

# MARULA INDABA

## Workshop proceedings report



22-23 NOVEMBER 2023

PROTEA HOTEL MARRIOTT, POLOKWANE

*\*Indaba; "Conference", in isiZulu*

## Acknowledgements

The convening of the Marula Indaba on 22 and 23 November 2023 was a collective effort enabled by various biotrade stakeholders who jointly recommitted to contributing and adding value to the growth and future prosperity of the sector.

We would like to express our gratitude to the following institutions:

- Swiss State Secretariat for Economic Affairs (SECO)
- GIZ – ABS Compliant Biotrade in South(ern) Africa (ABioSA)
- Department of Forestry, Fisheries and the Environment (DFFE)
- Southern African Essential Oil Producers' Association (SAEOPA)

We also thank our sector stakeholders for their voices and presence at the Indaba; you continue to contribute towards co-creating a vibrant and successful Marula industry. Your candour and active engagement send a strong signal that sector stakeholders are eager to find joint solutions to challenges experienced, and we look forward to harnessing the collective strength and knowledge within the sector to develop a productive and uniquely South African Marula sector.



For information on the ABioSA project or the Marula sector please [contact](#) project manager Adrie El Mohamadi at [adrie.elmohamadi@giz.de](mailto:adrie.elmohamadi@giz.de)



**environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

THE ABS  
CAPACITY  
DEVELOPMENT  
INITIATIVE



**SAEOPA**  
Southern African Essential  
Oil Producers' Association

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# 1 Introduction

From 22 - 23 November 2023, the Southern African Essential Oil Producers' Association (SAEOPA), in collaboration with the GIZ's ABS Compliant Biotrade in South(ern) Africa (ABioSA) project, hosted the Marula Indaba at the Protea Hotel Marriott, Polokwane. This event brought together Marula producers, industry members and public sector stakeholders to engage in meaningful dialogue about the Marula sector.

The purpose of the event was to:

- Take stock and review the objectives of the Marula Sector Development Plan
- Receive guidance on improving Marula producers' compliance with regulatory requirements
- Share insights on the sustainable management of Marula
- Receive input from producers and understand the current state of Marula production
- Discuss the future trajectory of Marula for improved market access

## 1.1 Purpose of this report

This report is a record of the vibrant debates and insightful engagements during the Indaba. The specific objectives of this report are to capture the discussions emanating from the Marula Indaba, and provide an overview of stakeholder composition and attendance.



Marula indaba delegates

## 2 Part A: Summary and highlights

### 2.1 Marula Indaba in numbers

23 delegates attended the Marula Indaba

6 presenters

4 members of the organising committee

3 members from Business Support Organisations

6 delegates from 3 producing companies

### 2.2 Summary of key discussion areas and questions raised

- When reviewing the SDP's status and progress with its implementation, it was noted by attendees that - despite the fact that the SDP was not wholly funded - progress had been made on several fronts.
- There are no legitimately identified traditional knowledge (TK) holders for Marula, which creates uncertainty about access and benefit-sharing.
  - An open call and timeframe should be put in place for identifying TK holders.
  - Where does the scope of TK end?
    - If the Marula TK relates to the usage of the fruit's skin only, then it should not be relevant for other applications of the fruit. In contrast, Rooibos TK relates to the entire plant and all its applications.
- Marula Material Transfer Agreements (MTA) should be translated into other languages to address barriers to understanding.
- There is a toll-free number for reporting illegal collections.
- Undertaking a resource assessment for quantity is one of the steps which could help the sector understand what is available.
- There is a limited understanding at the community level about trade agreements.
- A letter from the chief or landowner should accompany permit applications when trees are found on tribal lands.
- The cutting down of Marula trees is not acceptable due to their protected status.
- There should be a database recording the number of people collecting Marula. Harvesters still approach the relevant chief for permission, and no further action is required.
- There is an Excel-based tool provided to harvesters developed jointly by the Department of Economic Development, Environment and Tourism Limpopo (LEDET) and community leaders in response to the growing interest in the Marula fruit. The tool could potentially form part of licence applications, and be used for piloting and developing a database of harvesters.
  - The tool could be useful for the EU's newly launched Corporate Sustainability Reporting Directive (CSRD).
- A Marula harvesting permit is valid for five years, and is renewable.
- A national standard for the Marula industry will be published in South Africa by end of 2024.
- Geographic Indicator (GI) status is being considered for Marula south of the Zambezi River. This will provide a link between the fruit, the place and people. It will provide demonstrable proof of origin.

