 per gram for hydroponic and R185,00 for hashish (Howell 2020). The lower cost per gram for organic cannabis may be attributed to supply and demand in the EC where demand may be considerably higher in other provinces like the WC (R3,56 per gram) and Gauteng (R4,67 per gram) as more people in these provinces have access to the

mainstream economy. Additionally, this may be as a result of the EC cannabis crop being transported and sold in these provinces at a mark-up.
In reflecting on research data, it appears that the value of organic cannabis in the EC has increased when compared to Howell's (2020) data (from R0.28 per gram to R2.47 per gram). It can be assumed that this is due to cannabis' illegality, and or a higher demand for cannabis where the privacy judgement by the Constitutional Court (2018) may have influenced more people being open to buying (remains illegal), consume, possess more overtly. From research observations, no data has been found to suggest the cultivation of cannabis indoors arguably justified by the reported lack of resources required to do so. Resin, on the other hand, may potentially be produced, however, its production cannot be confirmed at this stage.

Research participants shared the desire to sell more where more fields and equipment are required to plough and cultivate more cannabis resulting in more income, thus impacting the scale of farming and economic growth. This will require more land to do so. As observed in the field, the land appears to have no bounds and is allocated as per the land tenure system. Land tenure in this context would apply to the homestead garden as *de facto* private property and the forest area, which is seen as common property (Kepe 2003:609). Conflict may arise with cannabis cultivation, in that *de facto* ownership does not automatically give power to make all the decisions over the land hence approval to cultivate cannabis must be obtained (Kepe 2003:609, 610). When cannabis is planted in homesteads, it is often with the tacit blessing from household members, neighbours and village leaders (Kepe 2003:610). For forest areas, if additional space is required to farm, permission must be sought from local authorities or local political structures, although it seems that these structures do not want to be held responsible for allocating land to grow cannabis due to it being an illegal activity (Kepe 2003:610). Research findings may suggest otherwise in that the elders in the research villages seemed more open to supporting these practices given the economic benefits (seemingly greater contemporarily).

As described by participants whilst in the village, land is assigned per family by the Chief who is the custodian of all the land, i.e. one family would occupy an entire stretch of land, occupied by all members of that “clan.” It is explained that men and women have an allocated

piece of land, and children are given land when they come of age. Upon the arrival of a young bride, land is gifted to her by her in-laws, symbolising her independence and suggesting that she should not expect her husband to provide for their family, as often the husband would move to the city (Johannesburg) or further north for migrant labour. The latter is reported to be a common practice in most villages, leaving the women behind to farm to provide for the family. This confirms reports by research participants that farming in the villages is a shared family responsibility and activity, albeit the unequal gender roles linked to productivity as well as women accessing and owning land seemingly disadvantaged by customary practices (Akinola 2018, Rangan & Gilmartin 2002, the State of Food and Agriculture (SOFA) & Doss 2012). Males primarily heed ownership and females rely on their goodwill to access land (Allendorf 2007:1975).

The allocation of land as illustrated above follows the PTO system noted by Hamann and Tuinder (2012). Scholars (Hamann & Tuinder 2012, Hull & Whittal 2018) demonstrate that the implementation of the land reform approach by SA aims to protect customary and informal land rights. This denoting that land tenure reform is progress and to the benefit of the rural (cannabis) farmers, however, this appears to be quite the opposite (Hull & Whittal 2018:1). These nuances point out the conflict that exists between the law and customary practices or rather tradition and modernity to an extent. These conflicts are further seen in the Traditional Courts Bill (TCB) and the enactment of the Traditional Khoi-san Leadership Act 3 of 2019 (TKLA), raising several key concerns (detailed later in this thesis) as these frameworks seem to perpetuate the exclusion of the rural farmers.

In garnering a sense of how research participants view cannabis, aside from it being strongly associated as a key cash crop, two participants (junior and senior) associated smoking *ganja* with crime. The view held is that cannabis use, by youth especially, impacts education (lack thereof) as youth lose concentration. The assumption by the junior participant is that this results in school dropouts, compounding involvement in criminal activity as a means to survival, to fuel a habit and fill time that should have been spent more productively in a school environment. The perception expressed is that cannabis damages the brain and body, it makes people lazy and contributes to people stealing. Boredom is categorised as one of the threats to cannabis abuse (Moabi 2015:68).

This includes laziness and is attributed to having nothing to do. It is noted that adolescent males who experience boredom are at risk of criminal behaviour and cannabis abuse (Moabi 2015:68). The reasons for the latter include having too much money or too little money, having too much or too little to keep busy with (Moabi 2015:67). In the research context, it is apparent that the peers (youth) referred to fall into the group who have little to do as they no longer attend school and they live in impoverished settings where money is not abundant. Their leaving school may further be as a result of cannabis abuse. There is a perception that cannabis users do not do their school work, bunk and eventually drop out (Moabi 2015:73).

The mixing of cannabis with tobacco or other substances was specifically reported as problematic due to the view that this practice is a major factor linked to crime (Interview with farmer (junior) 2019). Another participant (junior) linked cannabis to "madness." One research participant (senior) stated that "it's not a drug, because it causes no damage. Nobody went mad because of using ganja" (Interview with farmer 2019). Other senior participants shared the benefits of cannabis use in the community viewing it as more than just a cash crop to supplement an income, but as a crop to barter with and for healing further highlighting other opportunities like tourism. For healing, it is used for chest pain where the cannabis leaves are boiled with water and drunk as tea. It is also used when the "horses race so they can run faster" (Interview with farmer 2019) in that cannabis increases the stamina of horses aiding them to run at greater speed. For bartering it is used as a means to compensate for assistance, like when a community member urgently needs to get to a hospital for medical care, cannabis is used as compensation in exchange for transport/transfer. The majority of research participants shared this view where most indicated that cannabis is not used for personal consumption, carrying an array of associations as reflected above. These differing associations of cannabis and its uses illustrates the varying ontological roles cannabis plays here both from a traditional sense as well as economically.

The converging and or similar views between junior and senior research participants may show how cannabis use, especially with other substances, have become more widespread contemporarily, influenced by the media's depiction, education curriculum (i.e. life orientation) and therefore more strongly associated with madness and crime versus the historical, spiritual, cultural meaning attributed to cannabis by the senior participants above. These views are

indicative of the need for further research and education on the harms as well as benefits of cannabis. They are further indicative of the vastly different ontological roles that cannabis plays generationally that I will delve into when unpacking themes reflecting on the potential contrasts emerging here connecting to generational cohorts.
Despite the diverse ontological roles and meanings cannabis holds here, the consensus view is that it encompasses significant economic value for which cannabis is produced and sold, albeit illicitly.

It was important to understand the research participants awareness and knowledge of the drug laws, how they perceive these laws affect them, their views about the current laws and cannabis legalisation. The majority of responses show that individuals (including the community) are not fully informed of the developments in drug laws and have varying understandings as well as views, especially since the Constitutional Court judgement, allowing for the private use, consumption, possession and private cultivation of cannabis. Research participants expressed unhappiness, hurt and uncertainty arguably compounded by their exclusion. It was reported that the (new) laws affect income made from cannabis. The majority of participants indicated lack of clarity associated with the newer laws, limited communication as well as consultation and varying versions heard and understood, i.e. limits on the amount of cannabis, as people are arrested for possession of small amounts. It appears that those who know more about the laws obtained the information via rumour from neighbouring communities. One thing appears to be certain, cannabis' illegality and what it means for the rural farmers is acknowledged; that possession could lead to arrest and potentially jail time, although perceived as unjust especially when compared to serious crime.

Research participants were further asked, more specifically, about the cannabis laws and the policing thereof. Its impact is experienced and perceived as negative for the majority of participants where fear, unhappiness, and feelings of restriction appear to be common sentiments shared. One participant indicated that people are scared and stay indoors out of fear. This fear appears to be associated with the "war on drugs" response experienced, where fear revolves around being caught or arrested for possession without a permit (the permit is linked to the understanding of the "new law" where the thinking is that a permit is required to produce and

possess cannabis). Further participants were disgruntled with the new law[12], holding the perception that people are allowed to grow cannabis privately, which will decrease demand to buy from them and as such affect income.

In keeping with the engagement around the law and the research community's experience, responses describe the policing of cannabis as cruel and corrupt. Nuances are seen in participant responses, describing abuse by police that includes the confiscation of cannabis for personal gain. The assumption is that the cannabis is either sold and or used by the officials instead of booking the illicit crop into the police storage compound. Further aspects of corruption experienced in dealings with the police were shared. One participant indicated facing arrest for possession of 100 kgs of cannabis and 20 litres of cannabis seed. The participant shared that money was given to the police, and that "they took the money and did not arrest me" (Interview with farmer 2019). Among the experiences was one where a brother to one of the participants was showered in paraffin by the police, intending to burn him, however instead, destroyed everything. One participant felt strongly about the policing of "the *tsotsis*"[13] suggesting that "the police has connections with the *tsotsis*" and arrest those who do nothing wrong, leaving the community to fend for themselves when there is an emergency (Interview with farmer 2019).

Research participants provided further descriptions of their encounters with police. One participant remembered a time where he was questioned by the police about a bag of cannabis in his possession; "I said I smoke it and use it for medicine." The police instructed him to eat the cannabis after which they gave him water*; "*they told me to shake my head and swallow water. Then they laughed at me" (Interview with farmer 2019). Another participant recalls the toxic crop spraying by helicopters, stating that the cannabis was "destroyed", *"*animals were dying*"* and "the water was unsafe to drink" (Interview with farmer 2019). Another participant reported how the "police came with the helicopter and sprayed poison*"* causing him to run away with cannabis on his head. He remembers how the poison plummeted on his head, however, states that he was not caught (Interview with farmer 2019). Much reference is made to the helicopter spraying operation driven by the SAPS that poisoned and destroyed crops as well as livestock. This is a clear

[12] The Constitutional Court judgment of 2018.
[13] A "young urban male criminal" (Hurst 2009:2).

indication of a “war on drugs” response similar to the US Drug Enforcement Agency spraying highly toxic chemicals to kill cocoa plantations in the cocaine producing regions of South America (Bigwood & Coffin 2005:1).

Participants expressed how police operations impact cultural practices and traditions as children cannot be educated about the village practices if the land is destroyed by the police. The village practices were not explicitly expressed, however as observed, may include farming crops, tending to the land and grinding maize for *Amahewu*[14]. Arguably, these experiences show that a level of distrust in the police and law exist. This supports Comaroff and Comaroff's (2007:11) reference to the overrule of the law, resulting in the continued distrust of state policies by the marginalised. The view and outcry are that the police should focus their efforts and resources on serious crime instead of on cannabis. The current efforts by the police, as posited by Shaw et al (2016:30) are in pursuit of meeting drug-related targets, where a shift in focus could free up savings and resources toward investing in evidence-based drug policy approaches.

There is a negative association attached to drug laws as demonstrated by research participants. Many participants shared stories of family and or community members that either experienced arrest or are still incarcerated, or almost succumbing to the criminal justice system for a “crime of survival” (Interview with farmer 2019). Reference was made to the enforcement (lack thereof) of serious crimes by comparing it to growing cannabis to support the family, for livelihoods and economic development. One participant shared a story about her son that was arrested for possession and sentenced for longer than communicated. She is left questioning the criminal justice system asking; *“*What about those who kill and rape and get released on the same day?” (Interview with farmer 2019). Another expressed the dependence on cannabis farming and that planting it is “better than committing a murder” (Interview with farmer 2019).

As a key element of research, it was important to glean research participants views on cannabis legalisation and how they think it will affect the farming community followed by an enquiry into whether in their view cannabis should be legalised. In addressing the former, there were responses associated with the negative impact of legalisation on the community, linking this to less money being made. This is currently the experience expressed by some after the Constitutional Court

[14] A milky like substance with a sweet and sour flavour made from maize.

judgement and therefore reported as the most plausible explanation for a decline in income. Other respondents had a different view, stating the potential of expansion and increasing the money made from cannabis*; "*the village will gain income" (Interview with farmer 2019); "the community will benefit if legal" (Interview with farmer 2019).

There were mixed views expressed when asked whether cannabis should be legalised. These responses grounded in uncertainty arguably as a product of the ambiguous role cannabis plays here. This locating their uncertainty as an effect of prohibition and the perceived impact of legalisation. It can be debated that uncertainty is an underlying factor in the current cannabis legalisation debate in SA – it appears fraught with uncertainty; grey areas subsequent to the Constitutional Court judgement on the amount allowed for private use leaving it up to police discretion; inconsistency in the practice of police discretion; limits included in the Cannabis for Private Purposes Bill without proper consideration and consultation; social and health harm uncertainty due to lack of research. As documented, incertitude has been inculcated in the cannabis legalisation debate before absolute prohibition where inconclusive results were reported based on cannabis experiments, thus true meanings of cannabis consumption, use and understandings could not be confirmed (Chattopadhyaya 2019). Years ago, this "deep incertitude" in scientific knowledge was "papered over", affixing cannabis into the schedule of dangerous drugs at the League of Nations (Chattopadhyaya 2019:611).

