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# **A Critical Analysis of Participation using the Planning Context of the Durban Back of Port Precinct**

Submitted in fulfilment of the requirements of the Degree of  
Masters of the Built Environment in Urban and Regional Planning  
in the Faculty of Engineering and the Built Environment at the  
Durban University of Technology

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## ABSTRACT

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Communities located in the Durban Back of Port area experience the compounded burden of environmental degradation with the legacy of untransformed Apartheid neighbourhoods. Despite the documented concerns and priority to deal with the cumulative environmental impacts on the communities of South Durban within planning policy documents, the participation process is unclear. Poorly defined participation processes not only inhibit the substantial issues being raised but fail to inform processes to address the concerns raised. These weakly defined civic engagements were found in the study to reflect some of the implementation challenges in the field of urban planning. The primary aim of the research study is to critically analyse participation processes for development as outlined in planning policy documents to make proposals within the context of the Durban Back of Port case study from sampled stakeholder categories; corporate community, civil society, and government. The Durban Back of Port case study is a geographical area under the authority of eThekweni Municipality in KwaZulu Natal. This precinct represents a situation where communities live near one of Sub-Saharan Africa's busiest industrial areas, and at the backside area of one of the most active ports in Africa. This research study found the precinct residents to have been subjected to both environmental racism, and post-Apartheid environmental injustice. The study area presents contrasting land uses, where negative externalities of industrial development impact on the adjacent residential uses. In effect, the legacy of Apartheid spatial planning is layered with environmental racism and has evolved into environmental injustice in present time.

This is a qualitative research study that applies hybrid analytical tools; document analysis, policy analysis and thematic analysis to critically analysis participation processes within the case study. This research study established three type categories of stakeholders representing varying interest; economic, social, and environmental. The purposely sampled categories comprised of corporate community, civil society, and the spheres of government, these are organisations that are either located or have jurisdictional authority in the Durban Back of Port. It uses the theoretical lenses of Environmental Justice, Advocacy Planning, Communicative Rationality and Action, Collaborative Planning, Participatory Planning, and Arnstein's Ladder of Participation to better understand participation processes.

## DECLARATION OF ORIGINALITY

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I, Sibongiseni Memory Ngubane, declare that this research work presented in this dissertation is my own work; the references provided acknowledge the authors that have been referred and cited. This dissertation submitted has not been submitted to any other institution towards examination for a qualification. This academic research work presents my own reflection and recommendations, and not the views of Durban University of Technology.

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SIBONGISENI MEMORY NGUBANE

23<sup>rd</sup> January 2023

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## GLOSSARY OF TERMS AND ACRONYMS

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AECl:	African Explosives and Chemical Industries
ACRP:	African Climate Reality Project
AIDS:	Acquired Immune Deficiency Syndrome
BoP:	Back of Port
CAER:	Community and Environment Response
CBD:	Central Business District
CBOs:	Community Based Organisations
CLF:	Community Liaison Forum
CPC:	City Planning Commission
CPC:	City Planning Commission
CSI:	Corporate Social Impact
CSR:	Corporate Social Responsibility
DDM:	District Development Model
DEAT:	Department of Agriculture and Environmental Affairs (Provincial)
DFFEA:	Department of Fisheries, Forestry and Environmental Affairs (National)
DRDLR:	Department of Rural Development and Land Reform (National)
DUT:	Durban University of Technology
ENGEN:	Malaysian National Oil Company
FTFA:	Food and Forestry for Africa
FTFA:	Food and Trees for Africa
HIV:	Human Immune Virus
IDP:	Integrated Development Plan
KZ-N PPC:	KwaZulu-Natal Provincial Planning Commission
KZ-N:	KwaZulu-Natal

LG MSA:	Local Government: Municipal Systems Act (No 32 of 2000)
LTPF:	Long Term Planning Framework
LUS:	Land Use Scheme
MONDI:	Packing and Paper Company
NDP:	National Development Plan
NEMA:	National Environmental Management Act (No. 107 of 1998)
NGOs:	Non-Governmental Organisations
NPC:	National Planning Commission
OSS:	Operation Sukuma Sakhe
SAIIA:	South African Institute of International Affairs
SAPREF:	South African Petrol Refineries
SDCEA:	South Durban Community Environmental Alliance
SDF:	Spatial Development Framework
SEAT:	Socio-Economic Toolbox
SOE:	State Owned Enterprise
SPLUMA:	Spatial Planning and Land Use Management Act (No. 16 of 2013)
WBCSD:	World Business Council for Sustainable Development
WWF:	World Wildlife Foundation

