



National Research Foundation



MINERAL LAW IN AFRICA



minerals to metals



DEVELOPMENT POLICY RESEARCH UNIT



CeBER



FUTURE WATER

# Fibrous Futures: Resilience & Realism

## Analysing the legal and economic complexities of the South African fibrous plant micro-industry

*Towards Resilient Futures: Community of Practice Workshop*

Date: Tuesday 30<sup>th</sup> July 2019

Location: 12 Apostles (1st floor) | Tsogo Southern Sun Newlands Hotel | Cape Town

### Workshop Objectives

To determine the economic and legal opportunities and constraints for developing and sustaining a fibrous plant-based industry in South Africa, by discussing:

- If and how fibre-rich biomass can be used to remediate degraded mine land to build economic complexity, generate high value-add products, build a competitive fibrous plant micro-industry based, and create employment.
- How best to develop this industry within the bounds of South Africa's current legal framework and economic climate.
- How businesspeople have innovated within the constraints they have faced – this could unlock opportunities for business development in the future.

### Workshop Programme

09:00 – 09:30 Registration

09:30 – 09:45 Welcome & Introduction

Prof. Haroon Bhorat Development Policy Research Unit

#### SESSION 1: Building Fibrous Micro-Industries: Can we do it?

*Chair:* Haroon Bhorat

09:45 – 10:05 **An Overview of Fibre Crop Cultivation & Multi-Product Value Chains for Post-Mining Industrial Development**

Ms Tapiwa Chimbanga Minerals to Metals  
Mr Xihluke Mabasa CeBER

10:05 – 10:25 **The Fibrous Plant Industry in South Africa: A Sectoral Profile**

Dr François Steenkamp Development Policy Research Unit

10:25 – 10:40 Tea Break

10:40 – 11:20 **The Fibrous Plant Industry in SA: A Product Space Mapping**

Mr Robert Hill Development Policy Research Unit

11:20 – 11:30 Q & A

<b>PANEL 1: Environmental Regulation: Relevant Legal Processes, Permitting and Obligations</b>		<i>Facilitator:</i> Prof. Alexander Paterson Institute of Marine & Environmental Law
11:30 – 12:30	<p>This panel will explore the complex environmental legal processes, permitting requirements and general obligations associated with the cultivation of the suggested plant species and their processing/manufacture into the anticipated value-added products.</p> <p>These legal processes, permitting requirements and general obligations span land-use planning legislation, natural resource legislation and pollution legislation and the panel accordingly includes expertise spanning these areas of law.</p> <p>The applicable legal framework is influenced by, for e.g., the nature of the activities to be undertaken, their associated impacts and the anticipated location of the activities – and accordingly, the panel also includes representatives from the project team who can provide clarity on these issues where same is sought/required by the legal representatives on the panel in order to frame their responses.</p>	<p><u>Panelists:</u></p> <p>Ms Amanda Mkhonza Institute of Marine and Environmental Law</p> <p>Ms Olivia Rumble Institute of Marine and Environmental Law: Climate Legal</p> <p>Dr Louie Van Schalkwyk Mineral Law in Africa</p>
12:30 – 13:15	Lunch	
<b>SESSION 2: Building Fibrous Micro-Industries: How has it been done?</b>		<i>Chair:</i> Prof. Hanri Mostert Mineral Law in Africa
13:15 – 13:45	<b>Brightfields/IDC Bamboo project: Feasibility Study to Establish a Bamboo Processing Facility</b>	Mr John Hutchinson Freeplay Energy
13:45 – 14:15	<b>Hemp Opportunities for South Africa</b>	Mr Tony Budden Hemporium
14:15 – 14:30	Q & A	
14:30 – 14:45	Tea Break	
<b>Panel 2: Stakeholder Interests: Land and other Relationships</b>		<i>Chair:</i> Hanri Mostert
14:45 – 15:45	<p>This project intends to suggest an assertive pattern of structural transformation and inclusive growth in the economy, by transitioning a low-producing agricultural sector into one of high productivity and growth whilst fostering a dynamic manufacturing sector, geared towards promoting both employment and an export-intensive economy.</p> <p>To achieve goals such as these will require commitment from various stakeholders: mining industry, government, the agricultural context, mining communities and the business sector. This panel discussion hopes to draw from the experience and expertise of the panelists to establish the important “what’s in it for them” question: to determine what would be necessary, from the perspectives of the various possible stakeholders, to use this initiative to achieve meaningful socio-economic change.</p> <p>The panelists may consider questions such as the following:</p> <ul style="list-style-type: none"> <li>• Should a “Fibrous Future Initiative” (FFI) be framed as a profit maximization or social</li> </ul>	<p><u>Panelists:</u></p> <p>Dr Louie Van Schalkwyk Mineral Law in Africa</p> <p>Dr Shane Godfrey Institute of Development and Labour Law</p> <p>Dr Mpho Tlale SARChI - Property Law</p> <p>Dr Jacqueline Yeats Dept. of Commercial Law</p> <p>Dr Jenny Broadhurst Minerals to Metals</p> <p>Dr François Steenkamp Development Policy Research Unit</p>

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enterprise? What would the key features of each approach entail? How and by whom is the FFI initiated – is this driven from the private sector, or government, or both?

- How could industrial policy be aligned to support an FFI, taking into account the imperatives of job creation and social development?
- From Government's perspective, how might the imperative of mine rehabilitation contribute to creating the political will to support an FFI? What other influences might there be on such political will?
- From the perspective of mining companies, how will an FFI address concerns around labour commitments, profitability and social responsibility? What dissuading considerations might there be from the mining industry's perspective, and how could these be addressed through government intervention?
- As a social enterprise, how can the beneficiaries of an FFI be identified? How can such benefit be entrenched through corporate structures or regulatory frameworks? Given the particular interests of mining companies and local communities, how could commercial structures support an FFI?

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15:45 – 16:00 Concluding Remarks

Profs Haroon Borat & Hanri Mostert

16:00 Close