Uncertainty then appears common and could be argued to be due to the varied policy positions available illustrated in the spectrum (figure two). As such their uncertainty is a result of prohibition as well as legalisation and what this means in context. Uncertainty as an element came through strongly in the majority of the participants' narrative and further is clear in that their views differed. Participants were unsure about legalisation, which in some responses swayed more toward sticking to the current practice, the known practice. The advantages of legalisation were acknowledged as well as the potential disadvantages. Among the advantages is the potential of expanding current operations, selling to big corporations enabling more profits to be made with no risk of arrest. The disadvantages relate to the cannabis prices decreasing so much so that it no longer justifies the effort, being outcompeted by big corporations as well as the potential of elite capture. The potential and risk of big corporations outcompeting farmers were highlighted by two

participants and echoed in community engagements, expressing fear of capitalisation by big companies leaving the “local producers to lose out and lose everything.” On the other hand, other participants expressed the potential for large corporations to buy in bulk, as well as forging relationships with companies to “sell more” (Interview with farmers 2019). Scholars argue (Kepe 2003, Khan 2015, Nadelmann 2007, Shaw et al 2016, Mabee 2019) that elite capture should be avoided as the legalisation debate progresses. Statements made by participants reflect an eagerness to be exposed and included in the cannabis industry. It was acknowledged that to expand crop yield, resources and farmer (skills) development would be required, i.e. training, education, further networking opportunities, building on “networks already established.” Participants expressed that they were not sure whether legalisation would be beneficial, highlighting concerns and or suggestions. Their exclusion was a noted concern, as well as the impact on income. One participant suggested that if a legal “market place” was established this would assist farmers and encourage buyers to buy from the market, because if cannabis is kept “in the garden” (a place where anyone can grow as is the perception since the Constitutional Court judgement) “people won’t buy” (Interview with farmer 2019).

Their uncertainty then is not necessarily because they do not understand the law and the proposed changes, but they are uncertain because they know what the law (could) mean for them, recognising that the economic sustainability of cannabis cultivation is buoyed by its illegality and that legal regulation will most likely cause the price they can charge for it to drastically decrease. As such, the rural farmers implicitly acknowledge that the current implemented (*de jure*) prohibitionist drug laws has artificially elevated the price of cannabis benefitting them economically, however, has also heightened the personal risk of arrest and detention associated with cultivation. Thus, presenting a dichotomy between cannabis' role as an economically viable cash crop and an illicit crop that threatens their freedom from criminality. The perception then that “people won't buy” is better understood from this lens suggesting that people will buy, but not at the prices that justify the risk and effort for the rural farmer. As such it may seem as if economic freedom may come at a cost of political freedom or vice versa.

Those pro-legalisation strongly connected it with yielding more income highlighting its benefits to the South African economy. One participant associated legalisation with a sense of freedom; “people are free not thinking the police will come” (Interview with farmer 2019). Findings

reported by fewer research participants leaned more toward sticking to the status quo where one participant stated that “we are used to fighting with the police and are used to them” (Interview with farmer 2019). The belief held for a lesser few is that if legalised, there will be no purpose in planting cannabis as no money would be made. One participant suggests, it is better for cannabis to stay illegal because if legal, “young kids will use ganja just like with alcohol” (Interview with farmer 2019). Another (senior) participant suggests that if given the power; “I’d have everything illegal. Alcohol and ganja” (Interview with farmer 2019).

Reflecting on data collected a pattern appears to emerge, more so in one village as compared to another. Three research participants in the one village who reported having encounters with the police (arrest, pursuit, interrogated) were all open to legalisation seeing greater benefits, albeit concerns. In the other village, three participants reported negative experiences with the police where two were pro-legalisation on condition of employment and one participant (younger participant) was against (a more recreational) legalisation for reasons previously listed (e.g. negative societal impact). Arguably the difference between those who support and those who do not is a function of what they prioritise and further influenced by the context in which these similar, but different communities (villages) operate i.e. the one village was far easier to access compared to another with a satellite police station. The latter reportedly has its own *de facto* rule to confiscate cannabis if found, but without arrest. The prioritising of functions show the level of importance as well as desire for political freedom, operating with autonomy to make decisions, to self govern aligned to what is best in context and without fear of incarceration or related draconian experiences that may continue as a result of cannabis illegality. At the same time, yielding the maximum income is vital for economic freedom where this freedom appears more important for some and in conflict with the political freedom sought. All of these participants expressed hope for what seems to be a utopia at present, where both freedoms, thus fostering personal autonomy, can be achieved. Legalisation (with regulation that does not exclude rural farmers) ideally should enable farmers to operate freely without fear of persecution or risk of arrest, realising a level of political freedom and at the same time legalisation should open doors to the economic mainstream for rural farmers to participate in, thus contributing to economic freedom. Why then are we finding these freedoms to conflict? Why then can it not be as simple as the more optimistic and hopeful rural farmers have in mind? Why then does it seem as if these two freedoms are polarised

and that only one may be achieved at the expense of the other? Currently, this depends on the importance the community ascribes to each freedom. What these freedoms mean for research participants are all relative and subject to context. The legal regulation of cannabis could mean that both freedoms may be realised rather than conflict with one another as is the case at present, although I must caution that the extent of economic freedom[15] acquired legitimately, if unsatisfactory to the farmer (e.g. limited participation and or inclusion), may see the farmer choose to negate their political freedom to yield more income underground on this journey for a better life.

Following from this observed tension, I was keen to explore views on how research participants envisaged a just and equitable process of cannabis legalisation. Although not all participants were in favour and certain of the approach to legalisation, an encouraging finding is that the majority had suggestions, ranging from the establishment of a marketplace, to permits to cultivate and sell. Suggestions also included implementing the old rule, where in the past cannabis was confiscated but excluded jail time (much like the *de facto* system currently implemented in one village). Another participant reckons "making a wholesale to sell ganja" (Interview with farmer 2019). About one-third of research participants advocated for no restrictions on the quantity allowed; "allow everyone to have as much as they want, wherever they want" (Interview with farmers 2019). One participant argued that cannabis (production) should be exclusive to the EC province, comparing it to the wine market in the WC province. This view can be attributed to the climatic and soil conditions in the EC making it ripe for cannabis farming.

A large number of participants were of the opinion that for legalisation to work, permits and a marketplace (wholesale) should be opened to sell cannabis. Participants expressed a keen interest in the wholesale-thinking approach, enabling farmers to produce and sell at scale to big corporations. This would mean that farmers would farm on a much larger scale. The suggested implementation of permits would follow a similar approach as the fruit market where permission is sought from the municipality to sell crops in the marketplace in a designated space at a monthly

[15] The heterogeneity of meaning ascribed to economic freedom and political freedom exists and as such is subjective, relative to context i.e. economic freedom for one may be sending kids to University, sustainably providing for family among others and for another it may be the ability to acquire assets like purchase property, vehicles.

rental cost. The idea is that farmers are required to apply for a permit, following reasonable criteria, with no limits on quantity, however, concern was expressed, as the view is that government can influence this process and determine “who can and can’t sell” leaving some farmers “excluded” (Interview with farmer 2019).

Without a doubt, the uncertainty expressed is embedded in the varied views of the researched rural cannabis farmers in Pondoland related to cannabis legalisation (debate) in SA. Their varied views highlight the ambiguous role cannabis plays for each of them, further that rural farmers are not homogenous, their needs, experiences and perceptions differ. This further illustrates the importance of including their voices to inform a more collective view and a legislative framework that addresses all areas of concern and needs.

Statements made by some research participants demonstrated ardent support for legalisation, but some concerns surfaced around exclusion (i.e. lack of consultation, elite capture and being outcompeted by large corporations), however, coupled with suggestions for full inclusion in the cannabis farming arena should cannabis be legalised. Generally, views around considerations for the legalisation of cannabis was largely supported by all participants. At the heart of these views lies the undeniable need for an income and a better life, free from poverty and risk of criminality. The majority of the research participants confirmed the desirability to have their voices heard in the cannabis legalisation debate. When asked if they ever had an opportunity to speak about cannabis (legalisation), two participants reported that they had the opportunity to talk about cannabis and cannabis farming in the community with journalists who “asked questions” about “ganja” and their feelings and views about “ganja issues” (Interview with farmers 2019). The participants implied that no feedback after these engagements were received and the assumption is that these stories were depicted in media- a platform that this community has limited access to. A key informant shared (and as seen in the media) that government has plans to engage and empower communities, however, no formal engagement directly with the farmers or community has been realised, albeit the call for inputs and verbal presentations by parliament to the Cannabis for Private Purposes Bill due 30 November 2020. To date, parliament has not responded on how inputs will be implemented nor provided a response on how the rural farmers will be included given the limited access to the mainstream media, information systems and resources like the internet and hardware. Key informants have championed a drive in the communities to garner

farmer voices on the proposed Bill and draft national cannabis master plan, however, the extent to which their voices can be relayed is limited given the timeframe for input and estimated scale of cannabis farming in SA. As informed cannabis has been raised at various (unrelated) government-driven initiatives. As such government's effort is expressed, noting that representatives from the community along with the EC province government delegation were tasked to explore cannabis' medicinal and investment opportunities in Canada. This reported as being a part of governments strategy to interact with the Pondoland cannabis farmers. Moreover, the Umzimvubu Farmers Support Network (UFSN) has been commissioned to compile a documentary showcasing the effects of the crop spraying forays in Pondoland from the community's perspective.

By far the participant's opinions canvassed indicated the importance of talking about cannabis. In recognising the value of talking about cannabis, participants highlighted their dependence on cannabis cultivation, that talking about it might help government see its purpose as well as value in the community, help create awareness around the social and health harms, further contribute to education, and by talking, visibility of the perceived injustices experienced in the criminal justice system as well as politically would be increased thus enabling redress.
The narrative is clear that *ganja* is a key factor in the rural farmers' (sustainable) livelihood strategy, as literature concurs. Cannabis is a commodity in these communities holding a significant value; monetary, for healing, and as a crop with which to barter. The concern expressed is that poverty continues and if cannabis is legal, poverty would increase as money made would decrease thus limiting the possibilities of economic growth, but securing a degree of political freedom (although may fuel black market operations and therefore greater risk). The belief that poverty continues is linked to the lived experiences in the community, e.g. educated youth have no employment.

The inclusion of the rural cannabis farmers is critical in the cannabis legalisation debate allowing them to share and input to an integrated, sustainable legislative framework free from elite capture providing for equal opportunities. Their inclusion may foster trust in state policy that is co-created and equally beneficial thus diminishing the uncertainty experienced here.
Government is requested to heed the call, to include farmers in matters that will have a significant impact on them and to support the journey to economic freedom. The "how", as suggested by

research participants, is for more job opportunities to be created, cannabis markets to be opened enabling rural farmer participation, implementation of cannabis permits, the provision of resources, infrastructure, skills development and training; in short "to help us sell" and to strengthen tourism. A few participants stated that if government creates more jobs, they would stop planting cannabis. Contrary sentiments by the majority mentioned that despite the police responses, illegality of cannabis and the legalisation debate, they will never stop cultivating cannabis.

5.2 Group discussions

As reflected in the methodology chapter of this thesis, two group discussions were held in the respective villages where engagements were mainly made up of females, most of which are involved in farming and in both groups the majority were seniors. In reflecting on why mostly females formed part of the group discussions a few aspects emerge. The absence of (older) males may be attributed to males accessing employment in the mainstream economy or of their demise, divorce or involvement in male activities (i.e. cultivating land, reportedly at the shebeen, engaging in community decision discussions). Positionality is a further aspect to consider, both in terms of women and my position as a female coloured researcher. As a female researcher connecting with females occurred more naturally where comfortability on both sides was observed.

Group discussions in one village saw everyone gather outside, sitting on the grass as one would when having a picnic. The setting was relaxed, and engagement flowed. The second engagement occurred in one of the community member's kitchen huts where neighbours gathered, forming a circle allowing for easy conversation. After introductions, I embarked on exploring the level of awareness and experience in the community around the prohibition laws. Both communities highlighted their experience with cannabis, referring to the draconian approach followed by the police. One community stated that "police burn ganja"; "police arrive and take you to jail with ganja"; "police arrived many times with poison." Another community shared that "police and helicopters are destroying our lives"; "helicopters spray poison, it affected the animals and vegetables and caused skin problems" (Group discussion 2019). As found in individual interviews, *ganja* is reported to hold significant value in communities, from it being viewed medicinally to its socio-economic contribution. As expressed, cannabis yields the most income and the community

is highly dependent on this cash crop. For some, cannabis is the only source of income and is important for sustainable livelihoods. Community members shared that cannabis is used medicinally, emphasising “ganja is healing”, “when the chest is painful you can use it and will be fine” (Group discussion 2019). Speaking to socio-economic concerns, from engagements supporting interview data, cannabis is connected to education; “it helped educate the doctors and police went to school”, “they went to school because of ganja” (Group discussion 2019). Community members pointed out that “people in the community went to school and university but have no work” (Group discussion 2019). The lack of employment was consistently flagged in both group discussions.

When probing around drug laws, communities expressed an awareness of the law and cannabis’ illegality, however not much more was stated aside from the view that “we heard rumours of the new judgement from other communities”, but “nobody came to tell us.” Community members were asked how laws impact them. Encounters with the police re-emerged and reportedly viewed in a very negative light. One community member in the group discussion indicated that since the “new” judgement “we heard we will not go to jail, but there is no proof”, “the new law made no difference.” A contrasting view to the latter was expressed in the other community, suggesting that; the “new law” is not favourable in that “the new law has limits”, “we heard the limit is five litres, that is not much money”, “we sell up to 80kg’s at a time”, “think we will make more money if ganja stays illegal” (Group discussion 2019). This corroborates with interview data where it is posited that the research community implicitly acknowledges how the prohibition of cannabis has kept its prices high where legalisation is perceived to decrease its value no longer justifying the effort and or risk involved. The belief held is that: “ganja will lose value if legal”, the “price of ganja started dropping since new law and if legal will drop more” (Group discussion 2019). Cannabis as a key source to the livelihoods in the community was reiterated along with the concern that if legal the income yielded may be impacted.

That said, communities expressed an openness for legalisation on condition of proposed alternatives, which will require further engagement and inclusion of voices to garner further detailed views that may inform policy. One community suggested to “get overseas companies to buy our ganja in big quantities”; “we would like an opportunity to sell to big factories and

companies then it can be legalised" (Group discussion 2019). The narrative from another community calls on government to "open job opportunities and provide a market to sell ganja" further proposing that "government must put a market in place to grow and sell ganja like fruit" (Group discussion 2019). In closing the respective group discussions, I asked whether there is anything further community members would like to share. Both communities alluded to the support required from government. Support to "help us sell, we need ways to sell to big companies"; and "open alternatives like fruit and veg farms instead of just saying stop" (Group discussion 2019). One group reported that "if job opportunities were better, then we would stop planting and growing ganja"; and "if government can do something to keep youth busy, we will stop planting ganja."