### 3 Part B: Record of discussions and presentations

MARULA INDABA AGENDA			
Date	Wed, 22nd – Thursday 23 <sup>rd</sup> November, 2023	Time	Wednesday: from 13:00 Thursday 8:00 – 15:15
Place	Protea by Marriot Hotel Polokwane Landmark		
Time	Agenda Item Workshop Secretary – Amanda Nyingwa – GIZ ZA		
Day 1 Wednesday, 22 November 2023			
13:00 – 17:00	Arrival of guests	Participants	
18:00	Informal meet and greet.		
19:00	Networking dinner and welcoming		
Day 2 Thursday, 23 November 2023			
06:00 – 07:45	Breakfast	All hotel guests	
08:00 – 08:30	Welcoming Round of introductions including our guests from LEDET Summary/refreshers of the Marula SDP objectives	Cyril Lombard ABioSA project advisor	
SDP Objective 4: Improve marula producers' compliance with regulatory requirement			
08:30 – 09:00	Guidance on complying with the permitting processes, identifying holders of TK, online permit system	Ntambudzeni Nepfumembe, DFFE	
9:00 – 10:00	Questions and Answers	All participants	
10:00 – 10:20	Break		
10:20 – 10:30	ABS challenges and opportunities: Considerations for the Marula sector	Marthane Swart, KSA	
SDP Objective 2: Sustainable management of marula			
10:30 – 10:45	Role of Local provincial government (LEDET)	Errol Tukiso Moeng Biodiversity Management Limpopo: Economic Development, Environment & Tourism	
10:45 – 11:00	Questions and Answers	All participants	
11:00 – 11:10	Status and government plans on the Marula Resource Assessment CFP	DFFE	
11:10 – 11:15	Questions and Answers	All participants	
SDP Objective 3: Improve the quality of marula products; and SDP Objective 1: Improved market access			
11:15 – 11:45	Current state of marula Production problems reported	Karen Swanepoel SAEOPA	
11:45 – 12:00	Questions and Answers	All participants	
Session 1	Input by producers	Perspectives	
12:00 – 12:15	Perspective of harvester	Cairo Ntshebeleng, GSRSC	
12:15 – 12:30	Perspective of processor	Dudley McKnight, Marula Guys	
12:30 – 12:45	Perspective of buyer/exporter	Michelle Nott/Will Coetzee, Botanica	
12:45– 13:00	Panel discussion & Q&A	DFFE, SAEOPA, GIZ SA	
SDP Objective 1: Improved market access			
13:00 – 13:20	Marula GI update	Karen Swanepoel SAEOPA	
13:20 – 13:30	Questions and Answers	All participants	
13:30 - 14:15	Lunch		
Session 2	Industry discussions	Perspectives	
14:15 – 14:30	Update on EU Novel Foods, plans for Q 1 2024	Cyril Lombard ABioSA	
14:30 – 14:45	Questions and Answers	All participants	
14:45 – 15:00	Closing remarks	Adrie El Mohamadi ABioSA	
15:00 – 15:15	Next event including key issues arising from this meeting, word of thanks	Karen Swanepoel SAEOPA	
15:15	Departure	All	

\*Inputs and comments received from the private sector were shared by Karen Swanepoel.

### **3.1 Welcome and summary/refresher of the Marula Sector Development Plan (SDP) objectives**

**Session speaker:** Cyril Lombard, ABioSA project advisor,

Cyril Lombard welcomed participants and opened the Marula Indaba with a round of introductions, providing an opportunity for stakeholders to introduce themselves and their organisations.

The introduction was followed by a presentation on the Marula SDP objectives. Part of the presentation included a status update on the progress with the SDP objectives, and SDP targets were discussed. Additionally, information was shared about the revised objectives.

### **3.2 SDP Objective 4: Improve marula producers' compliance with regulatory requirements**

#### **3.2.1 Guidance on complying with the permitting processes, identifying holders of TK, and the online permit system**

**Session speaker:** Ntambudzeni Nepfumembe, DFFE

Ntambudzeni Nepfumembe presented on 'Guidance on complying with the permitting processes, identifying holders of TK, and the online permit system. As part of the presentation, he provided an overview of the biodiversity landscape in South Africa. He discussed the key definitions, namely: biotrade; commercial exploitation; access and benefit-sharing; and, traditional use or knowledge. Section 81(1) of the National Environmental Management: Biodiversity Act (Act 10 of 2004), which enables the bioprospecting of indigenous biological resources, was discussed. The presentation included information on the protection of the rights of those who provide access to indigenous biological resources, and those who hold TK, through Material Transfer and Benefit-Sharing Agreements. The commercialisation permitting system, timeframes for the consideration of a permit application and the online permit system were also discussed.

