

## **Tensions in Durban's City-Port: the governance of the social and ecological impacts of planning and development**

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### **Abstract**

The city-port of Durban (South Africa), a national key point, has a diversity of economic activities, ecological environments to support livelihoods and extensive port activity. The governance of the Durban city-port is characterised by multiple actors with different values, interests and perspectives. The National Development Plan-Our Future 2030 is a tool used by the presidency to steer economic growth in the country. Transnet port authority and the eThekweni Municipality, amongst others, adhere to contribute to NDP goals by proposing and implementing projects that will benefit civil society, contribute to economic growth, remain within and promote sustainable development. Two projects: Pier 203-205 extension and deepening initiated by port authorities and the Back of Port (BoP) land rezoning and industrial park development initiated by the municipality are case studies showing their attempts. The analysis considers to what extent planning for these projects has taken into consideration social justice, environmental status and human wellbeing. Desk research and interviews were conducted to collect data. Results show that there is conflict between the city and port development objectives. Port development and activities have a negative effect on the estuary the port is located in. Communities are largely affected by the plans of the municipality, claiming that the BoP project continues to promote inequality. Communities have limited power to contribute to plans because they are only consulted once the planning is completed, in EIA stage.

### **Introduction**

In 1998 the National Environmental Management Act 107 of 1998 (NEMA) was implemented in South Africa followed 10 years later by the Integrated Coastal Management Act 24 of 2008 (ICMA). Prior to 1998 environmental management nor coastal management were a priority, and were managed on a sectoral basis (Glavovic, 2006; Gerber, 2009). Many of the decisions before 1998 resulted in development options which did not take into account social and ecological factors being pursued (Glavovic, 2006; Gerber, 2009). The aim of the new legislation was democratic, well-informed and rational decision-making in the simultaneous pursuit of economic, social and ecological goals (Gerber, 2009). These were introduced to correct the injustices of Apartheid planning, and ensure that future planning is sustainably conducted and participatory processes are adopted. Now, 24 years after the first democratic elections, the implementation and amendment of numerous laws-NEMA, ICM, Durban Estuarine Management Plan (2012), Spatial Planning and Land Use Management Act 16 of 2013 etc. there are still challenges in the pursuit of the endeavours stipulated in these legislations. Prior to 1998, environmental impact assessment were not compulsory and only voluntarily conducted by developers (Glavovic, 2006). In this study we aim to highlight how local communities are bearing the brunt of planning failure due to prioritizing economic benefit over social and environmental justice in the Durban port-city.

There are conflicting sets of development objectives identified in Durban. The port authority wants to reduce total logistics costs of doing business by optimizing the development of the port system and rail network from a national perspective (Maharaj and Mather, 2014) and supply infrastructure ahead of market demand (port planner interview: 26/04/2018). The city on the other hand aims to maximize the benefit of the port for its citizens in the local economy by optimizing the operations and development of the port and its integration into the city (Maharaj and Mather, 2014, p136).

The objectives of NEMA and ICMA are to ensure minimized impact on the estuarine environment and to guarantee adherence to the estuarine management plan. NEMA also considers the social impacts of the port development policies, strategies and plans.

The projects and changes in the port are in response to shipping and maritime needs (Hein, 2016), technological developments (Henesey, Notteboom and Davidsson, 2004), the National Development Plan (National Planning Commission: Republic of South Africa, 2011), and the National Ports Act 12 of 2005. The city responds to growing port needs by providing better hinterland connections and land for industrial development and logistic hubs. This over time leads to the changing and sometimes competing needs and desires of different actors and stakeholders: port authorities, municipal government departments, developers, planners, engineers, civil society and environmentalists (Hoyle, 2000; Hein, 2016) in the shaping and reshaping of the port-city spaces and infrastructure. The actors and stakeholders have their own interests, values and perceptions which they feel need to be considered when developments are proposed (Ravesteijn, He and Chen, 2014). In practice the interested and affected parties only become part of the development process in the final stage when planning is completed, only then are they given an opportunity to participate in the EIA process.

