



Comparative Analysis of Cannabis Legalization in South Africa and Zimbabwe: Trajectories, Commonalities, and Divergences

SIMON HOWELL

CLEMENCE RUSENGA

**Author affiliations can be found in the back matter of this article*

RESEARCH



ABSTRACT

The legalization of cannabis, a subject of significant socio-economic and legal interest, has prompted diverse approaches across different nations. This article presents a comprehensive examination of the legalization processes in South Africa and Zimbabwe, two African countries with distinct yet interlinked histories and socio-political contexts. Using qualitative interview data and documentary analysis, it provides an in-depth comparative analysis examining the unique pathways each country has followed in the legalization of cannabis, highlighting the commonalities, differences, and possible impacts on livelihoods and each economy. In South Africa, the journey towards legalization gained momentum following a landmark Constitutional Court ruling in 2018, which decriminalized private cannabis use and cultivation. This decision, rooted in rights-based arguments around privacy, ignited a broader discussion about the socio-economic benefits of legalization, particularly in the context of historical injustices and economic disparities. South Africa's approach has been characterized by a gradual, cautious transition, balancing public health concerns with potential economic opportunities in the cannabis industry. In contrast, Zimbabwe's decision in 2018 to legalize the cultivation of cannabis for medicinal and industrial purposes marked a significant shift, primarily aimed at boosting economic growth and diversifying agricultural exports. This move, while economically motivated, also reflects Zimbabwe's efforts to leverage cannabis as a strategic cash crop to boost the struggling economy worsened by western-imposed economic restrictions, maladministration and corruption, among other factors. The comparative analysis reveals both similarities and divergences in the legal frameworks, public discourse, and implementation strategies of cannabis legalization in these nations.

CORRESPONDING AUTHOR:

Simon Howell

University of Cape Town, South Africa

Simon.Howell@uct.ac.za

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This article presents a comprehensive examination of the legalisation processes in South Africa and Zimbabwe, two African countries with distinct yet interlinked histories and socio-political contexts. We argue that while both countries seem to move beyond prohibitionist policies and laws, they have pursued somewhat different pathways. In Zimbabwe, the path taken has principally been agrarian in nature and has focussed on production. In South Africa the focus is primarily on consumption and use. However, both countries experienced major shifts in cannabis policy in 2018, moving towards what others may refer to as ‘post-prohibition’ (Corva and Meisel, 2021). In South Africa, the journey towards legalisation gained momentum following a landmark Constitutional Court ruling in 2018 which decriminalized private cannabis use and cultivation. This decision, rooted in rights-based arguments around privacy, ignited a broader conversation around the socio-economic benefits of legalization, particularly in the context of historical injustices and economic disparities (Grooten, 2023). In contrast, Zimbabwe legalized the cultivation of cannabis for medicinal and industrial purposes in 2018 while continuing to criminalise unlicensed uses historically associated with illicit small-scale farmers, traders and consumers (Rusenga et al., 2024). This marked a significant shift, primarily aimed at boosting economic growth and diversifying agricultural exports (Tuinstra, 2023) in a struggling economy worsened by western-imposed economic restrictions, maladministration and corruption among other factors (Pindiriri, 2020). While South Africa continues to attempt to create a balance between the rights of illicit cannabis producers and establishing legal commercial markets, Zimbabwe’s legalisation process has little to do with finding alternative livelihoods especially for the illicit producers. Instead, the government wants to attract foreign and local investment into the country and promote the legal industry as a key economic sector (Rusenga et al., 2024b).

Despite the differing motivations for policy changes, reforms in both countries have had an impact on the socio-economic rights and livelihoods of illicit cannabis operators. In South Africa, the decriminalisation of cannabis (including for recreational purposes) has set up competition between illicit and licensed producers for supply of recreational cannabis markets (Grooten, 2023). In Zimbabwe, however, the continued ban on recreational cannabis, alongside the formal sector’s focus on export markets have preserved the domestic illicit drug market for them with negligible competition from legal producers (Rusenga et al., 2024). This allows illicit cannabis markets to continue supporting livelihoods in both rural and urban areas (Fortune, 2021) with income used for wealth creation and investment in food and other legal economic activities.

Beyond this however illicit cultivators and traders in both countries continue to be affected by drug policies in many ways. Most illicit cultivators and traders in both countries have limited participation in the legal markets due to high entry and production barriers (Bewley-Taylor et al., 2020). Even where small-scale farmers have managed to acquire licenses (Rusenga et al., 2024), production costs, regulatory and market access challenges have undermined their production and sustainability leaving the sectors at risk of corporate capture by local and foreign investors possessing better resources (Velez-Torres et al., 2021; Klein et al., 2022b). However, the prevailing complex economic conditions in both countries affect the legal sector’s growth, presenting economic difficulties even for agribusinesses.

With the above considerations in mind, in this article we first examine the history of regulation in both countries, before outlining the key drivers of change that have underpinned decriminalisation in both countries. With this in place, we draw on qualitative data¹ to highlight the current regulatory realities of cannabis in Zimbabwe and South Africa separately, before providing an analysis of the post-prohibition challenges that have made the regulatory shifts more complex than may have initially been envisioned. We conclude the analysis with some policy recommendations drawn from both countries that may find resonance in many African countries seeking to unlock the potential of cannabis in their respective economies.

¹ The article draws from documentary analysis and qualitative data from interviews with cannabis market insiders including illicit producers, traders and users, licensed producers, cannabis regulators and policymakers. Respondents were selected using purposive and snowball sampling, enabling the researchers to gather relevant data from key informants. The data was collected as part of a joint research project at the Universities of Bristol (UoB) and Cape Town (UCT) titled *Cannabis Africana: Drugs and Development in Africa*. Ethical approval was obtained from UoB, UCT and the Research Council of Zimbabwe (RCZ), with informed consent secured from participants before interviews commenced.