Findings from these engagements share similarities with those emerging from interviews, where interviews delved deeper into understanding the (individual) farmers views, perceptions, beliefs and needs. What is common across the two platforms is that views are not homogenous. In fact, findings from group discussions seem to be as polarised and with a degree of uncertainty, much like was illustrated in interview findings. The uncertainty and polarity are evident in responses such as "if legal" as opposed to "if illegal." This further highlights the ambiguous role cannabis plays here. Moreover, the polarity is seen in the differing views, on the "best way" to legalise, from one group to the next; i.e. one community suggesting involvement of big corporations and the other suggesting a market place and/or employment opportunities (for which the need to cultivate and sell cannabis is stated to diminish). The bottom line for communities (corroborated and confirmed in interviews) is the income derived (from cannabis) and the sustainability (including the betterment) of livelihoods on a journey toward economic freedom. It is argued that if legalisation threatens this, and (the legalisation debate) continues to exclude the communities views, including the proposed alternatives, the rural cannabis farmers will lean more toward cannabis' illegality (the known), where current cannabis "operations" (i.e. black market) may be strengthened and perceived as more lucrative (regardless of the risk).

5.3 Observations

As the research journey commenced so too observation occurred. As I entered the research sites (villages/community) I noticed the richly green garden that is larger than the connotation of a garden suggests. Aloe plants, a host of trees (orange, lemon), (green peppers), and maize welcomed us to the research sites. These plants serve various purposes in the community, i.e. healing and grazing. The green landscape in villages suggests that soil is rich with an adequate amount of rainfall. Plots of open freshly cultivated stretches of land are seen in villages; the assumption made from observation is that some land is allocated specifically for cannabis cultivation and others for crops such as maize and vegetables. This is confirmed by observation, supporting the notion that cannabis is often camouflaged between other crops to minimise the risk of being spotted by prying eyes. Patches of ground where cultivation was stunted were visible as one ventured through various villages and the research sites. This stunted growth is said to be a result of the crop spraying forays (de Greef 2016).

Mornings in the research sites start with a natural alarm, awoken by the rooster(s) and a picturesque sunrise. The smell of fresh cow manure lingers as the research journey continues. *Amahewu* is shared among all each day. Homesteads (huts) are observed to be built from clay and mud. The huts in the village are open plan, without a conventional bathroom or kitchen, and serve multi-purposes. Custom is observed in the hut; females gather on one side and males are seated on the other. This hut was not entered into again since the first introduction to the community where a community engagement was held and arguably is for these purposes only. This awareness allowed me to remain mindful of the gender domains and custom in the community. Custom and tradition were key factors that emerged during research where permission to enter and access is a sign of respect. These permissions were negotiated with an elder in one village and the Chief in another informing that male decisions serve as a guide and approval. As a female researcher, this may have been more important and key considerations were given to framing interactions, respectfully engaging with an awareness that the male in context is the leader and seemingly viewed as superior. This was particularly observed in engagements with females where the elder accompanied me to the homes of female research participants suggestive that approval is granted to engage. In the community where the Chief's permission was obtained, the Chief's female cousin

was my chaperone. It was imperative for me to ensure confidentiality where further permission to engage in private had to be sought for which this negotiation seemed easier with the Chief's female cousin than with the elder male, for which framing was flexed to request as opposed to stating why it is necessary.

In exploring I observed, one hut is for cooking only, the other is for sleeping, another is for community meetings, another is for drying cannabis and grinding maize. Maize is ground on a rock with another rock producing a powder-like substance used for cooking. In the village huts, mainly the kitchen and or living room, I observed many plastic dishes. It appears that these dishes (containers) serve multi-purposes and vary in size ranging from a five litre, ten litre to 20 litre plastic bucket. One of its purposes is to store and sell cannabis. When selling smaller quantities, observation suggests that the cannabis is rolled and sealed in plastic. From observation it is deduced that not many cannabis farmers smoke cannabis; a preconception on my part, in assuming that cannabis farmers would smoke cannabis. As informally shared cannabis is not used personally, but for livelihoods. Although, one participant (senior) was often seen rolling a “joint” (cigarette) consisting of *ganja* mixed with tobacco (Boxer) and then smoking it.

As the research site is explored, I observed small chickens pecking at the ground, cattle roaming and grazing. Grazing is reported to be critical to farming in the community as it assists in ploughing the land, making it ripe for agrarian activities. Cows and goats are seen, although their purpose is not explicitly highlighted in the narrative. Observation and brief mention are made, as one walks through the community and engages in conversation; denoting that cow manure is an important material used for building material and fertilizer, and, goats produce milk. The meat from livestock is used for eating, as observed during the research experience. Cow meat (beef) was shared among the community on a day when a cow was slaughtered due to ill health. The meat was cooked in a three-legged pot (*potjie*) on a blazing wood fire, served in an enamel bowl with coarse salt. Wood, for the fire, is gathered by the younger males from the surrounding trees (bush/forest). Water is collected from a water source or tank that catches rainwater.
We (the interpreter and I) experienced the hospitality in the community, whilst adding wood to fire at dinner time, where a meal with rice, potatoes and gravy was prepared whilst participating in daily conversations in the kitchen (hut). It is observed that *Ubuntu* (the collective values of

personhood, humanity and morality (Hübschle & Shearing 2018:36)) is commonplace, embedded in the research community's way of life (i.e. sharing, assisting, gathering) albeit varying views and needs related to cannabis (legalisation).

The poverty-stricken conditions in which communities live was observed daily from the lack of facilities; limited running piped water; a two-kilometre hike through a mountainous area connecting villages due to lack of roads; no or limited electricity. In one of the research villages, there was no electricity or cell phone network coverage. Community members would use one particular window in a specific hut where limited signal could be obtained for a quick telephone call or message. Access to the town is a full day trip with only one taxi leaving early in the morning with one return. This limits the mobility of the community to access services (e.g. healthcare) and the town to access the grocery stores and basic amenities.

Farming is ubiquitous in villages; as garnered from engagements, it is a part of the community culture. It is a major contributor to livelihoods, where diversification of agrarian activities forms part of sustainable livelihood strategies with crops such as cannabis providing a safeguard for income. Observations in the field, too, support the notion that farming is a key activity in the community. It was obvious that vegetables, livestock and cannabis is farmed; however minimal activity in the field was observed for cannabis specifically. This may be attributed to the season in which the research was conducted and cannabis' illegality. As I make my way through villages, an unanticipated finding garnered from observation was the constant busyness of the female on the farm, whilst men were observed socialising in groups or reported to be at the shebeen or absent from the household.

Observation supports interview data in that the youth in communities are educated but are not employed. This was particularly evident in observing many young people in and around the villages/communities. As experienced in the interviews, resistance was observed by two participants and a potential participant claiming little to no involvement in cannabis farming, despite gatekeepers and key informants suggesting otherwise.

Supporting findings that emerged from interviews and group discussions, the polarity, contrasts, similarities and the uncertainty these encompassed were observed. Further observed was the

ambiguous role cannabis holds influencing uncertainty as a result of prohibition and possible legalisation. This denotes that a blanket approach cannot be followed to do justice to the cannabis legalisation debate; the rural cannabis farmers' voices must be included. In engaging individuals and the community, the openness, honesty and eagerness to talk about their views, perceptions and needs, specifically related to cannabis and the legalisation debate, was evident. The extent of information known by the research community varied; some participants had more information than others, however, all displayed an awareness of what prohibition and legalisation mean in context. These varying meanings attributed to prohibition and legalisation may imply two things. Prohibition is deemed beneficial in context for economic reasons but could lead to arrest and incarceration. Legalisation is seen by some as placing limits on economic growth, but good as the risk of arrest is diminished. Others see legalisation as good for enhancing economic opportunities as well as for shifting the prohibitionist paradigm to one where the risk of arrest is absolved. This tension contributes to uncertainty grounded in this type of ambiguity. The narrative and research experience indicate the need for a consultative, integrated, inclusive approach that (to this point) is not (consistently) followed, highlighting the deficits in the legalisation debate. It becomes clear that awareness on both government and societal levels to understand the scope of cannabis cultivation, as well as legalisation and what it means in this context, is required. This enabling the inclusion of communities as fulcrum institutions, responding to their uncertainties, re-establishing a level of trust by communities in policy where cannabis cultivation in a legally regulated context will not be perceived as the demise of any freedom that each South African has the right to as enshrined in the Constitution of SA. A keen interest was observed in the research community to have their voices heard.

5.4 Emerging themes

Two central themes emerged from research data pointing out the tension that exists between two freedoms (political and economic) as well as between tradition and modernity to a degree. The first theme is a conglomeration of aspects highlighting the conflict that exists between the desire for political freedom and the need for economic freedom. The second theme; tradition and modernity interlink to the first in an attempt to showcase the tensions that surface where historical practices and views have the potential to (be seen to) contradict what is experienced more

contemporarily or vice versa. This notwithstanding the view that these two philosophies (tradition and modernity) may coexist (Galland & Lemel 2008:180).

I locate these themes associating it with a day in the life of a rural (cannabis) farmer. The methodological framework of this research study allowed me to hone in on the rural cannabis farmers' way of life enabling me to glean the farmers' positionality, who they are, where they come from, what they do, why they do this as well as how they do this, and how these aspects give meaning to their lives and the choices they make as a result. The analysis of the data grounded in ethnography facilitated the process of asking critical questions around meaning of experience, and how the lived world presents itself to both the farmers and me as the researcher. The nuances from the emerging narrative form the basis of data gathered including group discussions and observations. At a glance, findings show that the cannabis farmers who participated in this research study are male and female, they are older and younger. They are South Africans with the majority obtaining some level of education, albeit at varying degrees for varying reasons. They are unemployed and they live in poverty. Most of them lived through oppression witness to the promises of a democracy that followed with few tangible fruits. They do what they can to survive to arguably attain their economic freedom and as a derivative experience economic growth. Findings consistently bring cannabis (farming) to the fore as key to livelihood strategies as well as economic development in the community as both a traditional and contemporary practice. At the same time, as will be unpacked in the first theme of this thesis; a tension of two freedoms, I posit that ideally, these freedoms could coexist. Political freedom like economic freedom is an aspiration for farmers, albeit the perception that the one may be realised at the expense of the other. In reflecting on this in the next chapter, reference will be made to literature where it is postulated that economic freedom becomes more important in democracies because there is a correlation to economic growth as compared to the impact of political freedom on economic growth (Xu & Li 2008:185, 186, 203). This is not to say the political freedom is not important or hoped for, but it may be lessor so as a result of what the research community prioritises given the context (more profits, more risk or no risk and fewer profits). This is currently how the tension shows up in the narrative and thus grounds the uncertainty seen in the research participants views where some see legalisation as increasing economic opportunity and others see it as a lost opportunity. The latter grounded in the current experiences and high levels of mistrust in policy

(no real progress seen to date). It potentially sounds too good to be true for legalisation to give effect to both freedoms; inclusion, participation in markets resulting in more profits (economic freedom) and no persecution, arrest or incarceration (political freedom). Further bearing in mind that substantive freedoms remain inaccessible if faced with unemployment and extreme poverty (Howell 2019:104). The injustices of the past and the failure of the post-apartheid state to remedy this sees a fragmented South African society, "intersected by contradiction" (Howell 2019:94).

In expanding on both themes uncovered in research, I will briefly reflect on the history of SA as important considerations to understand the positionality of the research community as it relates to their experiences and influences lived worlds impacted by colonialism and apartheid. This further provides the impetus for life choices and arguably the reason why the narrative expressed by farmers appear to view economic freedom with greater importance risking their political freedom as a result, both of which have not been realised to date. Theme one will further delve into the cannabis farmers' views and perceptions of cannabis legalisation and the legalisation debate; to legalise or not to legalise – or as Shakespeare's Hamlet muses: "To be, or not to be, that is the question" (Shakespeare, *The Tragedy of Hamlet, Prince of Denmark*, Act 3, Scene 1, line 1, First Folio, 1643). This soliloquy encapsulates quite aptly the question on which this research study is built. What are the views and perceptions of the cannabis farmer in Pondoland around cannabis legalisation? Are they for or against it and why? What do they perceive as the direct and indirect impacts of cannabis legalisation on their continued production? It is here where alternatives are suggested echoing the tensions that exist between the two freedoms as well as tradition and modernity evident in the conflicts seen between constitutional and customary frameworks, views of cannabis linked to healing and madness, policing of cannabis, roles in farming and further the diverse ontological roles that cannabis plays in the community.