Following the presentation, participants engaged in a discussion covering the following:

- There is no legitimately identified TK holder for Marula. The DFFE is collaborating with the DSI to assist in protecting the rights of TK holders, given that it is held at the community level.
- Species are considered indigenous as long as they are associated with the country, regardless of whether or not they can be found elsewhere. If one sources the species outside the country, additional documentation may be required.
- Permit application fees are based on annual turnover; the higher the turnover, the higher the fee.
- The Bioprospecting Advisory Committee (BAC) comprises representatives from the Department of Cooperative Governance and Traditional Affairs, the Department of Agriculture, Land Reform and Rural Development, traditional leaders, and SANPARKS. The BAC makes recommendations to the Minister for the Environment, or returns the application to the applicant requesting they provide additional information.
- Discovery Phase Export Permits require a Material Transfer Agreement; these applications are not reviewed by the BAC.
- Regarding samples, a Discovery Phase Export Permit is required.
- Marula Material Transfer Agreements should be translated into other languages to address barriers to understanding.
- There is a toll-free number for reporting illegal collections.
- Performing a resource assessment regarding the quantity of Marula available is one of the steps which could help the sector to understand what is available.

### 3.2.2 ABS challenges and opportunities: Considerations for the Marula sector

**Session speaker: Marthane Swart, KSA**

Marthane Swart presented on 'ABS challenges and opportunities: Considerations for the Marula sector'. Her presentation discussed the value of sector-specific solutions, and what is needed in order to realise a sector-wide agreement. Her presentation shared insights on the realities of implementing a sector-wide agreement, and included the need for commitment from all sector role players to participate in the process. Additionally, a collective administrative function is required, as well as a shared understanding on the distribution of aggregated benefits.

The presentation concluded by outlining the difference between the adoption of sector-wide agreements versus sector guidelines, and the factors to be taken into consideration for the latter.

Following the presentation, participants engaged in a discussion covering the following:

- There is almost always TK relating to Marula. A distinction must be drawn between knowledge of the plant and knowledge on specific use.
- If the Marula TK is in relation to the usage of the fruit's skin only then it should not be relevant for other applications of the fruit. Rooibos TK relates to the entire plant and all its applications.
- There is a limited understanding at community level about trade agreements.
- There is scope for industry best practices to be agreed.
- Outgrower challenges need sectoral solutions.

## 3.3 SDP Objective 2: Sustainable management of Marula

### 3.3.1 Role of local provincial government

**Session speaker: Ndina Mudau, Limpopo Economic Development, Environment & Tourism - Role of local provincial government**

Ndina Mudau presented on the role of local provincial government. Her presentation centred on the National Forests Act (Act 84 of 1998) (NFA) as understood in relation to the Marula tree. As part of the presentation, she outlined the principles of the NFA and discussed the national forest profile. The presentation noted that the NFA should be viewed as a balancing act, and consequently, has several exemptions. Section 7 of the Act, which stipulates the protection of forests, was also covered. The presentation outlined protected tree species in line with section 15 of the Act, under which the Marula tree and its fruits are categorised. Mudau outlined the licensing process for the harvesting of produce of protected trees. No fee is paid for the licence with regards to domestic utilisation, and it takes a period of 30 days to obtain

Following the presentation, participants engaged in a discussion covering the following:

- When trees are found on tribal land, a letter from the chief or landowner should accompany license applications.
- Most of the collectors are community members, and most communities don't apply for licenses because Marula is gathered for domestic use. This is why collaboration with the chief then important.
- The cutting down of Marula trees is not acceptable due to their protected status.
  - Applications for the domestic use of Marula fruit, e.g. making beer, can be done through a notification to the relevant chief. There should be a database recording the number of people collecting Marula. Harvesters still approach the chief for permission, and no further action is required.

- There is an Excel-based tool given to harvesters which was developed jointly by Department of Economic Development, Environment and Tourism in Limpopo (LEDET) and community leaders due to the growing interest in the Marula fruit. The tool could form part of the licence application, and could be used for piloting and developing a database of harvesters.
  - The tool could be useful for the newly launched EU's corporate sustainability reporting Directive.
- A Marula harvesting permit is valid for five years, and is renewable.