The history of the regulation of cannabis in South Africa and Zimbabwe presupposes the formation of the modern state. Following the imposition of the nation state on Africans by colonial authorities, attempts to control and subjugate the people who now fell within the new borders were typically undertaken through both forceful imposition and cultural coercion. The minutiae of control extended to encompass all aspects of life, including the consumption of intoxicating or pharmacologically active substances such as cannabis.

The birth of the regulation of cannabis in Africa more generally and in South Africa and Zimbabwe in particular, can thus be understood as part and parcel of the broader colonial project of enabling black bodies to become units of production with which to extract the wealth of the continent for exportation back to Europe (Fanon, 1963; Mbembe, 2001). Such measures extended to control of consumption of psychoactive substances which were outlawed as part of efforts to increase productivity but also because they were perceived to conflict with the dominant religious framework — that of Christianity. Thus, the implementation of regulatory frameworks for controlling or banning the consumption of substances deemed illicit or illegal — such as cannabis — is then a product of a larger imposition, that of colonial rule itself (Waetjen and Ndandu, 2024). This foregrounding is important to keep in mind, for it provides the contextual reality in which the regulation of cannabis was both inspired and implemented.

Cannabis was used for various purposes in many parts of Africa for many centuries (Allen, 1999; Carrier and Klantschnig, 2016; Kepe, 2003; Walton, 1953) before it was ultimately subjected to international control through the Geneva Opium Convention of 1925 and subsequent drug treaties which established a global prohibitionist framework for its control (Duvall, 2017; Nkosi, 2021). The reasons raised for its control included the perceived negative effects it has on workers' productivity, health and food security (Carrier and Klantschnig 2016; Duvall 2019; Waetjen 2019). For the UNODC, drugs are the antithesis of economic development and labour productivity (UNODC, 2021). The control of drugs, alongside land expropriation, was also used by colonial authorities as an agrarian mechanism to undermine Africans' livelihoods and promote export-oriented cash crop agriculture dominated by white settlers (Arrighi, 1970; Mafeje, 2023; Wolpe, 1972). This, in short, was both a product of and a justification for the continued control of African people by their respective colonial authorities, not only to 'preserve' the idealised ethical construct of Christianity but to ensure the productivity of the black body. For instance, the South African delegation at the 1925 International Convention relating to Dangerous Drugs argued that cannabis should be outlawed both locally and internationally as it 'makes the natives lazy.' The regulation of cannabis, in this instance, was then as driven not by a concern with a psychoactive substance specifically, but by ensuring and enhancing the productivity of black bodies at a time when their labour was central to the extraction of mineral resources which were central to domestic growth, development and exports (Fanon, 1963; Mbembe, 2001).

While the above serves as a general reflection on the imposition of cannabis regulation in African countries, there are also specific differences and important considerations that require more detailed attention. As such, we now turn to the legislative paths that have been followed by Zimbabwe and South Africa individually, before providing a further comparative analysis of the two countries regulatory journeys. Finally, we explore what lessons might be learnt from these journeys both in and of themselves and in comparison, with one another.

CANNABIS REGULATION IN ZIMBABWE

Cannabis cultivation and use in Zimbabwe pre-dates colonialism and it served broader purposes in Africans' lives, including economic and medicinal. However, from the 1950s colonial authorities regulated cannabis as a dangerous and habit-forming drug using laws such as the Dangerous Drugs Act of 1955 (DDA) (Dangerous Drugs Act [Chapter 15:02] as amended). Colonial authorities severely punished dealings in cannabis, including even possession of small quantities such as a single cigarette (British South Africa Police, 1955). Thus, colonial regulations performed multiple tasks — that is, ensuring compliance with international drug control frameworks, controlling African populations and their exploitation for cheap labour (Waetjen and Ndandu, 2024).

Cannabis's status as a dangerous drug was maintained after independence (see [Criminal Law \[Codification and Reform\] Act 23 of 2004](#)) with government officials blaming the substance for drug addiction, especially among the youth. Despite official attempts to eradicate cannabis and its consumption it remains popular — grown, traded and consumed by many while supporting households economically ([Rusenga et al., 2024](#)). With many households affected by economic shocks like the structural adjustment programme (ESAP) of the 1990s and the effects of the western-imposed economic sanctions post-2000, cannabis has supported many livelihoods for some communities such as in the north-western parts of the country.

In 2018 cannabis policy in Zimbabwe shifted significantly at a time when several countries in Africa and globally ([Decorte et al., 2020](#)) have taken steps to reform their cannabis policies. Cannabis was legalized for medicinal and industrial purposes through the Dangerous Drugs (Production of Cannabis for Medicinal and Scientific Use) Regulations ([Statutory Instrument 62 of 2018](#)) while unlicensed production and uses remain illegal. The regulations created two subsectors for industrial hemp and medicinal cannabis. Industrial hemp is defined as cannabis of not more than 1 percent *delta-9-tetrahydrocannabinol* (THC) ([Criminal Law \[Codification and Reform\] Amendment Act 2023](#)).

Medicinal and hemp cannabis are regulated by two different agencies, the Medicines Control Authority of Zimbabwe (MCAZ) and the Agricultural Marketing Authority (AMA) respectively. License applications are made through these two regulatory authorities. For medicinal licenses, MCAZ liaises with the Zimbabwe Investment and Development Agency (ZIDA) which handles the applications on its behalf. ZIDA is an agency that promotes and facilitate investment in Zimbabwe ([ZIDA, 2022](#)). Medicinal cultivation license fees are substantial at a cost of US\$50,000 for a five-year license, alongside an inspection fee of US\$2,500 ([Statutory Instrument 62 of 2018](#)) and an annual return fee of US\$15,000 among other costs. While hemp cultivation license fees are lower in comparison, at US\$400 inclusive of the standard inspection fee of US\$200 ([Interview 22, Cannabis Regulator, 7/3/2023](#)) they are still not affordable for most small-scale producers.