I attempt to showcase how cannabis politics are perceived to impact the economic freedom sought, notwithstanding the contested illegality framework in which the farmers operate in risking political freedom. The data that informed these themes document the diverse views that exist pertaining to cannabis legalisation, highlighting the uncertainty surrounding this which I will argue is grounded in the ambiguous role cannabis plays here influenced by its prohibition and possible legalisation. It is the eagerness expressed by the research community to have their voices

heard in the legalisation debate that calls for their inclusion, enabling these farmers to have a say, provide suggestions for legalisation and the political economy tapping into the local realities to enact a legislative framework that strives to empower a state to become politically and economically free (including free from elite capture) or could this be a dream that may never be realised? This call for inclusion came from the majority of research participants and is rooted in their struggle, marginalisation, exclusion, doing what needs to be done to survive. As literature and research findings show, cannabis has become a "survival crop" for these communities arguably more a sustainable cash crop given the times. Their call highlights the "rule of law" experience and nuances on the continued production of cannabis. The ideal characteristics of a society governed by the rule of law include law that is equally applied and superior to all; it is not subject to individual determination; every member of society has the right to participate in the development and review of law; the law is fair and upholds human rights of all; judicial power is exercised independently and a judge's decisions are solely based on facts and law on the merits of an individual case (Stein 2009:302). Simply stated by Bester (2017:2), "the rule of law is about a society that treats society well." A disparity between this notion and the research findings exists, as the majority of participants describe their unpleasant experience with the law and specifically with the police. This becomes an example of the tensions that exist between this desire for economic freedom seemingly stifled by the law enforcement approach grounded in a traditionalist war on drugs rhetoric, contradicting, among others the progress in drug policy reform. It is from this frame of reference that an appeal to government and the connected elite (who may prefer limited economic growth to secure own wealth) is made, to take heed of the injustices hampering political freedom, including those caused by SA's traumatic history seemingly perpetuated today, acknowledging the traditional and present-day value of cannabis in the community (toward economic freedom), and to take action (noticeable, impactful, transparent) that benefits the community in its entirety (progressing on promises of a democratic SA as anticipated in its Constitution). It is the role, views and perceptions of the research community (and their limited inclusion even in literature to date) that repositions this group of rural cannabis farmers (in their heterogeneity) as central to the cannabis legalisation debate wherein so far they have been largely silent. The substance of the discussion will be detailed next, following from the themes structured above.

6. EMERGENT THEMES AND TOPICS

Pivotal to this research study I embarked on a journey to uncover whether the rural cannabis farmer in Pondoland, EC supports or is against cannabis legalisation and why. This study explored their views, concerns, and needs as relates to the changing legislative framework of cannabis in SA. The sample comprised of ten rural cannabis farmers located in two villages in Pondoland.

For the purposes of this research enquiry and as previously stated, the ethnographic methodology embedded in qualitative research was employed. The research study utilised snowball sampling to locate and identify research participants; namely cannabis farmers. Research data was primarily collected through face-to-face, semi-structured, in-depth interviews, and group discussions, supported by observation. The data was transcribed and analysed following the thematic analysis approach. This approach enabled themes to be structured where two key thematic areas emerged; the tensions between two freedoms aiming to provide a view on the ambiguous role cannabis plays here thus linked to the uncertainty experienced grounded in cannabis prohibition and legalisation; theme two flows from here endeavouring to sketch the perceived conflicts, influence and evolution of tradition and modernity.

This chapter will aim to provide an analysis of data drawn from the research findings attempting to embed data into context. I will unpack how the tension between the need for economic freedom and political freedom shows up in the research community. The conflicting positions and perspectives around legalisation and prohibition unfolding as contested illegality will be discussed following from the data obtained. The uneasy relationship that seemingly exists between tradition and modernity will be sketched further reflecting on the conflict that exists between customary law, “the traditional way” and Constitutional law. This discussion will explore the potential of elite capture in both themes and in theme two the influence of legislative frameworks, such as the TCB and the TKLA will be pointed out as mechanisms that may further exclude rural cannabis farmers from the benefits of cannabis legalisation and or other traditional (customary) practices, e.g. land tenure. In highlighting the above, connecting to literature that is seemingly scant in documenting the rural cannabis farmers and their relationship with the cannabis plant, as well as the views shared by the farmers, emphasising inclusion, I aim to reposition them as central to the

cannabis legalisation debate, highlighting that despite their differing, uncertain views as a result of the tensions experienced, their voices must be amplified to enact a legislative framework aligned to the vision of the South African Constitution.

6.1 The tension between two freedoms: economic and political

The analysis of data collected during research informed this theme attempting to sketch the tensions between two freedoms; economic freedom and political freedom, that seemingly exist when exploring the meaning attached to the rural cannabis farmers views as well as needs shared around cannabis legalisation, and the cannabis legalisation debate. Before I interrogate the narrative emerging from the data collection process, it is important to set the scene, provide for understanding by unpacking the concepts of political and economic freedom. These two freedoms are noted to be among the most studied topics in literature (Xu & Li 2008:184).

6.1.1 A note on the two freedoms

Political freedom is said to be realised when individuals in society are completely free to participate in political processes. These processes include "free trade from corruption", fair, competitive elections as well as civil liberties such as freedom of press, association, religion and speech (Bashir & Xu 2014:60). Simply stated, political freedom relates to politics (Bashir & Xu 2014:59). Economic freedom, on the other hand, is grounded in four principles namely; "personal choice, voluntary exchange coordinated by markets, freedom to enter and compete in markets and protection of persons and their property from aggression by others" (Gwartney et al 2011:1). What this means is that individuals have freedom of choice, voluntarily engaging in transactions that do not harm others (Gwartney et al 2011:1). Greater economic freedom increases individual motivation to participate in productive market activities (Bashir & Xu 2014:59). Contextually then, cannabis cultivation enhances a degree of economic freedom for farmers, keeping the farmers motivated to continue participation in productive, albeit illicit market activities. Determinants of economic freedom are noted to include democratic development, economic liberation, economic crisis, government ideologies influencing economic policy-making, diversity of socio-cultural variables such as culture, religion, and social trust (in Krieger & Meierricks

2016:116). Furthermore, income inequality is a determinant of economic freedom where economic freedom decreases as a result corresponding to a political capitalistic or captured democratic system where the connected, powerful economic elite use their *de facto* political power through cooperation with politicians and alike for their mutual benefit (Krieger & Meierricks 2016:116).

The potential for economic freedom can be seen in the expansion and evolution of the cannabis markets globally and in SA showing that opportunities exist to include the rural farmers cultivating cannabis for generations. This leaves one to ask how and why they have been excluded to date. Could this suggest elite capture of the cannabis market? It is postulated that elite groups favour lower levels of economic growth as higher levels of growth could mean loss rather than gain (Krieger & Meierricks 2016:118). Greater inequality, results in decreased levels of economic growth serving the interests of the elite (Krieger & Meierricks 2016:118). The post-apartheid obsession of elites with notions of global citizenship and being world class somewhat legitimises their disregard for the majority of South Africans who may never be included in that "select class" (Rossouw 2017:121). The potential of elite capture was expressed by research participants as a possible threat to the freedoms they desire.

6.1.2 How and why the tensions between two freedoms show up

Poverty, social and economic inequality exist in the research community where these factors arguably contribute to the desire and need for economic freedom. Literature (Hadju 2006, Hamann & Tuinder 2012), supporting research findings, indicate the research community's dependence on government grants, although the amount is reported as insufficient suggesting that diversification is welcomed. Grants help stabilize livelihoods, but limits promoting pathways out of poverty (Adato, Carter & May 2006:226). Despite an initial and main focus around natural resources in Pondoland, Hadju's (2006:23) interviews revealed a greater concern about finding employment, government pensions and grants. From her study in two Pondoland villages findings show that employment is on average 20 times more important to local livelihoods than agricultural activities (Hadju 2006). A similar view is deduced from research findings, where the majority of participants revealed the need and greater concern for employment, with a small percentage sharing the view that if jobs were created the need to produce and sell cannabis would diminish.

This highlights the desire for economic freedom seemingly stifled by colonial and apartheid policies affecting livelihoods and self-esteem (Hadju 2006:53).

In this context, subsistence production has become a measure to support livelihoods and economic growth where farmers can be considered as small-scale farmers given the evolution of the need to sustain livelihoods to one where economic freedom is sought. The diversification and multiple livelihood strategies employed show how rural communities are on a journey to improve their standard of living where these strategies add much value economically. It appears that for these farmers it is no longer about survival only, but about sustainability and economic growth for upward mobility. From theoretical work, it is postulated that many people in SA, as a polarised society, will be trapped in poverty due to limited upward mobility (pathways out of poverty) (Adato et al 2006:226).
The legacy of apartheid embedded in inequality and poverty gives rise to doubts as to whether those affected by poverty will be able to use social mechanisms of access to capital to build a pathway out of poverty (Adato et al 2006:244). Regardless of the ability to use social mechanisms to access capital, what if the opportunities to access these mechanisms exclude farmers leaving them to their own devices to access capital for economic growth? This is seemingly the case. Cannabis cultivation may be one of the ways devised as a pathway, however, is not the solution for all situations and although perceived as key economically, there were research participants who felt that they do not want to depend on cannabis only. It is not the panacea for rural development and poverty (Kepe 2003, Carrier & Klantschnig 2016).

What this shows is that the “promises” of the Constitution has not been experienced here affecting how communities function, respond, and associate meaning to their lifeworlds. The need to provide for the family, send children to university and sustain a livelihood on this journey for a better life continually emerged from engagements with the research community. A sense of familiarity with broken promises exists heightening the level of (social) mistrust in the state not living up to the “promises” of democracy (this is not to say that government efforts are not acknowledged, however, its scope and impact on rural communities appear to be limited). Nuances can be seen in drawing conclusions from the standard of living described by research participants, where poverty re-surfaces.

From observation, the aspect of land tenure provides a further example of “broken promises” where land distribution intentions have not yet been realised. These experiences conflict with this principle of economic freedom as well as the human rights approach outlined in the Constitution of the Republic of South Africa. Constitutions connect legal, social as well as political aspects, setting the “foundational laws that establish the powers and structures of the state” (Albertyn 2019:752). Moreover, it conveys the characteristics of a nation, its people, values and collective goals (Albertyn 2019:752). A commitment to “establish a society based on democratic values, social justice and fundamental human rights”, to “lay the foundations for a democratic and open society” and to “improve the quality of life of all citizens and free the potential of each person” is outlined in the preamble of the 1996 Constitution of SA. More than two decades post-democracy these ambitions contradict the reality i.e. poverty, social and economic inequality (Albertyn 2019:754).

Experiences, needs and priorities shared by the research participants, among others inform the lens from which the farmers operate, doing what they can with the available resources despite infringements on their human rights to somehow attain this economic freedom they desire. This desire may come at the cost of their political freedom where current legislative frameworks impede their inclusion. For example, the Cannabis for Private Purposes Bill (B19-2020) limits quantities that can be cultivated. It can be argued that this judgement could be perceived to change their choices without changing the circumstances that lead to that choice, such as inclusion in the economic mainstream through employment opportunities, participation in the cannabis markets and access to resources or simply having a voice in the legalisation debate. If a livelihood opportunity is restricted, alternatives need to be made available to avoid local livelihoods being threatened (Hadju 2006:229). The Cannabis for Private Purposes Bill (B19-2020) automatically excludes rural farmers from operating legitimately due to the present scale of farming. Medicinally opportunities exist, however, contains regulatory provisions and criteria for which farmers do not have the (access) capital nor resources (i.e. property) to freely enter and compete in market activities. Aspects such as these arguably provide the impetus for farmers to continue with underground operations to strengthen economic growth and economic freedom as a derivative, however risking their political freedom.

Their marginalisation and exclusion from the mainstream economy leave these farmers to devise independent ways to facilitate changes desired. Honing in on the farmers in Pondoland, Charlesworth's (in Kagan & Burton 2005:3) view may be applied specifically, as it relates to apartheid-induced (economic) changes and social conditions in SA; he states: "It is the economic changes and the social conditions they ushered in that have consigned these people to a life of marginality which, naturally enough, manifests itself in their comportment, manner and style." The extent to which people respond to marginalisation depends on resources available to them (Kagan & Burton 2005:3). In context, it is working toward sustainable economic growth with limited resources stifled by the political economy (law enforcement and policy that excludes farmers). It is argued that the rural farmers with limited resources have implemented livelihood strategies that go beyond survival for one generation but prepares the next generation for upward mobility hence sending youth to university to attain a qualification to legitimately participate in the mainstream economy was emphasised.

6.1.3 Contested Illegality

A further tension between economic and political freedom shows up in that on the one hand farmers are seen as criminals profiting from an illicit economy versus human beings abiding by the law. Arguably, this shows contrasting views between the state and the research community. For the research community, farming cannabis is not seen as a crime, but is a necessary strategy to address inequality transforming the socio-economic conditions that prevail here. It is a means to an end, encouraging economic growth. The view held is that it is better to cultivate cannabis than to commit a crime. This view gives rise to an interlinking tension described as contested illegality, a concept introduced by Hübschle (2016:50) where social and cultural norms arguably diverge from legal rules, i.e. cannabis operations continue in the research community, despite its illegality. Evident in that, despite prohibitionist laws and the hope for political freedom, the rural farming community functions in a way where they have somewhat claimed their political freedom and the (*de jure)* law may not hold much clout aside from it being the reason the "police come" and the implicit acknowledgement that prohibition keeps cannabis prices high. Even for the former, the community has a strategy to shout "code red" alerting neighbours to do what is necessary to avoid suspicion by law enforcement. Moreover, a *de facto* rule exists in one research site where if found

with cannabis it will be confiscated by the police, however without arrest. Could this help explain why political freedom may seem less important than economic freedom?

Cannabis cultivation is an age-old practice and has become more ubiquitous despite prohibition. As reflected in the literature review, cannabis farmers have been operating in the illegal economy for many years. The history of cannabis prohibition is globally and widely documented (Carrier & Klantschnig 2012, 2017, Duvall 2017, Mills 2003, Paterson 2009, Chattopadhyaya 2019). Prohibition has not curtailed cultivation, communities continue cannabis cultivation as key for economic growth regardless of the harassment by police and the enforcement of the law which they have become accustomed to. This notion of contested illegality is then attributed to the continued cultivation of cannabis where an overlapping conflict appears to exist between a custom, cultural practice which has always been done – cannabis farming - and the provisions contained in the Drugs and Drug Trafficking Act 1992, scheduling cannabis as an illegal substance designated in schedule 2, part 3 of the Act.

The contestation may further be influenced by government initiatives that are perceived to have failed or proven insufficient lacking in continuity and sustainability. This leading to an awareness of the law, but with limited or no buy-in as it is in contrast with key activities that make tangible contributions to pathways out of poverty i.e. sending children off to university. At present it is perceived that cannabis prohibition and its enforcement is treated more seriously, despite its importance to livelihoods. The view is that the rule of law is disproportionally applied.