# 1. CHAPTER ONE: INTRODUCTION AND BACKGROUND

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## 1.1 BACKGROUND TO THE RESEARCH STUDY

This research study is framed within disconnect between the rights to an environment to support health and well-being, and the lived reality within the case study area. The Constitution of the Republic of South Africa provides a level of protection and stipulates in section 24 that: -

*“Everyone has the right-*

*(a) to an environment that is not harmful to their health or well-being’*

*(b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that –*

*(i) prevent pollution and ecological degradation:*

*(ii) promote conservation; and*

*(iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development”* (South Africa, Department of Justice, 1996: 11).

However, according to Niranjani (2005: 5) the Durban Back of the Port neighbourhood needs the protection of basic community rights because it is not immune to environmental degradation. The industrial centre of South Africa's KwaZulu-Natal Province is located in the "Durban Back of the Port" (BoP). Nevertheless, there are residential neighbourhoods next to industrial properties that endure the worst effects of this locality despite the area being heavily industrialized.

This case study area stretches from the Durban Central Business District (CBD) north to Ezimbokodweni in the south. Two sizable petrochemical refineries, a sizable paper mill, automobile manufacturers, as well as more than 22,000 homes and about 500



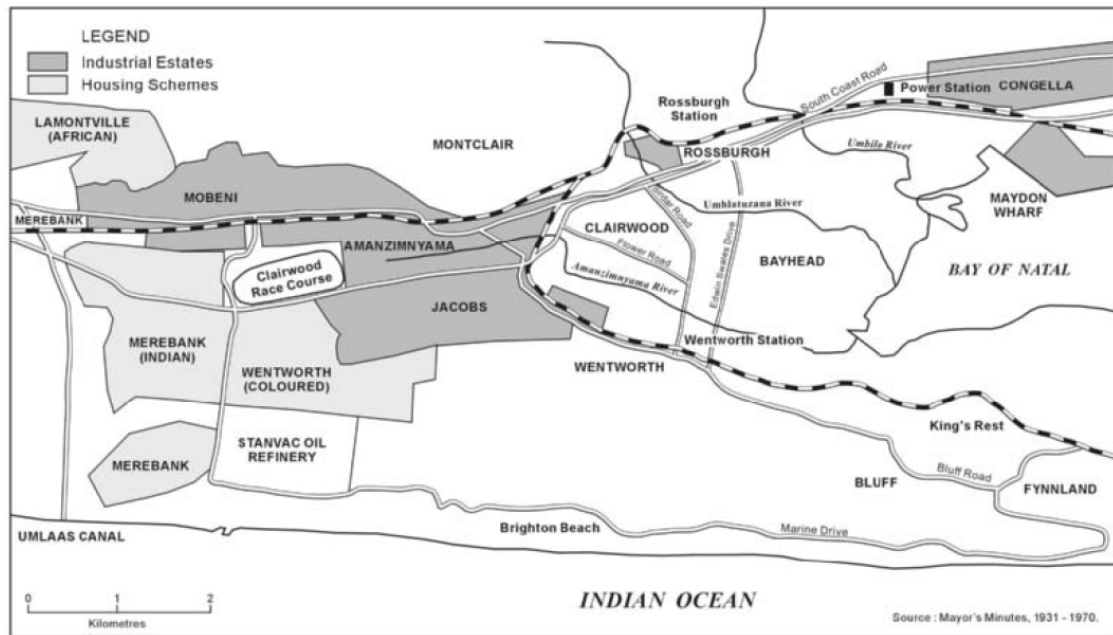
enterprises can be found in the Durban Back of the Port region. (South Africa. eThekweni Municipality, 2022: 389).