Application guidelines also require applicants to acquire clearance certificates from the police, something that create challenges for many illicit operators some of whom have criminal records associated with their past cannabis dealings. As in many countries that have instituted cannabis reforms ([Rychert et al., 2021](#)), the Health Ministry has oversight over regulation of medicinal cannabis, working closely with the Police's Criminal Investigation Department's (CID) Drugs and Narcotics department, among others. The higher license fees and the strict production guidelines including use of greenhouses are viewed as screening mechanisms aimed at addressing speculative behaviour and ensuring that only 'serious investors' participate ([Conversation, Cannabis Regulator 24/10/2023](#)). This aligns with trends in African countries such as Uganda and Lesotho ([Thetsane, 2024](#)) where higher license fees are charged for medicinal cannabis cultivation, hindering the participation of small-scale producers. Further, this suggest that the policies were neither designed to benefit small-scale producers nor solve problems associated with illicit drug production, trade and use. Analysis of the profiles of hemp (66 licenses at the end of 2023) ([AMA, 2024b](#)) and medicinal (60 at the end of 2023) ([MCAZ, 2024](#)) license holders confirm that most beneficiaries come from the business class and established commercial farmers ([AMA, 2022](#)).² This is opening space for the business class to dominate the sector as was the case in the Caribbean and Latin American contexts ([Klein et al., 2022b](#); [Rychert, Emanuel, and Wilkins, 2021](#); [Vélez-Torres, Hurtado, and Bueno, 2021](#)). This shows the complexity facing government regulators — of how to achieve both public health and revenue generation from a substance with both social harms and societal benefits ([Nelson, 2021](#); [Wilkins, Lenton, and Decorte, 2020](#)).

The licensing conditions, including the requirement for use of greenhouses for medicinal cannabis production, are some of the mechanisms that create entry barriers for most small-scale producers ([Rusenga et al., 2024](#)). A former member of parliament for a rural constituency with historical connections to cannabis argued that '...this is an exclusionary approach, and it is bad. Who is going to get that amount? People should be allowed to produce it just like they produce maize, and be registered for regulatory purposes' ([Interview 4, Local Political Leader 30/7/2022](#)). His assessment was supported by illicit cannabis farmers interested in producing cannabis legally, with one arguing that such license fees make producers like him

² About 88 licenses (for both medicinal and hemp) are for cultivation purposes.

to continue cultivating illegally as they cannot afford the license prices (Interview 36, Illicit Producer 8/8/2022). To achieve the government's goal of making cannabis an alternative crop for tobacco farmers (Tuinstra, 2023), most of whom are small-scale farmers, there is need to lower the entry barriers into the legal sector. This could be facilitated through a tiered licensing approach with lower prices for small-scale farmers and higher prices for big businesses as is the case in Canada (Shanahan and Cyrenne, 2021). Alternatively, as suggested by some illicit producers the government can either provide exemptions or pay the cost for licenses for small-scale farmers (Interview 51, Illicit Producer 4/4/2024).

Thus, the regulations are narrowly framed leading to continued criminalisation of cannabis livelihoods and limited participation for ordinary citizens (Rusenga et al., 2022). However, achieving inclusive policies is much more than just decriminalisation of cannabis for recreational purposes as shown by experiences in Jamaica (Klein et al., 2022b) and South Africa (Grooten, 2023). For instance, Grooten (2023) has shown that illicit cannabis markets were negatively affected by the decriminalisation of cannabis for personal use due to increased competition from new formal producers with better resources. In the context of Zimbabwe, this article highlights that although the formal sector is exposed to corporate capture the difficult business and market conditions prevailing in the country have undermined the licensed farmers' production and the growth of the legal cannabis sector (Rusenga et al., 2024).

CANNABIS REGULATION IN SOUTH AFRICA

Indigenous communities across the region have historically utilized cannabis for a myriad of purposes, including medicinal remedies, spiritual rituals, and recreational enjoyment (Mbatha, 2017). Its cultivation and consumption were deeply intertwined with traditional practices and cultural beliefs, forming an integral part of indigenous knowledge systems. However, the dynamics surrounding cannabis in South Africa began to shift with the arrival of European colonizers in the 17th century (Duvall, 2017). As colonial powers asserted control over the region, they brought with them their own biases and prejudices towards cannabis, and indeed, to the people of the places they encountered. European perceptions of cannabis were often influenced by cultural and religious factors, leading to its stigmatisation and demonisation. Colonial authorities increasingly viewed cannabis use among indigenous populations with suspicion, associating it with moral decay, social disorder, and cultural backwardness (Pillay, 2020). As a result, the colonial period saw the gradual imposition of regulations aimed at controlling cannabis use. The first significant legislative action came with the 1928 Medical, Dental, and Pharmacy Act, which sought to regulate the sale and use of cannabis for medicinal purposes. This marked the beginning of formal state intervention in the regulation of cannabis in South Africa. However, the regulatory framework remained relatively limited, primarily focusing on the medicinal aspects of cannabis use.