Research findings show that the law is negatively perceived, viewed and experienced by the community. This could be attributed to experiences of the law by law enforcement in the community. There are many examples provided in the research participants narrative highlighting the crop spraying forays and encounters with law enforcement. These experiences and its extent arguably inform the value placed on the need for political freedom.

The need for an income, expanding cannabis cultivation to “sell more and make more money” was commonly shared among research participants. So too was the need to do so freely, without limits, and without fear that the “police will come.” This provides a further example of the tension that exists between the desire for economic freedom and political freedom. I've found that the extent of the law enforcement experience may influence the significance placed on the desire for political freedom. When experiences with law enforcement were brutal and or impacted more than just the

research participant extending to family or children (involved in cannabis cultivation and distribution) political freedom became more important where legalisation was called for, however, the motivation for economic freedom remained equally important here.

Elements of legal coercion[16] have been found in this research study, which may serve as an explanation for the negativity surrounding laws, contested illegality and the desire for political freedom. Political freedom then could be at odds with the extent of the law, within politics itself and the consistency of applying the law in context. This emphasises that the law enforcement response, driven by the "war on drugs" rhetoric, requires a paradigm shift.

It is argued that the defiance or contestation of the law enables and legitimises participation in state-defined illegal activity (Hübschle 2016:51). A disconnect may exist between the state's view and the societal view of legalisation, where the interpretation and the legitimacy these rules hold for the state versus the community may differ (Hübschle 2016:50). Deducting from research findings, some views suggested that the status quo remains, flouting enacted rules of cannabis. Besides this, the disconnect between the state and society view is evident given the meaning cannabis holds in the research community. The state (aside from more recent reflections spurring the gentrification of cannabis) views cannabis as a social ill enforcing laws to eradicate it and the community views it as an important commodity for economic growth (restricted by the law). Arguably then the legitimacy of the law only serves the community in one way, it keeps the prices high. Other than that, and the draconian approach followed in policing this social ill, cannabis cultivation continues and is key to fostering economic development. That's why some research participants are comfortable with the status quo remaining (the known) and at the same time the majority are open to legalisation; the unknown encompassing the potential of significant economic opportunities. The latter see the potential benefits and opportunities that may arise; income yields as well as expanding networks, where both freedoms can be attained. The perception of those that are against legalisation is mainly grounded in the fact that livelihoods and economic freedom would be threatened.

By "sticking to the status quo" the risk is clear and the view is that at least the community knows what to expect as well as how to handle it sharing the experience that people get arrested, but

[16] Legal coercion, as argued by Barnett (2009:13), is an inappropriate means of pursuing objectives. The destructive effects of drug laws result from the coercive means used and the type of conduct being coerced (Barnett 2009:13).

return and people survive regardless of the law. Sticking to the status quo then presents unambiguous risks where cannabis legalisation is fraught with ambiguity at present seen in the tensions and the role of cannabis in the research community.
From this view and as alluded to by Hübschle (2016:50), the dichotomy between illegality and legality fails to acknowledge how cannabis cultivation as an illegal activity (according to the state) is part of an informal economic practice embedded in the community culture. This practice may only be recognised through the inclusion of rural farmers.

6.1.4 Polarised views

The narrative and nuances emerging depicts the conflicting and contrasting positions held by the research community and research participants. The varied experiences from one community to the next and one individual to another have informed their views, i.e. access, networks, law enforcement, income yielded thus also highlighting the ambiguous role cannabis plays here reflecting the tensions that exist between the hope for political freedom and the need for economic freedom, albeit at varying levels of importance and viewed in context as opposing. As a result, they appear to be uncertain about the legalisation of cannabis as on the one hand legalisation would strengthen political freedom, however, it is seen to have the potential to limit their economic freedom where elite capture and being outcompeted by corporations is a noted concern. The latter possibilities influence the uncertainty surrounding cannabis legalisation (for the research community). As documented, legal cannabis mainly benefits white investors and entrepreneurs (Mabee 2019:5). Nuances of this view are shared by scholars (Kepe 2003:613, Khan 2015:175, Nadelmann 2007:29) highlighting the potential of small-scale farmers being outcompeted by large businesses and or powerful companies. Legalisation’s contribution to economic growth is noted, however, it is argued that its prosperity comes from the sacrifices of those most impacted by prohibition (Mabee 2019:5). It is reflected that post legalisation, illegal producers are excluded from the market, the industry being repackaged to cater to the mainstream aesthetic, spurring gentrification (Mabee 2019:9).

The tension between two freedoms highlights how continued inequality, poverty and marginalisation despite the Constitution of SA's anticipation, contribute to uncertainty, voice-lessness and vulnerability. The notion of uncertainty is theorised as primarily attributed to feeling

unsure about the best action or choice in a situation (Shaha et al 2008:61). Is the best action to stick to the status quo yielding optimal profits in an illicit economy, risking arrest or is the best action to operate in a legally regulated framework where profits may dwindle, but people will have more autonomy and be free from external forces such as law enforcement? Uncertainty usually exists when there is lack of clarity about the long-term future (Shaha et al 2008:61). This holds true in context where there is uncertainty about whether legalisation would promote political freedom and diminish prospects of economic freedom or if legalisation would advance both freedoms. Factors influencing uncertainty are ambiguity, complexity, unpredictability and the unavailability or inconsistency of information (in Shaha et al 2008:61). Legal institutions at a formal level play a key role in minimising uncertainty, however at a practical level, and, as is the case with cannabis legalisation, accentuate uncertainty (Mehta et al 1999:24). This is evident in that the Constitution outlines a number of principles grounded in equality, but these are contradicted in legislative frameworks such as the Cannabis for Private Purposes Bill (B19-2020) *inter alia*, where there are several grey areas and limited consultation to date that reflect the local realities.

In noting the challenges with policy-making (e.g. laws and regulations), limited inclusion of the local community appear common. As highlighted consultation and participation by the local community are limited (i.e. is more urban-based and selected locals are often part of the local elites thus not representative of their communities) (Hadju 2006:230). In agreement with Hadju (2006:231) rural communities are often neglected in policy. It can be argued that factors such as the lack of consultation are among the challenges faced by small scale farmers (Khapayi & Cilliers 2016:37) – notwithstanding that state policy and the mainstreamed global economy is largely structured against farmers (Carrier & Klantschnig 2016:180, 186) – limiting farmers from participating in the debate and potentially the cannabis market.

A disconnect between local realities and national planning exists in that national planners draw from abstractions and concepts that lack local insight (Hadju 2006:232). It is argued that the use of abstract concepts in planning is acceptable, however, when it comes to implementation that has a direct impact on local livelihoods, meanings ascribed are critical and may be contested as it fails to depict realities (in Hadju 2006:232). There is difficulty in arguing for the efficiency of government

policies and programmes to support small-scale farmers, in that current policy processes are either inimical to farmers interests or ignores them in totality (Senyolo 2007:11). So far, this is the reality in context and may be why the farmers are uncertain that legalisation will be to their benefit so they continue regardless, working at bolstering a sustainable income fully aware of the risks.

It is suggested that policy inclusion builds on the principles of democracy, where dialogue and relationships improve policy and foster democratic transitions (Simon-Kumar 2018:246). This confirms that the legalisation of cannabis cannot effectively be done without including the rural cannabis farmers. Inclusion can best be facilitated through inclusive policy, practices and community-based interventions, guided by Hübschle and Shearing's (2018) principles. Currently, policies and practices are restrictive; e.g. entailing strict criteria to apply for a license to cultivate cannabis for medicinal purposes. The ability to apply for a license can limit farmers from participating in the economic market as the criteria involves a significant amount of economic and social capital, compounded by highly selective application processes (Mabee 2019:6). Their inclusion could mitigate this, providing suggestions to increase the possibilities of entry into the broader cannabis market, fostering economic freedom and by virtue of policy and or legislation in the case of cannabis encourages political freedom.

Given these tensions, despite the need for economic freedom seemingly more important for this group, it is not possible to conclusively state whether the researched rural cannabis farmers are for or against legalisation. These findings can further not be generalised to all rural farmers in SA suggestive of the need for this research study to be expanded upon. What we do know from this small group of farmers is that the majority of (varying) views were uncertain about legalisation and what it could mean in context reflected as the tension between two freedoms; the attainment of political freedom, with perceived barriers to economic freedom evident in fears expressed related to exclusion, elite capture and being outcompeted by big corporations or expansion of economic opportunities; and or the attainment of economic freedom maximising profits in an illicit market; or at best the attainment of both freedoms where the risk of arrest is minimised and farmers are included in the cannabis economy where the trade is "free from corruption", fair and equal encouraging the co-existence of two freedoms. However, denoting from Howell (2020:104)

substantive freedoms may only be realised through redress alleviating poverty and high levels of unemployment experienced in the EC.

Legalisation then appears to mean two things for the farmers; one where the price of cannabis will be affected leaving farmers to sell at lower prices that may not justify the risk or effort or they may lose out in totality as “people won't buy” due to higher supply or self-cultivation impeding economic freedom; two that legalisation will reduce the risk of arrest thus promoting political freedom and may or may not increase economic opportunities. For the majority cannabis cultivation will continue regardless. Their uncertainty then is grounded in the current operations in an illegal frame where profits are seen to be higher and, the potential of legality where profits are seen to decrease or increase with minimal risk of arrest. Economic sustainability buoyed by illegality may too be buoyed by legality if farmers are included. The opportunities of legalisation are expressed by research participants highlighting market potential, however experiences of broken promises, persecution and policy developed from the “ivory tower” compounds the mistrust in the state. Seemingly, the research community is left to forge approaches to economic development aiming to provide continuity and a foundation for the next generation to take forward encouraging the continued cultivation of cannabis as a traditional practice in modern times where contemporary laws may contradict traditional practices. I will unpack more about the potential tension that exists here below.

6.2 Tradition and modernity

The philosophies of tradition and modernity have surfaced in deepening the analysis of research data. The meaning emerging from the research participants narrative shows how tradition and modernity may conflict as well as how the evolution of tradition (to modernity) is experienced contemporarily. On one end tradition has influenced contemporary practices, setting the standard and embedding principles. On the other end, modernity encourages shifts that may be perceived to mean foregoing tradition.

6.2.1 A note on the concepts

There is a notion that tradition is a difficult word in a post-colonial setting (Kabir 2018: 249). Acknowledging this, for the purposes of this thesis, drawing from Ndofirepi and Cross (2016), tradition here stems from its reference found in Despland (2005:19) who highlights it as part of the processes where social bonds and identities are reproduced and constituted by people. It carries meaning and gives awareness to the "inter-generational aspects of institutional systems", "attributing an organic nature to history" (Despland 2005: 19-20, 28). For Ndofirepi and Cross (2016:17) beliefs, practices and thinking passed down, inherited from the past makes up tradition. Tradition provides guidance, organisation and regulation to culture adding meaning to lifeworld's where society makes a great effort to convey cultural heritage to the younger generation facilitating social solidarity (Ndofirepi & Cross 2016:17). This evident in the feedback from research participants alluding to village practices passed down to children.

Modernity is further reflected in relation to processes linking it to shaping the post-war world; "industrialisation, urbanisation, the rise of mass communication, the increasing commodification of cultural life, new forms of imperialism, creation of the global economy, and the worldwide dissemination of mass culture" (Grieve 2005: 272). Per Posel (2011:343), modernity is a globalising cause "exporting western notions of rule across other parts of the world." The modern typifies western origins, progress and development (Ndofirepi & Cross 2016:18). Modern society inherits tradition where modernity is not always a rejection of tradition, but rather these two philosophies are complementary where the one develops from the other (Ndofirepi & Cross 2016:19). As argued "tradition as a passive ontological essence will evolve into modernity" (Grieve 2005: 271). As such and in distancing from the assumption that a dichotomy exists between tradition and modernity, it is apparent that the two are "co-mingled, pragmatic, world constructing logics" (Grieve 2005: 270). Whilst this is ideal, in context it appears that tradition and modernity may have an uneasy relationship. It is therefore important that African perspectives are defined by reflecting on the past (Ndofirepi & Cross 2016:19).

6.2.2 Influence of the South African context

Reflecting on the history of SA enables a view of how occurrences influence culture and tradition. It is posited that the colonial era saw culture as a quality possessed by the "civilized" reinforcing difference between the Europeans and South Africans (Sher & Long 2015:453). Following this, culture became connected to anthropological notions such as tribalism, innate customs, beliefs and behaviours where these conceptualisations were harnessed to justify segregation in SA (Sher & Long 2015:454). The description of people in SA defined by ethnocultural differences socially and politically fragmented black South Africans limiting their capacity to stand up against white oppression (in Sher & Long 2015:454). Although constituted historically, "cultural traditions" legitimacy is grounded in the fact that it is unique, ancient and authentic, therefore worthy of preservation (Sher & Long 2015:456). Denoting from Sher and Long (2015:456), cultural structure provides a foundation and "rootedness" where losing this connectedness may have a destructive effect on some. This may contribute to why and how tradition is still very much alive in the research community. Evident in responses such as "we will never stop growing ganja" among other observations where tradition is upheld.

It is documented that claims to protect traditional cultures by the colonial regime was used to justify ethno-cultural separatism[17], with resistance ideologies capturing "traditionalist imagery" emphasising the immutable cultural history connecting modern Africans to pre-modern ancestors further stressing unity among African people (in Sher & Long 2015:456, 457). It is apparent that unity among the research community exists in a modern state where the values of *Ubuntu* permeate throughout.