**Map 1-1: National Context Plan**

**Source: Generated by the Researcher, 2022**

The Durban Back of Port precinct is made up of the residential suburbs of the Bluff, Clairwood, Wentworth, Isipingo, Umlazi, Umbilo, Congella, Durban Harbour, and the industrial areas of Jacobs and Prospecton. Over time, the Durban Back of the Port shifted from a largely residential neighbourhood to a mixed-use area after the decision taken in 1938 to encourage industrial development in the area. Residents at the time were then forcefully removed from other suburbs in Durban using the statutory methods of the Group Areas Act (No. 41 of 1950). The Act allowed the relocation of Coloureds, Indians, and African communities to areas adjacent to heavy industrial facilities where they were to be sources of cheap labour. The conflicting land uses resulted in the historically tense relationship between civil society organisations representing local communities, business, and eThekweni Metropolitan Municipality. This spatial contestation is still ongoing.



**Map 1-2: The Development of Back of Port Prior to 1950s**

**Source: (Scott 2003: 247)**

As indicated the Durban Back of the Port area was historically residential in nature. The decision to develop neighbourhoods adjacent to the southern rail to industrial changed the character of the area from a spatial and town planning perspective. Despite concerted efforts by residents to prevent a creep of non-residential land uses into their neighbours, pressure from the adjacent industrial area slowly converted their suburbs to areas best described as 'mixed use' in form and use. Remnants of the former residential neighbourhoods are evident today; however, the area has evolved to allow a predominance of the land uses supporting the activities of the industrial areas.

The Durban BoP precinct suffers from environmental injustice and the state failure to take care of this area has led to political activism and militancy. There are various historical and political concerns that still shape the present politics and activism in Durban Back of the Port area. The quality of life for those who lived there was impacted by environmental and social problems such as drug misuse, a lack of activities for young people, high unemployment, pollution, and substandard housing. The civil

society groups in Durban Back of the Port are striving to improve the socioeconomic and environmental circumstances of the locals in an effort to rebuild relationships and the local community's trust. Development planning processes are not singular or binary approaches whereby one can choose to pick sides between the triple bottom line between the environment, economic activities, and social responsibility. It is a process that requires a bottom-up balanced sustainability approach whereby all the aspect of sustainability matter. This approach will reduce future friction, conflict, and instability.

The field of urban and regional planning is a profession that undertakes the design and regulation of the uses of space that focus on the physical form, economic functions, and social impacts of the urban environment and the location of different activities within it. The profession involves the management of development which entails ensuring a balanced of social, economic, and environmental aspects to ensure sustainability. However, there is a disjuncture in South Africa where economic forces overtake social and environmental aspects of planning and become predominant in decision making. Communities through civil society organisations have highlighted this gap. The research study seeks to evaluate the perceptions that civil society, government, and business have on the notion of community participation within the context of environmental degradation.

## **1.2 PROBLEM STATEMENT**

Urban and regional planning laws and policy frameworks in South Africa identify public participation as a fundamental tool for development planning. However, there is a grey area where the laws and policies do not adequately provide guidance on how to conduct participation. In effect this creates room for lobbying, corruption, bias, and other inconsistencies. This research study sought to critically analyse perceptions that the three categories of stakeholders found in the Durban Back of the Port have on the concept of '*public participation*' to inform planning frameworks for engagement.

### **1.3 THE AIM OF THE RESEARCH**

The aim of this research study is to critically analyse participation processes amongst the different stakeholders to improve quality of the environment and ensure social and Environmental Justice responding to local issues in the Durban Back of the Port. The study seeks to evaluate participation practices and offer conclusion and recommendations that will ensure that community participation becomes the catalyst of development that it should be. One of the planning challenges in South Africa is the disjuncture between policy intentions and the implementation of plans. Planning policies have the potential to intervene and develop the country and yet the failure to implement them raises concerns over planning capacity for spatial transformation. The researcher sees community participation as tool that will be catalyst to ensure that the great policies and plans achieve their objectives with less hindrance, and a total buy in from the public.

### **1.4 THE OBJECTIVES OF THE RESEARCH STUDY**

This research study has four objectives namely: -

1. To explore participatory planning approach within the context of urban planning literature;
2. To identify key issues in the Durban Back of the Port;
3. To identify how community participation viewed by stakeholders involved in the Durban Back of the Port; and,
4. To offer recommendations for more effective community participation in the context of the Durban Back of the Port.

### **1.5 THE MAIN RESEARCH QUESTION**

The main research question is stated as follows: -

*“What is the role of community engagement in the planning processes in the Durban Back of Port?”*

## **1.6 THE RESEARCH STUDY SUB-QUESTIONS**

To unpack the main research question, a series of sub-questions have been developed and they are outlined below: -

1. What are the dimensions to community engagement within urban planning?
2. How are the ideas of participation framed by stakeholders?
3. What are the recommendations and solutions needed to ensure environmentally just and effective community participation processes in planning of the Durban Back of the Port?