### **3.4 SDP Objective 3: Improve the quality of Marula products; and SDP Objective 1: Improved market access**

#### **3.4.1 Current state of Marula production and problems reported as well as input by producers**

**Session speaker:** Karen Swanepoel, SAEOPA - Current state of marula production problems reported; Input by producers

Karen Swanepoel presented on the 'Current state of Marula production problems' and 'Input by producers'. Her presentation commenced with mapping the SAEOPA member base in South Africa. Additionally, the presentation provided a high-level statistical analysis of the production of Marula oil in the country. The presentation also outlined the perspectives of buyers in terms of challenges and successes, and input from processors, harvesters and the scientific community. It included perspectives from SAEOPA members in Namibia, Zimbabwe, Botswana and Mozambique. The latest research on Marula oil as flavouring and seedcake flour was shared by Swanepoel.

Following the presentation, participants engaged in a discussion covering the following:

- A national standard for Marula will be published by the end of 2024 in South Africa.
- Pricing:
  - Industry stakeholders should agree on the elements affecting pricing, including the different variations of Marula produced depending on the season, as well as the cost of production. Compliance with ABS does not solve the issue of uniform pricing, but does allow for a common understanding.

### **3.5 SDP Objective 1: Improved market access**

#### **3.5.1 Marula GI update**

**Session speakers:** Karen Swanepoel, SAEOPA - Marula GI update; Cyril Lombard, ABioSA - Update on EU Novel Foods, plans for Q 1 2024

Karen Swanepoel presented on the 'Marula Geographic Indicator update'. She shared an urgent request from producers in Namibia, who have stated that they will adopt GI for Marula if SADC fails to conclude this, a stance which has resulted in increasing competition and friction. The GI is being considered for Marula South of the Zambezi River, which will unify the producers. Swanepoel shared information on Marula oil production in Israel, and the role of GI.



Following the presentation, participants engaged in a discussion covering the following:

- Obtaining GI status for Marula is going to be difficult for the sector. There is a lot of preparation required for this, and associated costs. A clear analysis of producers and the impact GI will have on the trade and for South Africa is needed.
- GI status for Marula will need to be regional; there are three different varieties of Marula, despite the belt going to West Africa.
- GI could be a good selling point.
  - GI will provide a link between the fruit, the place and people. It will evidence the unique and demonstrable process.
- Advice was given to describe the GI for Marula, including the SADC region.

### 3.5.2 Update on EU Novel Foods, plans for Q 1 2024

Cyril Lombard presented on the update on 'EU Novel Foods, plans for Q 1 2024'. He shared that the process of obtaining novel food registration is underway. A consultancy has been contracted and produced an executive summary report in October 2023. A dossier of information is currently being compiled to support the testing of Marula fruit purée for 'Substances of Concern'. The presentation also highlighted the possibility of orienting Marula as a superfruit.

Following the presentation, participants engaged in a discussion covering the following:

- Having compiled the dossier on the purée, it is now possible to utilise the compiled dossier as a basis for testing the other aspects of the marula fruit e.g. skin because the purée encompasses all or as many potential consumer products as possible. Could still help with understanding the fermentation process.
- Articles 10 (Full Novel Foods), Article 14 and 16 (Traditional Food from a 3rd Country) of Regulation (EU) 2015/2283 of the European Parliament and of the Council on Novel Food will be assessed in order to classify Marula as a novel food.
- Articles 14 and 16 consider TK, and so applicants must demonstrate that Marula is a traditional food.
- Finalising the dossier for the EU market eases the path for the US market. The dossier must describe examples of products that applicants intend to produce.

## 3.6 Closing remarks

**Session speakers: Adrie El Mohamadi - Closing remarks; Karen Swanepoel - Next event**

Adrie El Mohamadi provided the closing remarks for the Marula Indaba. She gave thanks to the organisers and presenters. She shared that while each sector stakeholder has a specific role, a shared common interest is the joint destination of a successful Marula sector. To this end, joint solutions and partnerships are important for collectively moving the sector towards shared prosperity.

Swanepoel thanked everyone on behalf of the producers. She asked the participants to indicate their interest for another Marula Indaba in 2024, including other SADC producers. The participants agreed that this is needed. Adrie El Mohamadi suggested it be held jointly with the activities already contemplated for 2024.