In observing the history of the former homelands and the present-day similar nuances of economic deprivation, poverty, and marginalisation[18] surface where tradition can be seen to bind and connect the research community to a traditional goal in a modern state. Contextually then,

[17] The justification of ethno-cultural separatism is specifically linked to the homelands policy designating distinct homelands based on "cultural traditions" and "ethno-cultural identity" (in Sher & Long 2015:457).
[18] Local needs and the pressures faced to address the situations in the former homelands are justified and blamed on past policies, making it politically comfortable for the government (Hadju 2006:53). Could this comfort be attributed to the inefficiencies of programmes, implemented to address the injustices of the past?

economic development, growth and freedom is an age-old goal that remains to be realised (its achievement in conflict with current legislative frameworks [governing cannabis]).
Historical occurrences have seemingly influenced many practices evident in the research community. Migration to the urban areas for better opportunities still exists where the goals of African liberation in the research community is yet to be achieved especially as it relates to equal rights under law and economic development. Goals of liberation are futile in the face of poverty and structural exclusion (Howell 2019:102). In reflecting on the cannabis legalisation debate, the research community has not been afforded equal rights under law, neither are they included as beneficiaries in the cannabis economy, notwithstanding the levels of poverty experienced here.

Emanating from the discussion it appears that tradition has somewhat morphed into modernity, albeit contemporary legislative frameworks that are perceived to be in contrast with traditional practices. Here the law's implementation in a modern state seemingly still reflects apartheid ideologies. The same may be said when observing economic development as a key principle of Africa's liberation. Despite living in a modern world, the modernity experienced in the economically mainstream parts of SA versus that experienced in the community differs. This may be one reason why “white people” and those from urban settings are perceived to “give more” and pay more for cannabis.
In agreement with Rossouw (2017:112) tradition and modernity, both exist in many guises. It is postulated that most socio-political questions related to post-apartheid SA follow the roots of the tense relationship that exists between modernity and tradition present in SA (Rossouw 2017:111). The marked instability of the post-apartheid era further saw the rise of a renewed traditional consciousness (Rossouw 2017:112). Tradition has become more than just about village practices but also connects to identity, culture and sense of belonging. Nuances are seen in the narrative emerging from research linking cannabis cultivation to the community culture sharing how the crop spraying forays by the SAPS destroy the community's ability to teach children about the village practices. A disconnect between the roles as well as actions of government and how these enable or disable communities to attain goals including upholding tradition seemingly exists. These goals may include embedding aspects of culture and tradition so that the next generation remember their roots and heritage in a modern state.

When honing in on the research community, cannabis cultivation as a traditional practice has become more important with time. This may be so for various reasons such as; that times have changed (modernity), but the circumstances in which the research community live have changed disproportionally and minimally providing the drive for economic freedom. Most growers are older which may lead one to locate their motivation for growing and farming cannabis in their need for economic freedom, to provide for the youth (their children) to receive an education enabling them to participate in the mainstream economy moving upward out of the poverty conditions they continue to find themselves in almost 30 years since SA became a democracy. Cannabis farming as a traditional farming practice in existence for many generations holds much meaning today for these reasons among others.

Poverty, too as a contributing factor encourages the traditional practice of cannabis cultivation to continue as it provides a safety net that supports farmers and their families socially as well as economically, however, this practice is limited by the law. The changing legislative context of cannabis in SA does not change these limitations for the betterment of the farmers. The cannabis legalisation debate in SA remains largely silent on cannabis cultivation by rural farmers and as such appears to exclude them completely. From this view, modernity may be perceived to threaten tradition, but tradition prevails; cannabis cultivation continues despite laws. Politics then (i.e. the drug laws) may be perceived to interrupt the traditional way (Despland 2005:23).
What this may show is that a tension exists between what post-apartheid policy (the Constitution) has set out to achieve versus what has been seen to be achieved in the research community. The practical implementation and tangible impact on communities have not seen much rewards where ideologies of apartheid continue to pervade modern thought. This is seen in the prohibitionist approach to cannabis and its ignorance of the relationship and meaning cannabis holds in the research community. It is this traditionalist thinking that impacts the farmer's inclusion in a modernist legalisation debate maintaining marginalisation, segregation and inequality.

Could this be a tension between tradition and modernity or a tension within modernity itself? For Posel (2011:343) the apartheid project too, was a modernising one. Considering the above, post-apartheid too becomes a modernising project, anticipated to correct the injustices of a traumatic

history. Post-apartheid described as the construction of a modern state commencing as early as 1995 (Cuthbertson 2008:295). The notion of a modern state is attributed to the “consolidation of political legitimacy, economic growth” and “social benefits” which to date has been uneven (Cuthbertson 2008:295). This is evident in the research community and seemingly the fillip for cannabis cultivation among other activities that yield an income, support economic growth and as such economic freedom. The uneven distribution of the modern state philosophy here is attributed to the African National Congress's (ANC) focus on “representivity” rather than government efficiency, opting to implement a short term strategy instead of building human capacity over the long term (in Cuthbertson 2008:295).

6.2.3 Tradition and modernity in the research community

Regardless of the political incongruence to a modern state philosophy, cannabis cultivation is as much a part of tradition and culture today as it were many years ago for the research community. Literature and research data show that (cannabis) cultivation follows the same practice today as seen in African history, where cultivation occurs in the garden (Du Toit 1975:93-94). Tradition as an important part of the culture here, provides the foundation for practices that exist today or in some instances has informed the continuity thereof. As the cultivation of cannabis, as a traditional practice evolved so too has the ontological meaning it holds here.

First suggested as a practice mainly performed by men (Kepe 2003) to one where the vital role of women is slowly gaining recognition. Supported by literature, women are the main producers, but their roles remain largely unrecognised (Raidimi 2014:10). A key informant confirms that women in Pondoland predominantly do the farming. It is documented that farming households are female-headed due to males leaving to find employment (Pienaar & Traub 2015). As shared by the research community, traditional roles do not apply, however from observation traditional roles remain (i.e. the male remains the authoritative figure), but may have evolved in modernity where females are acknowledged for their contributions, although implicitly.

This may present a further tension between tradition and modernity because although females are the main producers, the male is still regarded as the one with decision making power. Here, it can be argued that the traditional ideologies about gender domains require a shift to reflect and

acknowledge the role of women where modern ideologies promote gender equality at all levels providing women with equal power as well as equal opportunity.

The role of women in farming is highlighted in many articles (Farmer's Weekly 2016, Agbiz 2018, SOFA & Doss 2011). It is outlined that women play a crucial role in agriculture and the rural economy, however, face many challenges (SOFA & Doss 2011:1). These challenges are echoed by Farmer's Weekly (2016) and Agbiz (2018), pointing out that the transformation in the sector has been slow, limiting females to "own" land. Legal and cultural barriers play a role in restricting the full participation of women in the agricultural sector (Ugwu 2019:5-6). It is noted that in Africa the majority of small-scale farmers are women where only 20% are recorded to own land globally (Ugwu 2019:1, 4). Despite their varying roles in agriculture, evidence shows that women are often paid less than men; this trend is said to be mainly in sub-Saharan Africa (SOFA & Doss 2011:1). Reference is made to the gender disparity that exists as well as the fact that it is critical to tackle these disparities and include women to inform policy relevance and planning (SOFA & Doss 2011:1). From this viewpoint, the role of women in cannabis cultivation and the village should not be ignored, despite patriarchal (and traditionalist) ideologies.

It was Kepe (2003:609) that documented cannabis growers as mainly "*abadakisi bentsangu*" (people who grow to trade) noting that established growers invest effort in growing cannabis as part of their livelihood strategy locating their operations in the forest best suited to hide plantations from law enforcement and prying eyes. As we now know females too are involved in cultivation and the commodity chain. Traditionally as well as contemporarily, Kepe's (2003) reference to growers can be confirmed where the culture of bartering cultivated crops appears commonplace. The deduction is that the majority of the crop is sold, but crops are also used to pay for assistance on the farm. It was Du Toit (1975:94) that referred to cannabis as a commodity used to buy anything. The ontology of cannabis extends to the healing and medicinal aspects as recognised by research participants and this too is supported by literature. Its uses may extend to personal consumption where there are cultivators that smoke cannabis, there are those that solely trade with cannabis and those who use it for other purposes (i.e. healing *inter alia*) (Kepe 2003:609). These distinctions became apparent in the research field, albeit smoking cannabis (as a traditional practice) was not explicit in the research community. The deduction made here is that smoking

cannabis forms part of a belief system where the belief is that it brings one closer to higher powers like gods and ancestors.

From research findings it appears that the younger generation tends to be the ones who influence tradition with modern thought such as linking cannabis to crime and madness. A study done by Niveau and Dang (2003:115) suggests that this may be true as cannabis may play a role in the development of violent behaviour. Another study found that cannabis use does not seem to contribute to the risk of criminal involvement, but an associated risk may be that one may end up with a drug-related criminal charge (Pedersen & Skardhamar's 2009:116). It is postulated that cannabis' contribution to crime and violence, unlike other drugs, is relatively low and is unlikely to significantly contribute to "overall levels of violence" (Shaw et al 2016:14).
These views (of cannabis' links to crime) by the younger generation are arguably influenced by contemporary systems like the education system[19]. How and why these varying views show up in the research community may be explained when honing in on the generational cohorts.

Trends in opinion related to the legalisation of cannabis highlight how "societal mood or forces" can shift attitudes and how these forces may differentially influence people at different ages (Pew Research Center 2015). It is posited that young people (Millennials born after the 1980s) are far less likely to engage in politics because they are deemed less informed or feel there is less at stake in political or policy debates. This may explain why a junior participant in research appeared to be comfortable with the status quo (cannabis) operations and the current legalisation debate, provided that cannabis remains open to cultivating for an income thus holding a significant economic value, but negative societal value (link to crime and madness) given the experience among peers. As individuals get older, the level of engagement with politics increases (Pew Research Center 2015:4). This describes the life cycle effect (Pew Research Center 2015:4). For the senior participant (Silent generation born 1928-1945) linking cannabis to crime, the least support for cannabis legalisation was found proposing that all things (alcohol and cannabis) are prohibited. This view appears to be a key trait of the Silent generation noted to be conformist and civic-minded (Pew Research Center 2015:3).

[19] In SA the life orientation subject included in the education curriculum is noted to include aspects on illicit substances portraying cannabis as a social evil.

Other variables such as gender, education and population may be considered as contributing factors too further noting that political, societal and economic changes contribute to different formative experiences by generations (Pew Research Center 2015:1, 8). In reflecting on these variables, a better understanding of generational differences may be garnered.
It is posited that the meaning cannabis holds for individuals in the community are influenced by factors such as these. For example, the Silent generation may have seen and experienced enough (i.e. lived through the world war, colonialism, apartheid *inter alia*), therefore choosing to conform to the law. The Baby Boomers (born 1946-1964), as well as the Generation Xers (born 1965-1980), are more optimistic[20] seeing the possibilities and opportunities of cannabis (cultivation and legalisation), albeit the impediment to opportunities frowned upon (potential of elite capture *inter alia*). The Millennial generation views cannabis in an arguably more contemporary way, perhaps as a result of more access to the mainstream economy, greater exposure to the education system and information. These converging views show how traditional thought can contrast with modern thought as a result of these factors above shaping lifeworld's.

Despite converging views, it is clear that traditional and cultural practices are alive in the research villages and that cannabis cultivation adds economic value here. This includes customary practices and governance by chiefs. The Chief's presence was visible in one of the villages and as indicated access to one village was negotiated via the Chief, who required a thorough introduction to research. Traditional leadership is active in communities and is noted to be an invention by the colonial authorities (Myers 2008:77). The survival of traditional leadership connects to the 1980s where many traditional leaders organised themselves into the Congress of Traditional Leaders of SA (CONTRALESA) seeking to align with the alliance led by the ANC (Myers 2008:77). In so doing, they renounced their anti-apartheid credentials articulating a version of history where instead of being accessories of colonial and apartheid oppression, they associated themselves as custodians of indigenous political and cultural autonomy who through resistance forced the accommodation of traditional African institutions (Myers 2008:77). A greater reason for the survival of traditional leadership is posited to be attributed to the notion that the ANC feared crossing them, this borne out of their experience in Mozambique during exile seeing efforts to contest the traditional leaders authority, contribute to the civil war (Myers 2008:67-69). Per Myers

[20] This aligning to the characteristics of these cohorts (Pew Research Center 2015).

(2008), the “mask endures” in that in many parts of SA traditional leadership remains established in local power, along with the implications it may have for people in these settings to access rights promised by the post-apartheid Constitution (Myers 2008:67-69). The alignment of traditional leadership to the ANC is postulated to improve the national party's electoral performance (Holzinger, Kern & Kromrey 2020:975). Traditional political institutions are noted to co-exist with the institutions of the state where ethnic groups organise their political decisions, conflict resolution or land rights via these traditional institutions (Holzinger et al 2020:973) led by traditional leaders.

From research in Pondoland decision-making institutions in the village is illustrated, noting that decisions are debated at open village meetings, each village has a village committee, a headman as traditional leader, sub-headman and Chiefs that rule over several villages (Hadju 2006:122). A key informant notes that traditional systems are effective and respected in communities with a long-standing history. Reference is made to the traditional courts that deal with minor and serious crimes, that may be referred to law enforcement or the “western” courts. One could assume that this system comes with its challenges in that the traditional leader (influenced by village elders) is the accountable presiding officer. Moreover, the objectivity of a case could be influenced by many factors, e.g. relationships with community members in the case, or external pressures to conclude cases in a limited time frame. These may contribute to the voices of some being silenced or unheard and has the potential of elite capture, where only some (connected elite) benefit from a ruling or resources, i.e. land disputes and land rights, leaving others further marginalised. These are among the tensions that may exist between the traditional role of the traditional leader and how their role has evolved in a modern state which may be in contrast to their perceived obligations by the people, for the people.