## **1.7 THE RATIONALE FOR THE STUDY**

The Durban Back of the Port area contains a mixture of industrial (including heavy industry, chemical storage facilities, sewage work, the Durban Port facility, logistics parks, and multiple small industries) with residential areas in proximity. According to South Africa, Department of Environment Affairs and Tourism (2007: 6), because of its valley geography and complicated weather conditions, the Durban Back of the Port experiences poor horizontal and vertical dispersion of pollutants, especially in the winter. As early as the 1960s, local communities in the Durban Back of the Port began to voice their concerns about the deteriorating air quality. During the 1980s and 1990s, as the air quality continued to worsen, more was done to address the issue (South Africa, Department of Environment Affairs and Tourism (2007: 6)). Furthermore, local residents and civil society groups frequently protest to the government about high pollution levels, odors, chemical leaks, flares, visual emissions, and health issues.

According to the South Africa, Department of Environmental Affairs and Tourism (2007: 7), the majority of the enterprises in the Durban BoP were situated on flat, former Umlazi, Isipingo, and Umbongotwini flood plains by the middle of the 1950s when industrial development in the area first began. The industrialization of the area spread out quickly. Around 600 industries may be found in this region, including the paint industry, the SAPREF and ENGEN oil refineries, the Mondi paper pulp mill, the Tongaat-Hulett sugar refinery plant, a sewage treatment facility, and chemical storage facilities. According to the Department of Environmental Affairs and Tourism (2007: 7) the three industries that produce the majority of the pollution are sugar, paper, and

oil refineries. While other smaller businesses, Durban harbor freight logistics, warehouses, and people make up the minimum pollution contribution.

The issues faced by the Durban Back of the Port community are older than 50 years, and would expect that with the elections in 1994, and South Africa becoming a democratic society, these issues would be a priority. However, the issues continued, and community has even went as far as getting Earthlife Africa to assist them. This research study believes that if community participation conducted accordingly, the issues and conflicts amongst stakeholders would have been long resolved.

### **1.8 THE CASE STUDY AREA**

The Durban Back of the Port neighborhood, which comprises the neighborhoods Bluff (Bayhead and Island View), Clairwood, Jacobs, Mobeni, Wentworth, Merebank, Merewent, Prospecton, Isipingo, Umlazi, Amanzimtoti, Lamontville, and Athlone, has over 22,000 households and 200 000 residents (Department of Environmental Affairs and Tourism 2007: 7). According to the Department of Environmental Affairs and Tourism (2007: 7), people recollect their past lives in the region before industry arrived. Some of them worked as market gardeners, while others lived in modest retirement communities in the Merewent region. These communities still remember the forests separating their houses from what was later to become the Engen refinery (the Department of Environmental Affairs and Tourism 2007: 7). Other community members were later located in the Durban Back of the Port next industrial land uses by the government using the Group Areas Act (No. 50 of 1950).