## **Context**

To achieve their objectives, the port and city of Durban constantly embark on ambitious planning and development projects. The projects that stand out presently (2018) are: Pier 203-205 Berth deepening and lengthening and the Back of Ports (BoP) land rezoning and Industrial Park. The BoP term is used by the municipality to describe all the supporting activities that are connected to the port but are located outside the port periphery. The BoP was strategically initiated in 2007 by the Development Planning Environment & Management Unit (DPEMU) of the eThekweni Municipality. The purpose of the BoP Plan is to develop a distinct framework for management and development of land use in the BoP zone, which would ultimately be implemented as a Local Area Plan (LAP) and Land Use Management Scheme (LUMS). The BoP zone constitutes South Durban Basin that is recognised as an important strategic link in southern African Logistics Chain. However, the incompatible juxtaposition of residential and industrial uses resulted in the area becoming conceptualised as a pollution hotspot, which is characterised by poor environmental quality, poverty, gangsterism and high levels of environmental activism (Desai, 2011; Bond, 2014). Ultimately the vision was to create a land area that was in synergy with port activities, able to address the congestion crisis, increase economic attractiveness of the Port and benefit the City (Martel, 2015). The Pier 203-205 forms part of a re-development process by Transnet Port Authority to improve the safety of berths and increase efficiency (Nemai Consulting, 2013). One of the biggest obstacles for the re-development of Pier 203-205 was the central sandbank (Nemai Consulting, 2013). The sandbank is a physical obstacle because it lies almost in the middle of the port, and has ecological significance as feeding ground for birds and fish. In addition the algae growing on it recycles nutrient inputs into the port thereby cleaning the water in the estuary (Forbes and Demetriades, 2009).

## **Aim**

In this study we aim to highlight how local communities are bearing the brunt of planning failures, which prioritize economic growth over social and environmental justice

## **Methods**

The methods used to collect data depended on both primary and secondary sources: the EIA for Pier 203-205, news articles, peer reviewed articles and available literature for both projects. Semi-structured interviews were conducted with various port and city actors who fall within the category of interested and affected parties, individuals from the port authority and municipality who were involved in the planning or conceptualisation of the projects or were very knowledgeable about the projects. The "Rounds Model of decision making" is used to analyse and structure the data. In the rounds model, actor interactions in decision-making arenas are the focal point of analysis (Teisman, 2000). Actors with decision-making power introduce their problems, relevant information,

perceptions and interests into the arena. Typical stakeholders without formal power, like local communities are underrepresented in these arenas. Actors can also perform varying roles in different rounds and arenas (Monnikhof, 2006). The rounds model portrays decision making in a sequential process, where new issues emerge through the resolution of previous issues, changes in party preferences and/or social norms (Kunreuther, *et al.*, 1982 in Monnikhof, 2006). Indication of a new round would be revised problem formulations that are brought upon by decisions that solve the previous problems or when new legislation and constraints are introduced or new actors enter the arena. The rounds are not always sequential, hence overlapping may occur in many instances (Braybrooke, 1974 in Monnikhof, 2006).

## **Findings**

Planning in the port and city is largely influenced by the National Development Plan (NDP). The NDP is a detailed blueprint for how the country can eliminate poverty and reduce inequality (National Planning Commission: Republic of South Africa, 2011) . One of the objectives is to raise economic growth, promote exports and make the economy more labour absorbing. The port and city are therefore mandated in alignment with their objective to work toward this national objective and various others. The Pier 2 and BoP projects are part of the overarching NDP but at a local (city) and national scale (port). Nonetheless, the projects are required to adhere to legislation and take into consideration environmental and social justice in pursuit of their objectives.

In figure 1, Pier 203-205 and the BoP projects have followed different discussion trajectories, influencing decisions. Environmental concern backed by legislation had a role in forcing the port authorities to amend their plans for the deepening and widening and to address climate change adaptation and the conservation of the central sandbank ecosystems. The plan moderately adhered to NEMA and ICMA, however it did not rigorously address how the infrastructure would be adapted to climate change and reduce risk. The central sandbank is an ecological obstacle that all developments in the port need to consider. The eThekweni Municipality environmental management department was very effective in raising their ecological concerns during the EIA process. The decision by the Department of Environment Affairs to reject the EIA was important. It showed that the planning was flawed environmentally and could also be a proxy for inadequate planning. Hence, had ecological and climate change experts been involved during the design and planning, rejection and dispute of the EIA would have been least likely.