The 1950s and 1960s witnessed a significant escalation in efforts to control cannabis, both domestically and internationally (Sutton, 2020). Influenced by the global spread of drug control conventions, South Africa enacted stricter laws governing the possession, cultivation, and distribution of cannabis. The 1965 Drugs and Drug Trafficking Act classified cannabis as a Schedule 1 substance, placing it in the most restrictive category of controlled substances and imposing harsh penalties for its possession and use. The apartheid era further entrenched the punitive approach towards cannabis, using drug laws as tools of social control and repression (Shelly and Howell, 2019). Cannabis became increasingly associated with political dissent, particularly within marginalized communities affected by apartheid policies. The government's crackdown on cannabis was part of broader efforts to suppress opposition and maintain social order. Despite the harsh penalties, cannabis continued to be cultivated and used clandestinely, particularly within underground subcultures and alternative communities. The use of cannabis, known locally as 'dagga' or 'skyfe,' (Interview 1, Cannabis NGO, 22 February 2022) is moreover deeply ingrained in the cultural fabric of South African society, crossing the borders of race, politics, and culture like few other substances other than tobacco and alcohol have. While historical records of cannabis use in the country typically point to its use by indigenous populations for centuries, in South Africa, *who* can be considered an indigenous community is a deeply contested terrain (Pillay, 2020). How these politicised discourses interact — between ontological concerns with belonging and epistemological concerns with classification — are captured for instance in a literary account of prison life in 1926, *Cold Stone Jug* (Bosman, 1971)

I had not been in prison very long before I came across dagga-smoking ... all I had known about dagga smoking before I went to prison, was that it was a kind of weed that was smoked by Bushmen and the more degraded type of native [sic], and that it drove you mad. Before going to prison I was unaware of the fact that dagga was also smoked by white members of the underworld.

The history of cannabis is then reflective of a narrative of a nation in which the intertwining of racial categorisation, economic mobility, and imagined indigeneity provide the ontological bedrock on which the architecture of regulation rest. The end of apartheid in 1994 ushered in a period of transition and transformation in South Africa, including debates over drug policy reform. Calls for the legalisation or decriminalisation of cannabis gained momentum, driven by concerns over the social and economic costs of prohibition. However, progress towards reform was slow, with successive governments hesitant to deviate from established drug control paradigms.

More recently, the legal status of medicinal cannabis and hemp in South Africa has undergone significant changes, reflecting global trends toward cannabis reform and local advocacy for its medicinal and economic benefits. The regulatory framework for medicinal cannabis was largely influenced by a landmark ruling in 2017 by the Western Cape High Court (*Prince v Minister of Justice and Constitutional Development and Others* (4153/2012)), which allowed individuals to cultivate and use cannabis for personal purposes. This decision set the stage for further regulation of cannabis, including its use for medicinal purposes. Medicinal cannabis is regulated under the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), which classifies cannabis products for medicinal use as Schedule 6 substances. However, products containing cannabidiol (CBD) with very low levels of THC are classified as Schedule 4 or, under certain conditions, are exempt from scheduling, allowing for easier over-the-counter access. The South African Health Products Regulatory Authority (SAHPRA) oversees the regulation of medicinal cannabis, ensuring that products are safe for consumption and that they meet prescribed standards. Medicinal cannabis can only be prescribed by licensed medical professionals, and doctors must apply to SAHPRA for authorization before prescribing cannabis to patients suffering from specific medical conditions such as chronic pain, cancer, multiple sclerosis, or epilepsy. The regulatory framework is designed to control the use of cannabis for medical purposes while ensuring that patients have access to appropriate treatments (SAHPRA, 2019).

In addition to medicinal use, South Africa has also embraced the cultivation and production of hemp, which is regulated separately from cannabis used for psychoactive purposes. Hemp, defined as cannabis with a THC content of less than 0.3%, is primarily used for industrial purposes. The cultivation of hemp is regulated under the Plant Improvement Act, 1976 (Act No. 53 of 1976) and the Agricultural Pests Act, 1983 (Act No. 36 of 1983), which set out the conditions under which hemp can be legally grown. In 2021, the government introduced a new regulatory framework aimed at promoting the legal cultivation of hemp, recognising its potential to contribute to economic growth, particularly in rural areas. Licensed farmers and businesses can now legally grow hemp for industrial applications, including textiles, biodegradable plastics, and food products such as hemp oil and seeds. The government views the hemp industry as an opportunity to create jobs and promote sustainable agriculture while reducing reliance on imports of industrial hemp products (Interview 2, Cannabis Lobbyist, 1 March 2023). The development of these regulatory frameworks for medicinal cannabis and hemp must also be understood in the context of broader cannabis reform in South Africa. However, the commercial sale and distribution of cannabis remain illegal outside of licensed medicinal or industrial contexts.

KEY DRIVERS OF CHANGE IN CANNABIS REGULATION IN SOUTH AFRICA AND ZIMBABWE

Cannabis policy changes in Zimbabwe are a product of both local and international factors. Since 2015 the Zimbabwe Industrial Hemp Trust (ZIHT) and its leaders lobbied the government to reform cannabis policies to allow for its production for industrial purposes. The change of government in 2017 is said to have accelerated the policy reforms given the new government's pro-business stance (Interview 21, Cannabis Industry Insider 27/2/2023). For the government cannabis holds strategic economic value as an alternative crop to the country's main crop, tobacco (Tuinstra, 2023). Interviews with officials from cannabis regulators (MCAZ and AMA) and Kutsaga Research, the government institute mandated with cannabis research and

development, also confirmed the government's vision for cannabis to complement tobacco as an important cash crop ([Interview 22, Cannabis Regulator, 7/3/2023](#); [Interview 21, Cannabis Industry Insider 27/2/2023](#)). However, the high license fees, production costs and technical challenges around cannabis production are hindering many small-scale farmers who dominate the tobacco sector ([Mazwi, Chambati, and Mudimu, 2020](#)) from diversifying into cannabis production. This has created space for the local business class and foreign investors raising risks of corporate capture of the legal cannabis sector ([Bewley-Taylor et al., 2020](#)).