Further challenges with traditional leadership are highlighted noting that the affairs and institutions of traditional leadership remain in the periphery of development resulting in the marginalisation of traditional leadership to meaningfully influence policy as well as programmatic development (Kanyane 2017:212-213). Moreover, traditional institutions are not accountable to strategic community development mandates, but only the three levels of government are, thus traditional leaders are in less important positions (Kanyane 2017:213). That said, it is argued that

traditional leaders contribute to their marginalisation and peril by pursuing a "maintenance agenda" instead of developing communities (Kanyane 2017:213). Living through the experiences of colonial and post-apartheid regimes, it is argued that traditional leaders are caught between tradition and modernity, role clarification, parallel administrations and court battles (Kanyane 2017:213). It appears that the TCB and the TKLA attempt to remedy this, however, the power invested in traditional leaders is among the challenges raised with these legislative frameworks. For example, conflict may arise when one explores land tenure and the current customary practice regarding land in rural communities. As research data suggests, land is *de facto* owned, allocated by traditional leaders, the same traditional leaders, that through legislative frameworks such as the TCB and TKLA, hold the power to make decisions that impact communities. *De facto* tenure does not confer individual ownership by rural farmers and as such "may be subject to arbitrary deprivation" by "corrupt traditional leaders" (Hull et al 2019:4).

6.2.4 Conflicts between customary and constitutional laws

What this shows is the tension that exists between traditional and or customary[21] frameworks and constitutional laws which is not unique as there are many examples in SA that highlight similar conflicts such as the customary practice of circumcision in SA with the view that this customary practice encompasses health harms and is in conflict with human rights (Nqeketo 2008). Contextual examples of this conflict can be seen in the TKLA that grants power to traditional leaders to make decisions about communal land, allowing leaders to enter into agreements with investment companies without the consent of the community/individuals whose land "rights" are directly affected (Pikoli 2019). Arguably, this is a major contributing factor to the potential of elite capture by traditional leaders and alike. As reflected in Kanyane (2017:213) traditional leaders may want more than just being government employees, aiming to improve personal livelihoods at the expense of their people and the village. Ideally, traditional leaders can support ward councillors to fulfil developmental goals, although this is currently not the case in practice where this relationship has proven to be problematic (Kanyane 2017:216).

[21] Customary law is described as a set of rules influenced by tradition evolving as the context dictates, that in a legally pluralist system like in SA is upheld by the Constitution with equal status to common law (Hull, Babalola & Whittal 2019:2).

Pikoli (2019) implies that traditional leaders are controlled by parliamentarians. Could the enactment of the TKLA be influenced by political gain, seemingly similar to the case of cannabis legalisation? In observing the mining industry, it is argued that the industry and the government view it more important to include the "politically connected elites" to benefit from profits rather than develop an inclusive regulatory system that protects and provides for oversight by the vulnerable (The Land and Accountability Research Centre (LARC) 2018:5). Would traditional leaders include the farmers of the land in investment opportunities if billions are predicted to be made from cannabis or will they sign deals for land, that the farmers have cultivated for decades occupied as per the PTO system, to the benefit of themselves, cutting the elites in on profits? The Interim Protection of Land Rights Act (IPILRA) of 1996 stipulates that the consent of the landholders must be obtained when signing deals that affect informal land rights (LARC 2018:2). Moreover, it is noted by LARC (2018:2) that IPILRA protects the occupation and use rights exercised by the community or individuals as well as "access rights to grazing land by sub-groups or sections within" the community. Notwithstanding this Act, the alleged encouragement by government departments to sign multi-billion deals with traditional leaders is highlighted by LARC (2018:3), noting that deals are legally precarious on many grounds.

The urgency to implement the Traditional Khoisan Leadership Bill (TKLB now TKLA) was to "provide a veneer of legality" and respond to the legal challenges that emanated from precarious deals (LARC 2018:3). The basis on which deals were precarious is rooted in the fact that clause 24 of the Act, which provides traditional leaders with the power to sign deals, binding those whose land "rights" are directly affected, without consent, was not enacted. This placed the Minister of Rural Development and Land Affairs as the "nominal owner of land" with the authority to sign surface leases after obtaining consent. These legal challenges question how government and corporates have abrogated IPILRA, enabling traditional leaders to sign deals without monitoring and evaluation by the state as required (LARC 2018:3). This "modern" practice seemingly forgoes the principles of tradition as well as Ubuntu and may show how tradition can be manipulated to the advantage of the connected elite.

The TKLA builds on Bills, such as the TCB (LARC 2018:1), and is said to strip the power from the community, placing it in the hands of the traditional leaders, reinforcing patriarchy and

principles of apartheid (Pikoli 2019). Legislation, such as the TKLA (a Bill at the time) and TCB, reverts to segregated legal systems and segregated property rights, returning to tribalism, which contradicts everything that was fought for to abolish apartheid (LARC 2018:5). The TCB is argued to be in conflict with the Constitution of SA, politically motivated, to gain the political support of traditional leaders (Van Dalsen 2019). It is posited that cannabis legalisation, if not inclusive, could reinforce structural inequality, having land captured by the elite to the benefit of the politically connected, further marginalising rural cannabis farmers. Thus, heightening the conflict between the traditional practice of cannabis cultivation that in modernity has increased in value and meaning for farmers, where inclusion is impeded by current laws and the cannabis legalisation debate maintaining inequality.

In a modern state, legislative issues such as these above would most likely be dealt with by the National Council of Province (NCOP), that according to Fessha (2019) is mandated to represent provincial interests and is a platform that can serve as a second chamber ideally placed to deal with legislative intergovernmental relations. Institutions such as the NCOP, if stable play an important role in effecting political freedom thus may promote economic growth. When these institutions are lacking as in most developing countries, these countries become vulnerable to shocks that often may be a factor contributing to economic and political instability (Xu & Li 2008:185).

In analysing minutes from the second chamber, the PMG reports, news articles, and secondary literature Fessha (2019:16) outlines that the provincially focused concerns and legislative amendments expressed by the NCOP are absent. The poor performance of these institutions and lack of political stability can be associated with poor economic outcomes promoting “rent seeking” and corruption limiting economic growth (Bashir & Xu 2014:59). The NCOP has not fulfilled its role for many reasons (Fessha 2019). One factor is that most Bills affecting provinces are introduced to the National Assembly first, limiting meaningful interaction with the Bill by the NCOP, which arguably succumbs to “political pressure” to pass the Bill (Fessha 2019:17). Moreover, the domination of the NCOP by executive intergovernmental relations, i.e. the ANC, ruling government party in SA, inferring that provincial politicians may be willing to “toe the lines of national departments” limiting scrutiny of Bills (Fessha 2019:17). It is when partisan politics dominate, Fessha (2019:18) argues, that the NCOP will be driven by the political rather than the

territorial element, resulting in the disregard of issues raised and proposed amendments that reflect subnational concerns. The absence of raising these concerns illustrate that the NCOP is failing in relaying a voice for the provinces in SA (Fessha 2019:18) and as such may contribute to the potential of elite capture. These voices include those from communities, like the rural farmers in Pondoland and South Africa more broadly that will be affected by cannabis legalisation. It is their voices that are largely silent, and it is the voices of the research group that this research hopes to elevate (including the need for further research) emphasising their inclusion, so as to inform and influence progressive, sustainable cannabis legislative processes. It is the traditional cultivation of cannabis in these rural communities as well as the meaning cannabis holds here that requires acknowledgement in a modern state, supported by a strong political and economic institution like the NCOP.

6.3 Concluding thoughts on emergent themes

Embedding data into context has enabled a critical review of the rural subsistence farmers' perceptions, needs and concerns related to cannabis legalisation and the legalisation debate. Their exclusion, marginalisation and voiceless-ness are highlighted as key factors to be remedied as the legalisation debate in SA evolves. These factors underlie the tensions emerging further demonstrated in the varied views expressed.

Farming is key to sustainable livelihoods as well as economic development in the (researched) rural community. The diversification of agrarian activities exists, where cannabis is the main crop, supplementing the bulk of income. Cannabis is highly valued and has been farmed for many generations. It is part of the culture and is a common practice in the community. Cannabis cultivation has become more than simply a livelihood activity, but one that provides a safety net and supports the attainment of economic freedom here. It is key to livelihoods and economic growth, albeit the current practice of cannabis cultivation is in contrast with the need for political freedom.

The repercussions of poverty are still evident in that the community is faced with barriers such as access to resources, and opportunities for upward mobility, but harshly treated as criminals by

police and the criminal justice system. Their experiences have heightened their mistrust in the state not living up to the promises of the Constitution, as very little progress has been seen to date arguably influencing the polarised, varied views expressed regarding legalisation highlighting the tension between two freedoms as well as the conflicts that exist between tradition and modernity for this research group. The role government has played to date is recognised, however, as noted by Senyolo (2007:10), the impact on rural communities is limited.

What is ironic is that master plans are being developed, legislation is being reviewed, but none have been done in collaboration with the rural cannabis farming community. This in itself is an example of how modern practices seems go against the stated objectives of a modern state.
A very brief history of SA was sketched in an attempt to show how these occurrences impact the emerging tensions and further where these tensions connect. Poverty and continued marginalisation automatically exclude the rural farmers from participating in matters that would have an immense impact on their livelihoods. Those who will probably be impacted the most by legislation seemingly have the least amount of say in how legislation should change and be enacted.

Key to the research, understanding the perception and view of cannabis legalisation in the research community, as well as the impact of legalisation on the continued production of cannabis, was sought. The key finding shows that views and perceptions are varied, rooted in uncertainty as a result of prohibition and legalisation and what it could mean for the farmers.
Research findings show that the community wants to engage and be engaged around cannabis legalisation, sharing their views, needs and perspectives to inform and co-create legislation that leaves no one behind. Why this has not happened to date remains unanswered, despite various opportunities to do so. One argument could be that this group is viewed homogenously as rural cannabis farmers, where strategies employed for rural development addressing poverty and marginalisation apply across the board, despite this being a fallacy, as documented (World bank 2018, Triegaardt 2006). Another argument is that their exclusion is influenced by a political agenda, with the potential of elite capture, leaving the rural farmers further marginalised. Whether either argument or both holds, their inclusion in the debate is critical to affecting the needed shift from current draconian policy to one founded in human rights and harm reduction thus changing

the landscape of drug prohibition for the betterment of all role-players. One would hope that the opportunity to affect a paradigm shift is realised and as such alleviate some of the tensions that currently exist for this research group.

7. CONCLUSION

This thesis endeavoured to uncover and describe the cannabis farmers' perceptions as well as needs around the cannabis legalisation debate to determine if they are for or against legalisation and why, as well as what they perceive as the direct and indirect impacts of cannabis legalisation on their continued production of cannabis. To examine and explore this phenomenon, an ethnographic exploration was conducted in two Pondoland (EC) villages. The review of literature, along with the methodology employed, enabled conclusions to be drawn.

Encompassed in the literature review, I aimed to sketch the history of cannabis in Africa and SA, its prohibition as well as cannabis economics in the contemporary. Scholars concur that cannabis is an important cash crop in impoverished rural areas cultivated to supplement an income (Kepe 2003, Potter 2006, Carrier & Klantschnig 2016) as well as provide a safety net (Hadju 2006) providing opportunities for economic development. It is posited that larger profits are made further along the commodity chain, i.e. the grower and dealer are lowest paid and wholesalers earn more (Legget 2001, Goga 2014, Carrier & Klantschnig 2016). Prohibition is stated to be a catalyst expropriating the wealth of poor farmers (Blackwell 2014).

As we now know from reviewing the literature, SA was the frontrunner in seeing cannabis included in the list of narcotics as a dangerous substance in the League of Nations International Opium Convention of 1925. Following this, cannabis controls deepened globally, rooted in a draconian "war on drugs" approach, fuelled by racialised notions (Chattopadhyaya 2019, TDPF 2014, Crampton 2015, Paterson 2009). The re-enactment of unchanged prohibitions increases segregation between South Africans from different cultures and backgrounds (Crampton 2015), maintaining inequality and marginalisation (Shelley & Howell 2019).

Following this frame of reference, and supported by literature, the rural farmers are largely silent in the cannabis legalisation debate. Moreover, the literature fails to demonstrate the inclusion of the rural cannabis farmer in the Pondoland region of the former Transkei and the people-cannabis relationship here. The cannabis legalisation debate discussion highlights the exclusion and near-total silence of the rural cannabis farmers where the scale of farming in SA is yet to be known

with estimates suggesting there are at least 900 000 cannabis farmers to consider. In observing the legalisation debate, the varied policy positions are noted. The legislative journey of cannabis in SA is outlined, depicting the journey to date. It is postulated that cannabis policy is not a binary choice and that there is no single version to legalisation or prohibition (Caulkins et al 2015, Nadelmann 1992), suggesting that context should inform policy. Scholars (Mabee 2019, Kepe 2003, Khan 2015, Nadelmann 2007) argue caution, suggesting that farmers could be outcompeted by the elite. From this discussion, confirming Carrier and Klantschnig (2016) the mainstream economy is seemingly structured in a way that excludes the rural farmers, their exclusion compounded by the apartheid and colonial ideologies that still exist today. Their voiceless-ness and silencing experienced are further described followed by unpacking the methodological framework employed in chapter four, outlining the ethnographic-exploration approach to garner the views, needs and perceptions around cannabis legalisation. Are they for or against it and why? What are the perceived impacts of legalisation on their continued production?

Emanating from this research journey, the final chapters are dedicated to sharing findings and making sense thereof in context, although cannot be generalised to one understanding, highlighting that efforts to garner more rural cannabis farmer voices are needed. The argument posited is one based on the notion that the researched rural farmers views will be influenced by their experiences and informed by what is important to each. Their needs become a product and function of what they prioritise. It is clear that the rural farmers are not homogenous, this evident in the diverse views and needs shared showing up as tensions as I take a deeper dive in ascribing meaning to the narrative. The tensions emerging show how the role of cannabis in the research community is ambiguous. One, it provides for economic growth illicitly cultivated for many generations embedded as a traditional practice. Two, it hampers political freedom as its continued cultivation involves risking arrest. At the same time cannabis' illegality is implicitly acknowledged to keep prices high where the potential of legalisation is perceived to impact prices so much so that the effort involved with cultivating cannabis is no longer worthwhile. On the other hand, legalisation may open up opportunities to expand current operations thus increasing cannabis' economic utility and viability aiding economic development. Economic freedom is the driving force here and at present, the desire for political freedom goes against this aspiration. The views

on legalisation in itself is ambiguous. So too is the perception of modern policy with traditional practice where sites of conflict are observed.