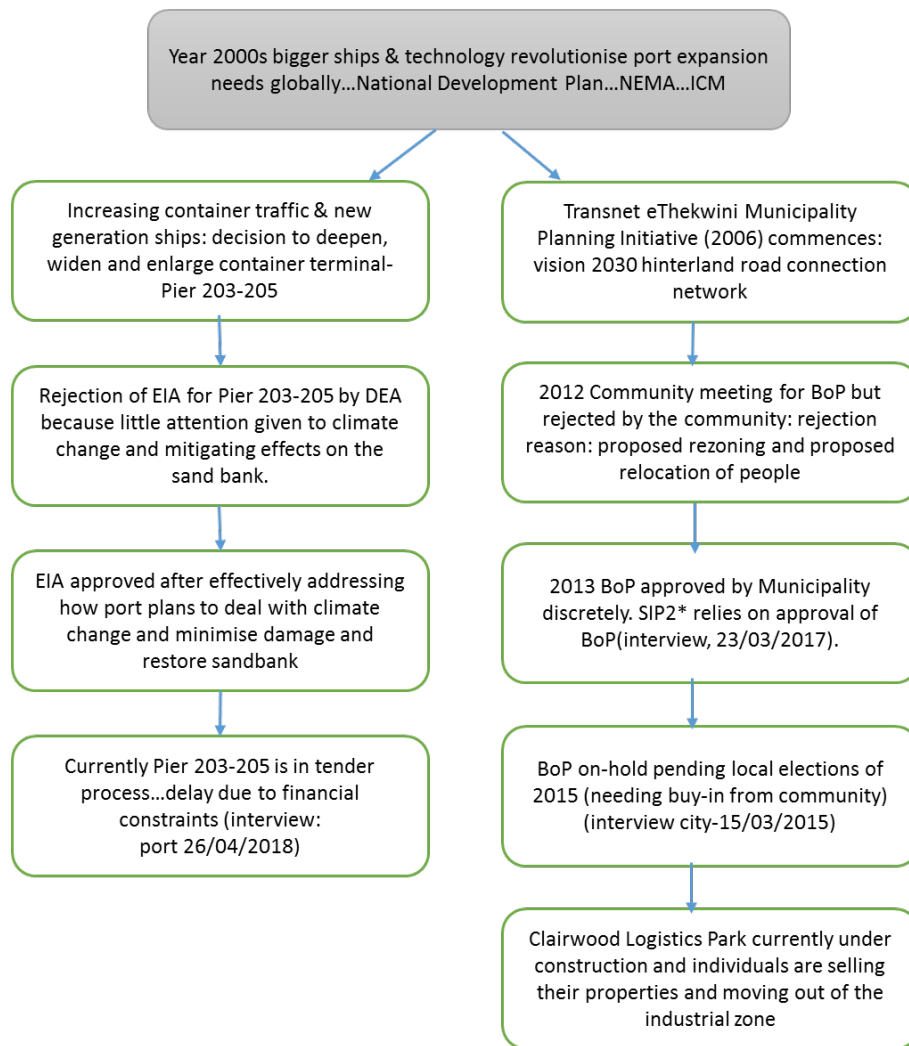


Figure 1: Rounds of decisions and events in the Port and the City that led to changes in plans and discussions

\*SIP2: Strategic Integrated Project no2: Durban-Free State-Gauteng Logistics Industrial Corridor

For the BoP, the major issue affecting the decision-making processes was social justice. The eThekweni municipality takes advantage of the presence of port by designing plans that support port activity and will have economic benefit for local GDP and the civil society. The decision taken in 2007 to pursue the BoP land rezoning was met with contestation. In an interview with an official from the planning department in 2017, they highlighted how during a community meeting where the municipality was to table the BoP plans, the community rejected them and became violent. The municipal officials were escorted out of Clairwood by the police. The important link of BoP to SIP2, led to its “discrete” approval by the municipality at the end of 2013 (interview 23/06/2017). For political reasons the developments were put on hold to allow local elections in 2015 to pass, and for the ruling political party to regain trust of the community (interview, 17/03/2015). According to SDCEA and a visit to the area, it is confirmed that the Clairwood Logistics Park, a highly contested project of the BoP by the community, is currently underway. The community of Clairwood and SDCEA believe their interests and cultural links to the area are not being considered by the municipality (interview, 26/05/2017). The municipality is always prioritising economic growth and promising the people jobs in return for their sacrifice to the land and development.

In both cases the dominant actors are: port authority, eThekweni Municipality and the private sector. However, their power to enforce plans is limited by legislation, the capacity of civil society, environmental NGOs and the research community to use legislative processes to oppose developments they feel will affect them and are not necessarily sustainable.

## Conclusion

The political changes from 1994 were a positive step in the right direction for the need to consider environmental and social justice, not only economic growth. Public Participation in impact assessments is a key communication tool. However, a persistent problem is that the concerns of interested and affected parties are noted but are not being adequately addressed by the port and city authorities. Social and environmental justice and economic growth are valued differently by actors and stakeholders in the port-city, hence the long decision-making processes and complexities that arise. The port, city and private sector need to be more willing to participate in an open transparent bottom-up approach to design, planning and development with affected and interested parties to reduce conflict.

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