The changes to cannabis regulation in many countries worldwide ([Decorte et al., 2020](#); [Klein et al., 2022a](#); [Rychert et al., 2021](#)), including in Africa ([Jelsma et al., 2021](#); [Klantschnig et al., 2024](#)) seem to have played a role as well. The first two decades of the 21st century have seen several countries legalising cannabis for medicinal and industrial purposes while others also permitted its production for consumption. Consequently, the Zimbabwe government has a target of acquiring a US\$1 billion market share for the domestic cannabis industry in the long term ([Banya, 2022](#)) — with production strictly export-oriented. Thus, the policy changes are being shaped by the converging economic interests of the business class and the government ([Rusenga et al., 2024](#)). Nevertheless, the partial legalisation and focus on export markets minimises the impact of the reforms on domestic illicit drug markets — allowing for continuation of cannabis-based livelihoods, at least for now. This, in no way, represents an idyllic situation for illicit cannabis farmers.

In South Africa, the drivers of the legislative and regulatory changes have been broader considering that the transformations have been more substantial. Indeed, the evolution of cannabis legislation in South Africa has been significantly shaped by various socio-political, economic, and legal factors ([Erasmus, 2016](#)), reflecting broader global trends, shifts in societal values, and changes in the political landscape.

One of the significant drivers of change has been the global shift in attitudes toward cannabis. Over the past few decades, there has been a growing recognition of the medicinal and therapeutic benefits of cannabis, supported by scientific research and changing public perceptions ([Pillay, 2020](#)). Countries such as Canada, the United States (in several states), and Uruguay have led the way in decriminalizing or legalizing cannabis, which has exerted considerable influence on South Africa's legislative landscape. This global trend has created pressure on South African lawmakers to reconsider the country's stance on cannabis, particularly in light of the potential benefits for public health and the economy ([WHO, 2019](#)). The global shift is underpinned by increased advocacy from various international bodies and NGOs, which have played a crucial role in challenging the traditional stigmatization of cannabis. This has contributed to a broader re-evaluation of drug policies worldwide, encouraging a move away from punitive approaches toward more progressive, health-oriented frameworks.

Economic factors have also played a critical role in driving changes to cannabis legislation in South Africa. The global cannabis industry has expanded rapidly, with projections indicating significant economic potential in terms of job creation, tax revenue, and agricultural development ([Richter, 2019](#)). For a country like South Africa, which faces high unemployment rates and economic challenges, the potential benefits of a regulated cannabis market are substantial. The economic argument has gained traction among policymakers, who see the cannabis industry as an opportunity to stimulate economic growth, particularly in rural areas where cannabis cultivation could thrive. The prospect of integrating South Africa into the global cannabis economy, with its lucrative export markets, has also been a compelling driver for legislative reform ([Sutton, 2021](#)). This is especially pertinent given South Africa's existing history of cannabis cultivation, where informal and illicit trade has long existed.

The changing discourse around public health and drug policy has been another crucial driver of change. Traditional approaches to drug control in South Africa, which focused on criminalization and repression, have increasingly been criticized for their ineffectiveness in addressing the complex realities of drug use. This has led to a growing recognition of the need for a more balanced approach that includes harm reduction and public health perspectives ([Oukouomi Noutchie, 2024](#)). The public health argument has been central to the push for cannabis reform, emphasizing the need to regulate and control the substance to protect consumers, particularly vulnerable populations as outlined in the Prevention of and Treatment for Substance Abuse Act (No 70 of 2000). Proponents of reform argue that legalization and regulation can lead to better health outcomes by ensuring the quality and safety of cannabis products and by providing access to education and treatment services for those who need them.

Beyond this, judicial activism has played a significant role in shaping cannabis legislation in South Africa. The judiciary, particularly the Constitutional Court, has not shied away from making bold decisions that challenge the status quo. The 2018 ruling on cannabis was a direct result of strategic litigation where the courts took an active role in interpreting the Constitution in a manner that expanded individual freedoms and privacy rights ([Constitutional Court of South Africa, 2018](#)). This form of judicial intervention has set important legal precedents, which have paved the way for further reforms. The courts' willingness to engage with contentious social issues and to provide legal clarity on matters of public interest has been instrumental in driving legislative change, especially in a context where the legislative process itself may be slow or resistant to reform. The final ruling reflects the broader influence of constitutional advocacy and the role of civil society in challenging existing laws that are perceived as unjust or outdated. Legal activists and advocacy groups have been pivotal in framing the prohibition of cannabis as a violation of basic human rights, which has resonated deeply in a country with a strong commitment to civil liberties and the protection of personal freedoms ([Interview 1, Cannabis NGO, 22 February 2023](#)). The Constitutional Court's decision is a clear indication of how human rights advocacy can catalyse legislative change.

EMERGING TRENDS IN THE LEGAL CANNABIS SECTORS IN SOUTH AFRICA AND ZIMBABWE

ZIMBABWE

In Zimbabwe hemp can be grown for grain, cannabidiol (CBD) flower and fibre ([AMA, 2022](#)) while medicinal cannabis farmers can grow high-THC cannabis or medical grade cannabis for CBD oil and CBD powder for the pharmaceutical industry. One can also concentrate on nurseries to supply cannabis tree cuttings to other farmers ([Interview 17, Licensed Farmer 13/8/2022](#)). Current regulations permit farmers to grow cannabis legally for export markets only. However, plans are underway to develop a domestic market for both hemp and medicinal cannabis, a move local authorities and licensed farmers see as vital for industry viability and sustainability. For instance, MCAZ is exploring ways of including medicinal cannabis in the public health delivery system so doctors can prescribe it for treatment purposes ([Conversation, Cannabis Regulator 16/7/2024](#)). Regarding hemp, Kutsaga Research has been mandated by the government to conduct research and development that will pave way for local industry capacity development—both upstream and downstream ([Interview 21, Cannabis Industry Insider 27/2/2023](#)).