Cannabis farming is confirmed as a practice that is part of the culture in these communities, despite its illegality. This conundrum, although contested, reflects the conflict between customary and constitutional laws. The tension between tradition and modernity can further be seen in modern policy which may be to the detriment of rural farmers where power resides with traditional leaders to make decisions over land tenure for example. This notwithstanding the argument that tradition and modernity are complementary regarded as co-mingled. The implementation of current legislative frameworks is further seen to place impediments on passing down teachings of culture and tradition to the next generation. These frameworks are further perceived to limit economic development which may motivate underground operations.

I reflect on the history of SA and the journey toward becoming a democracy that influences the tensions experienced here. I attempt to provide an understanding of why and how the desire for economic freedom and political freedom is a priority in context, the one seemingly more so than the other. I argue that ideally, these freedoms should coexist and seemingly this is not an impossible task but will require strong political will to holistically as well as inclusively address cannabis legalisation. This alone is not the solution to realising both freedoms, there are several reflections on SA's traumatic history and the failure of post-apartheid that will require attention. It is, however, an opportunity for redress. In failing to holistically address the developmental ills of a post-apartheid state the realisation and coexistence of the substantive freedoms hoped for here presents a paradox.

Almost 30 years into a democracy, the research community has not yet fully been part of redress, but witness to the possibilities of elite capture instilling fear of exclusion from the cannabis economy. Their exclusion has precipitated the level of uncertainty, mistrust and fear; fear that the value of cannabis will be affected if legal; fear of being outcompeted by big corporations; fear of the law enforcement response (legal coercion); fear of continued poverty and marginalisation. These factors provide the impetus for the continued cultivation of cannabis on a journey toward becoming economically free regardless of the risk, albeit levels of unemployment and poverty that

may impact access to substantive freedoms. The majority of participants reported their continued production of cannabis, whether legalisation is realised or whether prohibition remains.

Cannabis cultivation has become more than simply a livelihood activity, it is about sustainability and continuity leaving a foundation for the next generation to move upward out of poverty. So far, however, it appears that policy and planning continue to be done at a high level (seemingly structured against the farmers), by people that are far removed from the realities of the local rural cannabis farmers and the people-cannabis relationship here.

By fostering inclusion, uncertainty may be minimised, policy is co-created and transparent reducing mistrust in the state to garner more support for legalisation. The rural farmers almost need some type of assurance that legalisation will not impact their economic development, that other opportunities such as employment will be made available acknowledging that cannabis alone is not the panacea for rural development, guarantees of full market participation, avenues to access resources, and to expand on networks as well as current operations to "grow more" and "sell more to make more money." Rather than being witness to promises that have yet to be realised and seeing the cannabis economy in SA capitalised by the elite upheld by (state) corruption. It is the local voices that can influence the approach to legalisation, repealing current policies that have evidently failed, thus migrating to a progressive, holistic, integrated legislative framework.
If legalisation threatens livelihoods and economic development, and (the legalisation debate) continues to exclude the rural subsistence farming community's views, needs, concerns, alternatives, and suggestions, thereby maintaining inequality and marginalisation, support for legalisation will be tainted, much like that seen in current legalisation debate, and the tensions observed in research thus fuelling the continued production of cannabis in the illicit market maximising profits risking political freedom, upholding traditional practice in modernity.

The hope is that a greater awareness from government is ignited to recognise the people-cannabis relationship here. It is an opportune moment to tap into the voices of rural farmers. This is critical to the cannabis legalisation debate. It is their voices that must be amplified, truly listened to and heard, which, coupled with strong political will, should enable effective, informed, holistic,

integrated, progressive, inclusive and sustainable cannabis legislation. In so doing, the *pot of gold at the end of the* (post-apartheid) *rainbow* may be more than just a dream.

7.1 Policy implications

Policies should be supportive to open up "viable niches" for small-scale farmers (Kirsten & van Zyl 1998:560). Policy addressing commercialisation should be tailored to the needs of different categories of farmers, as programmes that may apply to a certain category of farmer in a particular context may not be applicable for another (Senyolo 2007:89). Policy, practice as well as resources should enable the empowerment of the community instead of breaking down livelihoods, encouraging individuals to enhance their capabilities, know their rights and become part of a solution (Hübschle & Shearing 2018:35). It is suggested that programmes follow a multidisciplinary approach, targeted at multifaceted challenges. Clear definitions (of small-scale farmer, emerging farmer, cannabis market, non-farm activities, *inter alia*) must be established and agreed upon to inform policy appropriately. Policymakers should carefully plan and consider controls to yield maximum benefits and cause the least harm, developing the most appropriate regulations related to the context (TDPF 2014). It is imperative that law enforcement officials are capacitated to implement policy effectively upholding the principles of harm reduction. Accountability can be achieved through the establishment of inclusive institutions, one that is not influenced by an elitist or political agenda with the authority residing within the local community (Hübschle & Shearing 2018:35). The community, including women and the youth, should be consulted in a participatory manner, strengthening their voices as equal partners.

7.2 Directions for future research

An opportunity to expand on this research study exists so as to include a larger cohort of rural cannabis farmers across SA to hear more voices and increase representivity to corroborate findings and inform how farmers view legalisation, the cannabis-people relationship as well as their views on how legalisation can be supportive to leave no-one behind considering the local realities to tailor policy accordingly. This could be a first step, that will require a strong political will, promoting dialogue with citizens instead of limiting the debate to policymakers. Additionally,

further research should be explored to hone in on the socio-economic implications of cannabis cultivation in rural areas (Kepe 2003:606), as empirical evidence is scant. For future-orientated research, it is recommended to expand on this research study, delving deeper into the extent of cultivation (including legal and illicit production) and turnover to appropriately categorise the level and scope of farming in this region and broader SA. To bridge the research gap in determining the scale of farming in rural areas, Khan (2015:178) suggests that SA should partner with Brazil, Russia, India and China in the BRICS consortium to further cannabis research. It is further apparent that more evidence on the social, health and related harms is sought so as to inform policy development, educational practices *inter alia* and minimise harms where further research can support this. There is a further need for more empirical evidence on landrace strains, historic plant selection practices embedded in indigenous knowledge systems as documented (Duvall 2016, Rooke 2012) presenting opportunities for future research. It is through research that evidence-based approaches to drug policy can be strengthened increasing investment, prompting the shifts called for in practice.

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ADDENDUM A

INFORMATION SHEET

Title of the research project:

An ethnographic exploration of rural-subsistence cannabis cultivators in the Transkei, South Africa as it relates to the cannabis law and the current cannabis legation debate.

Introduction:

Hello, my name is Kelly Fortune and I am doing research toward a Master's degree at the University of Cape Town. I am a student and I am not a part of any law enforcement agency. I would like to learn more about your experiences with cannabis (dagga) as well as dagga farming and how you feel about the cannabis law in South Africa.

Research Project information/background:

I would like to have a conversation with you about the current cannabis (dagga) law and talks about cannabis (dagga) in South Africa as my research project aims to find out and understand the views, concerns and needs of the cannabis (dagga) farmer/ and the cannabis (dagga) community. It is your voices and concerns that are not heard. I am interested in finding out about how the cannabis (dagga) farmer, who makes a living from growing cannabis (dagga) and the cannabis (dagga) community feel about the current cannabis (dagga) law and talks, and why they feel that way. I am also interested in finding out what the cannabis (dagga) farmer and cannabis (dagga) community think about how/if the law will affect them.

For this research project I would like to talk with you, and people involved in the cannabis (dagga) farming community (such as community leaders, traditional healers, industry experts) by asking a few questions. The talk will be in the form of an interview and will be as long as you can/wish to talk to me. The talk will take place in a safe space that we agree too.

Voluntary Participation:

You will not be forced to talk to me (there will be no harm), it is your choice. If you don't want to talk to me, that is okay. If you decide to talk and change your mind you may walk away from the research project at any time without any cost to you. Your input and assistance in this interview and research project will be greatly appreciated.

Process:

For this research project, I will be talking with you. In the talk you will be asked a few questions so that I can get a better sense of the attitude, feelings around and about cannabis (dagga) farming, the cannabis (dagga) law and talks (debate), and to better understand the experiences and views about the law as well as everything that is happening in South Africa about dagga. The talk should not take more than 60minutes of your time; it will likely be done before that and it will take place at a safe place that we will agree too. You are welcome to talk to me for as long as you wish.

During the talk I will make use of notes and I would like to tape record our talk. I will only record our talk if that's okay with you. If you are not okay with the tape recording the talk we will continue without it.

Anonymity & Confidentiality:

Your name will not be shown anywhere. Notes will be typed and codes will be used instead of names. All information provided will only be used for research and only I will have access to the information.

Research Data:

The information collected during this research project will be put into a research report. A summary/feedback can be provided to you if you ask. Tapes and notes will be typed and saved which will only be available to the researcher. Hard copies of notes will be thrown away.

Risks (potential) and Protection:

The talk will happen at a time and place where we are and feel safe; and where we cannot be followed and/ watched. Should risk appear and/or you feel unsafe during the conversation/talk, the conversation/talk will end immediately.

I am not doing work for, linked with, or have any relationship with any law enforcement agency or organisation in South Africa or beyond. The information you share with me will be confidential and anonymous as noted above, and nothing you say during the talk or conversations relating to the subject matter, either formally or informally, will ever be used by me or anyone else in a court of law for any reason whatsoever. You are encouraged to only share your views; concerns and needs of the cannabis (dagga) farmer, the cannabis (dagga) community and cannabis (dagga) law. You will not be asked to mention any names and information about illegal activity. I will take every care to ensure your comfort, protection as well as safety and I will uphold all research ethics.

*'If you have **concerns about the research, its risks and benefits or about your rights as a research participant in this study**, you may contact the Law Faculty Research Ethics Committee Administrator, Mrs Lamize Viljoen, at 021 650 3080 or at lamize.viljoen@uct.ac.za. **Alternatively, you may write to the Law Faculty Research Ethics Committee Administrator, Room 6.28 Kramer Law Building, Law Faculty, UCT, Private Bag, Rondebosch 7701**.'*

CONSENT FORM

Title of the research project:
An ethnographic exploration of rural-subsistence cannabis cultivators in the Transkei, South Africa as it relates to the cannabis law and the current cannabis legation debate.

I read, I was told and given information about the research project by Kelly Fortune (researcher). All my questions have been answered to my satisfaction.

I agree to participate in the research project.

I understand that my participation is my choice and that I may pull out from the project at any time without cost.

The potential risks of my participation in this research study have been explained to me. I understand the risks and acknowledge safety measures that will be put in place to ensure safety, protection and security.

I agree to the talk being/not being tape (audio) recorded.

I received a copy of this consent form and of the information sheet.

I am 18years or older and I am legally able to provide informed consent to join this research project.

Name of participant: ……

Signed at ……. on this…. day of ……20…….

Signature: ……

THANK YOU FOR YOUR PARTICIPATION IN THIS RESEARCH PROJECT.

ADDENDUM B

Individual Interview Guide

Profile Questions		
No.	**Question**	**Notes/Key Words**
1	What is your age & gender?	
2	What is your race or cultural identity (community membership)?	
3	Are you South African? What region/province?	
4	Are you employed?	
	Possible probing Question/follow up Question	
4.1	Where are you employed?	
4.2	Can you please describe your living conditions (standard of living)?	
5	Have you gone to school and did you finish school?	
6	Have you ever had problems with the police?	
In-depth Guiding Questions		
No.	**Question**	**Notes/Key Words**
1	Can you tell me about what you do and what happens on the farm?	
	Possible Probing Question/follow up Question	
1.1	How long has this been done and how long have you lived on the farm?	
1.2	What are the roles of those who work on the farm?	
1.3	Is farming how the community makes money?	
1.4	How do things work on the farm?	
2	What do you/community know about the drug laws (rules)?	
	Possible Probing Question/follow up Question	
2.1	How do these laws (rules) affect the farming community?	
2.2	What do you think about the current drug laws (rules) and why?	
3	Do you know about the cannabis (dagga) laws(rules) and police responses?	
	Possible Probing Question/follow up Question	
3.1	What do you/community think about it and why?	
4	If cannabis (dagga) should become legal, do you think it will affect the farming community?	

Possible Probing Question/follow up Question		
4.1	How and why do you think so?	
5	Can you tell me if you/community ever had the chance to talk about this?	
Possible Probing Question/follow up Question		
5.1	If so, can you tell me more i.e. how, when, who?	
5.2	If not, do you think that it is important for you/community to talk about it & why?	
6	Do you/community think cannabis (dagga) should be legalised?	
7	If you/community could make the cannabis law (rules), how would you do it?	
8	What are your/community concerns (worries) and needs around the changes in the cannabis (dagga) law (rules)?	
9	Is there anything further that you would like to share?	

Group Interview Guide (used as required)

No.	**Question**	**Notes/Key Words**
1	What do you/community know about the drug laws(rules)?	
2	How do these laws(rules) affect the farming community?	
3	What do you/community think about the current drug laws(rules)?	
4	Do you/community know about the cannabis (dagga) laws(rules) and police responses?	
5	What do you/community think about it?	
Possible Probing Question/follow up Question		
5.1	Are you/community for or against it and why?	
6	If cannabis (dagga) should be legalised, do you think it will have an effect on the farming community?	
Possible Probing Question/follow up Question		
6.1	Why and how?	
7	What would be the best way to legalise cannabis (dagga)?	
8	Is there anything further that you would like to share?	