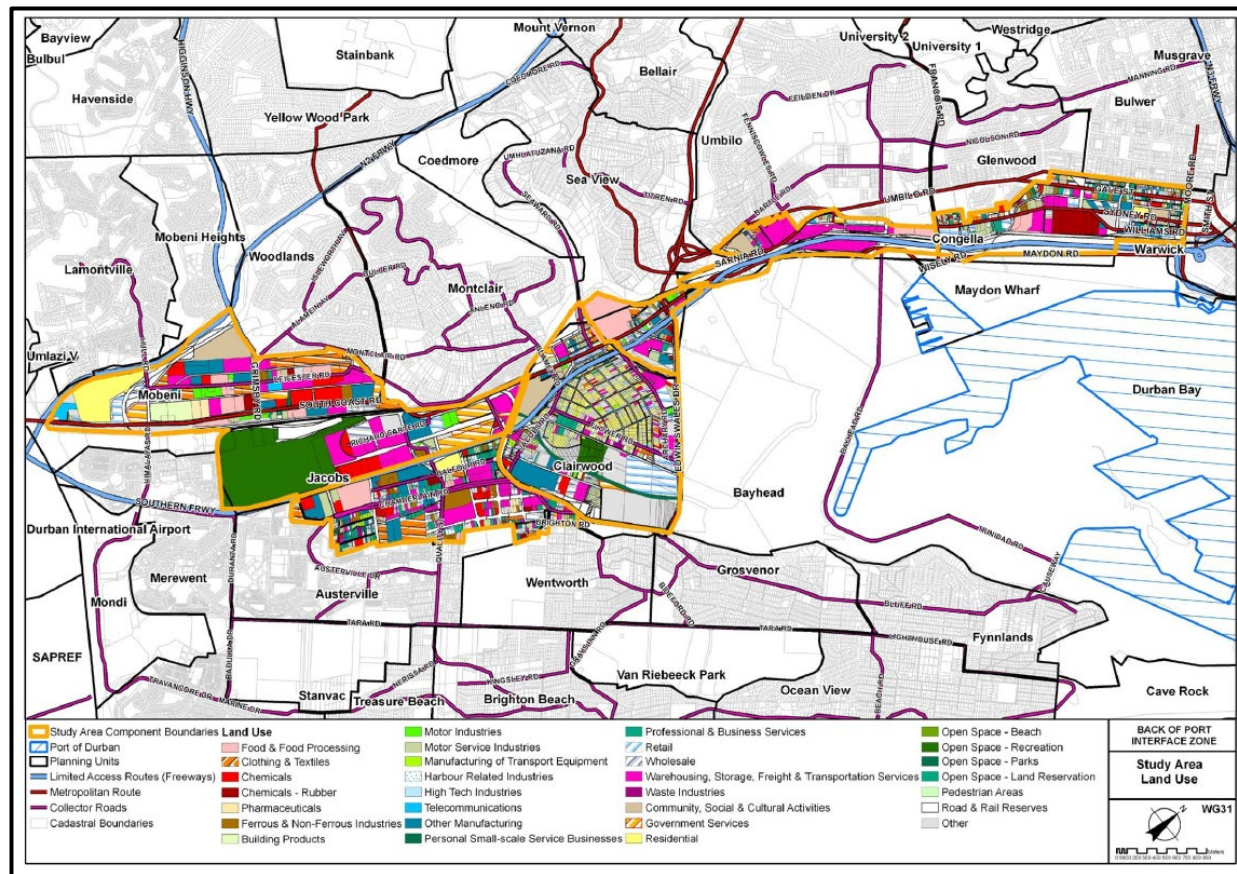


**Plate 1-1: The Current Back of Port Area**

**Source: Is Durban's Port Expansion Really Necessary? Jack Alban Dyer. University of KwaZulu Natal Unit of Maritime Studies August 2014, (accessed 8 December 2021)**

The Durban Back of Port case study area extends from the Durban CBD in the south and includes Isipingo South. Both the provincial government of KwaZulu-Natal and the eThekweni Metropolitan Municipality have administrative control over this precinct. The N2 freeway, which runs north to south and connects to the N3 at Spaghetti Junction, the M4 South Highway, the R102 Old South Coast Road, the M7 Edwin Swales Drive, the former international airport, and the seaport are all major transportation arteries that provide access to the Durban Back of the Port. However, the international airport has been moved to La-Mercy North of Durban (Department of Environment Affairs and Tourism 2007: 7) where the new King Shaka Airport and Dube Tradeport have been developed. Transnet and eThekweni Metropolitan Municipality are planning to develop a new dig-out port facility in the old international airport to accommodate future global logistics growth and bigger ships (See Plate 1-1 above and Map 1-3 below).





**Map 1-3: Land Use Map – ‘Back of Port’ Precinct**

**Source:** Spatial Framework, Precinct Plans, and Zoning Framework – Back of Port Precinct. Iyer Urban Design and Graham Muller Associates, 2011



The area is bounded by the Durban CBD edge in the north and Isipingo lies on the south end. The Indian Ocean borders the eastern side of the Back of Port area. On the norther side the Durban harbour creates a barrier to the port and the harbour entrance. About 15 km inland, in the direction of Westville and Greater Umlazi Township, is the Back of Port region. Numerous residential suburbs, including Austerville/Wentworth, Clairwood, Isipingo, Merebank, Jacobs, Bluff, and the Umlazi T sector, are located inside the precinct.