Costs for setting up production also act as an entry barrier, varying depending on production scale and type (hemp or medicinal cannabis). An official at AMA estimated costs for setting up a hectare for hemp at about US\$10,000, consisting of US\$5,000 for inputs and US\$5,000 for maintenance costs ([Interview 22, Cannabis Regulator 7/3/2023](#)). Industry insiders estimated costs for one hectare of medicinal cannabis at between US\$250,000 and US\$1 million inclusive of the infrastructure needed ([Interview 21, Cannabis Industry Insider 27/2/2023](#); [Interview 46, Licensed Farmer 15/1/2024](#)). One of the major cost drivers is greenhouses which medicinal cannabis farmers are required to use to control temperatures, humidity, pests and contamination, and the like. A licensed farmer in Mazoe, Mashonaland Central Province, put the cost at US\$15,000 per 2,500 square meters (0.25 hectares) ([Interview 46, Licensed Farmer 15/1/2024](#)). His six-hectare project needed US\$360,000 for greenhouses only. However, the cost depends also on the type of the greenhouse used, with the ones cited above on the cheaper side. Conversations with a representative of a greenhouse installing company in Zimbabwe confirmed the higher costs, with their cheaper version costing US\$220,000 for a five-hectare plot ([Conversation, Greenhouse Installer 16/2/2024](#)). Almost all inputs, including the greenhouses, are imported hence the higher costs.

The high costs, alongside political and economic complexities in the country have affected production, in the process undermining the viability of agribusinesses as many license holders are either yet to start production or have exited the sector due to challenges. This nuance is missing in most literature on corporate capture of the cannabis industry ([Bewley-Taylor, Jelsma, and Kay, 2020](#); [Jelsma et al., 2021](#); [Klein et al., 2022b](#)) which does not deal with local conditions such as those in Zimbabwe which affect agribusiness' ability to establish itself in the medicinal cannabis sector.

Most farmers are growing cannabis for CBD flower. A cannabis industry insider said, ‘mainly right now in Zimbabwe...we have the ones who are growing this (cannabis) for the CBD flower’ (Interview 21, Cannabis Industry Insider 27/2/2023). The farmers can either export their produce or supply to two local companies with CBD oil extraction facilities, Ivory Medical (Pvt) Ltd and Wild Leaf Farms (Pvt) Ltd (Interview 46, Licensed Farmer 15/1/2024). AMA’s reports show that few hemp farmers have started production (8 farmers in the 2021/2022 season and 11 farmers in the 2022/2023 season) while production output is also low (40,225 kilograms [kg] of CBD flower in the 2021/2022 season and 11,600 kg in the 2022/2023 season). In addition, there have been limited exports to countries such as Switzerland (AMA, 2022; 2024a). On the other hand, MCAZ’s 2024 Annual Report shows that there were five farmers producing medicinal cannabis in 2023 (MCAZ, 2024). The majority are recorded as either having ongoing construction activities (14) or as licensed sites yet to be inspected by MCAZ with some of the cultivation sites (13) unknown to the Authority. Access to export markets is a major challenge for the farmers, which MCAZ noted as contributing to farmers halting production activities (MCAZ, 2024).

Although potentially lucrative, cannabis production is currently an exclusive business which only those with substantial resources can participate in. This is exacerbated by the stringent production requirements imposed by the regulators, which farmers argue are unnecessary and a product of the government’s imposition of unsuited global north production models designed for countries with different climatic conditions (Interview 45, Licensed Farmer 15/1/2024). However, evidence show that most license holders are struggling to set up production due to various challenges including the unfavourable local business conditions and market problems. The current business model has not enabled inclusive participation including that of illicit cultivators. The government may need to consider alternative models such as producer cooperatives as is the case in Morocco (Reuters, 2024) and joint ventures between small-scale farmers and the government or private sector to ensure ordinary citizens (including illicit producers) benefit from opportunities in the legal cannabis sector. Nevertheless, the formal sector’s focus on export markets as well as hemp and medicinal cannabis (excluding recreational purposes) is currently allowing illicit producers and traders to continue making livelihoods from cannabis trade in the illicit domestic markets. However, this is not idyllic and cannot substitute the need for small-scale farmers’ participation in shaping cannabis policies as well as benefiting from the new legal sector.

SOUTH AFRICA

The emergence of cannabis as a commercially viable crop in South Africa has generated significant interest across various sectors, including agriculture and politics. The country’s unique social, economic, and environmental context presents distinct opportunities and challenges for large-scale cannabis production. A critical examination of these issues reveals the complexities involved in developing a sustainable and competitive cannabis industry in South Africa (Elsenburg, 2023, p. 5).

From an agricultural perspective, South Africa’s diverse climates, ranging from temperate coastal regions to arid inland areas, offer both advantages and challenges for cannabis cultivation. The Mediterranean climate of the Western Cape is particularly well-suited for outdoor cannabis cultivation, which could reduce production costs compared to indoor farming (Elsenburg, 2023, p. 12). However, environmental challenges, such as water scarcity and frequent droughts, are significant concerns, particularly in provinces like the Eastern Cape and Northern Cape (Daily Maverick, 2024). Cannabis is a water-intensive crop, and the competition for this scarce resource could become a contentious issue, especially in regions where agriculture is already heavily reliant on irrigation (Grobler, 2021, p. 74). Additionally, large-scale cannabis cultivation poses risks of soil degradation, particularly if practices such as monoculture and heavy pesticide use are employed (Mkhize, 2022, p. 33). Balancing high yields with sustainable farming practices is critical, especially in areas already experiencing soil erosion and nutrient depletion. There is a growing need for adopting sustainable agricultural practices, such as crop rotation, organic farming, and the use of natural pest control methods, to ensure the long-term viability of cannabis cultivation in South Africa (Elsenburg, 2023, p. 18). Furthermore, South Africa has a rich history of traditional agricultural practices, particularly among rural and indigenous communities. Integrating indigenous knowledge into commercial cannabis production could offer unique opportunities for sustainable cultivation and the development of niche markets,

such as organic or artisanal cannabis products (Hofmeyr, 2020, p. 56). However, there is also the risk of exploitation, where large commercial entities might appropriate traditional knowledge without fairly compensating local communities (Claassens, 2019, p. 42). Ensuring that indigenous farmers are included in the value chain and benefit from the commercialization of cannabis is a crucial issue that remains to be addressed (Cook, 2021, p. 67).

The regulatory framework surrounding cannabis in South Africa is still in its formative stages, with significant implications for the industry's development. One of the primary challenges is the process of obtaining licenses for commercial cannabis cultivation, which is stringent and often inaccessible to small-scale and emerging farmers (Global Initiative, 2023, p. 14). The high cost of compliance, including meeting requirements for security, quality control, and traceability, poses significant barriers to entry (Bizcommunity, 2025). This has led to concerns about the potential monopolization of the industry by well-capitalized entities, often to the detriment of local communities and small-scale farmers who have traditionally cultivated cannabis, particularly in regions like the Eastern Cape and KwaZulu-Natal (Global Initiative, 2023, p. 19). It is broadly recognised that the regulatory framework needs to be more inclusive, offering pathways for small-scale producers to enter the market and benefit from legalization (Mkhize, 2022, p. 45). Another critical regulatory challenge is establishing and maintaining high standards for product quality and safety. This is particularly important in the context of international trade, where South African cannabis products must meet stringent quality requirements (Hofmeyr, 2020, p. 61). The development of standardized testing protocols for cannabinoids, pesticides, and other contaminants is crucial for the industry's credibility. However, enforcing these standards is challenging in a country with limited resources for regulatory oversight (Global Initiative, 2023, p. 21). The inconsistency in quality control across different regions and producers may serve to undermine the reputation of South African cannabis in the global market. Additionally, the existence of a well-established illicit market for cannabis in South Africa poses a significant regulatory challenge. While legalization aims to bring the industry into the formal economy, the illicit economy continues to thrive due to lower prices, easier access, and a lack of trust in formal institutions among some consumers and producers (Cook, 2021, p. 79). Addressing this issue requires not only enforcement but also creating incentives for illicit economy participants to transition into the formal sector. Measures such as reducing the cost of compliance, providing financial support for small-scale farmers, and ensuring that the regulatory framework is seen as fair and accessible are essential (Bizcommunity, 2025).

The political landscape surrounding cannabis production in South Africa is invariably shaped by the interplay of economic interests, social equity concerns, and international relations. South Africa's enduring history of economic inequality and social exclusion continues to influence the trajectory of its cannabis industry. Commercialisation risks exacerbating these entrenched inequalities, particularly where large, well-capitalised companies dominate the market to the detriment of small-scale and historically disadvantaged farmers (Claassens, 2019, p. 37). The political discourse on cannabis legalisation increasingly centres on the imperative for social equity, aiming to ensure that the benefits of legalisation are equitably distributed across all sectors of society (Hofmeyr, 2020, p. 58). This includes ongoing calls for government intervention through policies designed to support the inclusion of marginalised communities in the cannabis sector — such as affirmative action in licensing regimes, facilitated access to financial resources, and the provision of technical support for emerging and small-scale farmers (Global Initiative, 2023, p. 26).

Concurrently, South Africa positions itself as an aspiring major player in the global cannabis market, with ambitions to export high-quality cannabis products to lucrative markets in Europe, North America, and beyond (Bizcommunity, 2025). However, this aspiration is complicated by prevailing international legal frameworks — particularly the United Nations Single Convention on Narcotic Drugs — which continues to classify cannabis as a controlled substance (Cook, 2021, p. 84). South Africa's capacity to advance its cannabis industry while remaining compliant with these legal constraints requires nuanced diplomacy and the formation of strategic international alliances.

Domestically, political leadership must navigate a complex terrain that balances the promise of economic opportunity with the imperatives of international law and diplomatic relations. Public perception significantly influences political will in this regard. While popular support for cannabis legalisation grows — driven largely by its perceived economic potential — concerns persist regarding the possible social and public health consequences of widespread cannabis

use (Mkhize, 2022, p. 49). These anxieties are particularly pronounced among more conservative constituencies, who fear that legalisation might lead to increased substance misuse and broader social harm (Claassens, 2019, p. 51). Consequently, political actors are being forced to carefully manage these divergent perspectives, striving to reconcile economic growth objectives with the overarching need to safeguard public health and social cohesion. The outcome of this delicate balancing act ultimately determines the degree to which the cannabis industry can evolve in a manner that is both socially equitable and politically sustainable.

While the Constitutional Court ruling defined the conceptual landscape for a new way in which to understand and regulate cannabis — and indeed other substances — it did little in the way of providing a pragmatic architecture by which to govern the use of cannabis. In response, the Cannabis for Private Purposes Bill was introduced in 2020, which was ultimately promulgated as the Cannabis for Private Purposes Act 7 of 2024. (link here: https://www.parliament.gov.za/storage/app/media/Acts/2024/Act_7_of_2024_Cannabis_for_Private_Purposes_Act.pdf). The bill aimed to provide clarity on the decriminalisation of cannabis use and possession, outlining specific quantities and contexts in which cannabis can be legally cultivated and consumed. Key provisions of the bill included:

1. **Personal Use Quantities:** The bill stipulates permissible quantities of cannabis for personal use, distinguishing between dried and undried cannabis and cannabis plants.
2. **Private Cultivation:** Guidelines are provided for the number of cannabis plants an individual can cultivate in a private residence.
3. **Public Use Restrictions:** The bill prohibits the use of cannabis in public spaces and the sale of cannabis without a license.

The Act of the same name carried over much of the logic of the Bill, although not found even implementation across government platforms. The de facto decriminalization and subsequent regulation of cannabis has moreover elicited varied responses from South African society. Proponents argue that decriminalisation reduces the burden on the criminal justice system and aligns with modern human rights standards. However, concerns persist regarding the potential public health implications, particularly the risk of increased cannabis use among adolescents and the general population. To address these concerns, public health campaigns have been initiated to educate the populace about the responsible use of cannabis and its potential health risks.

Following the Constitutional Court's ruling, South Africa's Parliament was mandated to amend the existing legislation to align with the court's decision. The resulting amendments focused on defining the scope of 'private use' and establishing parameters for possession, cultivation, and use within private settings. These legislative adjustments aimed to balance individual rights with public health and safety concerns, a balancing act has been fraught with difficulty (Ndungane, 2021). The regulatory shift has also opened economic opportunities within the cannabis industry or at least has provided the regulatory space within which such economic opportunities can conceivably occur. Such opportunities have thus far largely remained in the domain of rhetoric. The President, for instance, has noted that the cultivation, processing, and sale of cannabis products have the potential to contribute significantly to South Africa's economy and yet this has yet to find realisation (Jones, 2021). It has been further noted that this is particularly pertinent in rural areas, where cannabis cultivation can provide an economic lifeline. To this end, the government has begun exploring the development of a regulated cannabis market, considering both the domestic and international trade of cannabis products. Licensing frameworks are being developed to ensure compliance with international standards, fostering a legal cannabis industry that can compete globally. The economic benefits are expected to include job creation, increased tax revenues, and the stimulation of ancillary industries such as tourism and wellness. Again, however, at the time of writing much of these gains remain within the realm of rhetoric rather than actuality.

In short, emerging trends in the commercial production of cannabis in South Africa highlight a complex interplay of agricultural, regulatory, and political issues that will shape the future of the industry. The country's diverse environmental conditions offer both opportunities and challenges for sustainable cannabis cultivation, while the regulatory framework must evolve to support inclusivity, quality control, and the transition from the black market to the formal

economy. Politically, the industry must navigate the twin challenges of economic inequality and international trade constraints, while also addressing public concerns about the social implications of legalization. As South Africa continues to develop its cannabis industry, these issues will be critical to ensuring that the sector contributes to sustainable development, social equity, and economic growth.

CONCLUSION

In looking to the future then, and to solidify the progress made since 2018, South Africa should aim to establish a comprehensive regulatory framework that addresses all aspects of the cannabis industry, from cultivation and processing to distribution and consumption. This framework should include robust licensing processes, quality control measures, and clear guidelines for law enforcement. Continuous public health education is essential to mitigate potential negative consequences of cannabis legalisation. Public awareness campaigns should be intensified, focusing on the risks of cannabis use and promoting responsible consumption. Additionally, healthcare providers should be equipped with the necessary training to address cannabis-related health issues. Ongoing research is crucial to understanding the long-term impacts of cannabis legalisation. South Africa should invest in comprehensive studies to monitor trends in cannabis use, public health outcomes, and economic impacts. This data will be vital for informed policy adjustments and ensuring that cannabis regulation meets its intended objectives. The regulation of cannabis in South Africa from 2018 to the present represents a significant shift towards more progressive drug policies. While the journey has been marked by legal, social, and economic challenges, the potential benefits of a regulated cannabis market are substantial.

In Zimbabwe, cannabis policy reforms have sought to put the country on an agrarian path with regulated medicinal and industrial cannabis markets playing critical economic contributions to the nation. Unlike South Africa there is less focus on the individual rights of small-scale producers and consumers. The aim is to attract local and foreign investment into the sector and improve agricultural diversification and revenue generation. The progress to date has been limited by an intersection of political and economic complications domestically as well as challenges with securing external markets—the only market option for licensed farmers under the current regulations. The exclusion of many small-scale cultivators from the legal industry is clear, but they continue drawing livelihoods from domestic illicit markets as licensed farmers are only mandated to supply external markets.

In South Africa one of the primary challenges in regulating cannabis has been ensuring enforcement and compliance with the new legal standards. The delineation between legal private use and illegal public use or distribution remains complex, a function of the concept of private space being difficult to define in the myriad of different communities that exist. Law enforcement agencies have had to adapt to new guidelines, which has required extensive training and resource allocation. South Africa's cannabis regulation must also be viewed within the context of its international obligations. The country is a signatory to various international drug control treaties, including the Single Convention on Narcotic Drugs of 1961. Aligning domestic cannabis policy with these international commitments continues to present a diplomatic and legal challenge, necessitating careful negotiation and policy formulation, and one which has not always been subject to honest brokering.

Apart from showing the two countries' differing policy trajectories the article also highlights the policies' narrow focus and their limits. Holistic policies that equally address both individual consumption rights and the commercial interests of producers, both small and big, are needed. The hope is that the current policies represent the first phase of reforms, with the next phase focusing on what is currently not given attention—such as the production rights of small-scale cultivators in South Africa and Zimbabwe.

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AUTHOR AFFILIATIONS

Simon Howell  orcid.org/0000-0001-5311-6996

University of Cape Town, South Africa

Clemence Rusenga  orcid.org/0000-0002-0598-4745

Cardiff University, United Kingdom

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INTERVIEWS AND CONVERSATIONS

Interview 1, Cannabis NGO, 22 February 2023
 Interview 2, Cannabis Lobbyist, 1 March 2023
 Interview 4, Local Political Leader 30/7/2022
 Interview 17, Licensed Farmer 13/8/2022
 Interview 21, Cannabis Industry Insider 27/2/2023
 Interview 22, Cannabis regulator, 7/3/2023
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