The Durban Back of Port consist of five Industrial belts namely: -

1. The Valley Industrial Belt;
2. The Jacobs Industrial Belt;
3. The Mobeni Industrial belt;
4. The Island View Industrial Belt; and,
5. The Umbongotwini Industrial Belt.

There are approximately 500 industrial companies located within the Back of Port area including ENGEN and SAPREF oil refineries, Tongaat Hulett and ILLOVO sugar refineries, the MONDI paper mill, the TOYOTA assembly plant, and Durban Harbour terminals. The impact of these collective industrial activities has been manifested in contributing to environmental degradation, pollution, health risk problems and spatial injustice. Pollution and deteriorating air quality complaints voiced by local communities since 1965. Community resorted to civil society organization to lobby concerns; these are South Durban Community Environmental Alliance and GroundWorks.

The action of the Apartheid governance left deep scars on the spatial and natural environment and society, and this legacy continues to pose threats to health and people's daily lives even though the country achieved democracy in 1994. Apartheid technocrats and government officials earmarked South Durban for heavy industry close to existing low-income Black South African townships. As result, citizens inhale pollution on daily basis. Communities have been exposed to industrial accidents such as oil spillages, industrial fires, and explosions without a local Disaster Management

Plan (DMP). Residents share road infrastructure with freight trucks, road accidents, freight traffic and infrastructure burdening. Continued exposure to pollutants from nearby industries have resulted in increased levels of ill health amongst residents including elevated levels of asthma cases, severe chest pains complaints, and cancer. Other social ills include increased levels of prostitution linked to the trucking and logistics activities in the area.

## **1.9 A CONCEPTUAL APPROACH**

This research study evaluated urban and regional planning theories associated with the concept of Environmental Justice, these are advocacy-planning and communicative action planning theory, collaborative planning theory and participatory planning approach. The research study intends to address environmental injustice by seeking ways to enhance community participation through critically evaluating how the Durban Back of the Port stakeholders perceive community participation. It will identify the differences and offer recommendations to crease out the differences, and ensure sustainable, environmentally friendly, and bottom-up development approach. The research study draws from two bodies of knowledge. On the planning theory side, the study critically assessed the theory related to the process of engagement and what defines sustainable public participation. In terms of how theory has informed practice, an analysis of Environmental Justice provides a substantive focus for how environmental issues intercept with poverty. In the context of South Africa there is the added element of unjust Apartheid racial planning, and the spatial and social legacy it has left in its wake. These specific elements will be examined within the context of the case study which provides a clear example of spatial, environmental, and social injustice and a lack of civic consultation in a planning project.

## **1.10 THE RESEARCH METHODOLOGY**

This research study stems from the critical Social Science philosophy. This is a qualitative research inquiry that seeks to investigate spatial development narratives encouraged by government policies. The research study sample includes the eThekweni Metropolitan Municipality, the Kwazulu-Natal Provincial Government (also known and the Department of Cooperative Governance and Traditional

Administration), the National Government, Transnet Corporate Groups, civil society groups (SDCEA and GroundWorks). This study uses secondary data analysis drawn from a variety of government and private sector documents, journal articles, books chapters and academic papers. The range of secondary source material examined included the National Spatial Development Plan, the Provincial Growth and Development Strategy, relevant planning statutes and policy documents, the eThekweni Integrated Development Plan (IDP), and its linked Spatial Development Framework (SDF), the Durban Back of the Port Local Area Plan (LAP), and Business reports. This triangulation of data ensures and enable validity and trustworthiness.

### **1.11 THE LIMITATIONS OF THE RESEARCH**

It understood and acknowledged by the researcher that planned investigation might not comprehensively yield results desired stated in the research objective. In other words, the nature of the research is to partially address the research question within the limitations of time and resources available for the completion of the research project. The researcher also recognises that current policy documents tend to focus on the problems of the majority. Most policy documents focus on macro level and may not include sufficient content or detail to address localised issues. However, the researcher strongly believes that the use of bottom-up approaches in conjunction with extensive communication, community engagement, and the inclusion of all stakeholders will address policy shortfalls. Strategic plans such as the municipal Spatial Development Framework provide a level of guidance in terms of planning initiatives. However, they can have similar limitations to those of generalized policy directives in that they lack the detail necessary to address localised issues. Therefore, the use of Local Area Plans and Area-based Management approaches are better planning vehicles for addressing the concerns found in the Back of Port precinct. Both plans require extensive participation and an iterative planning process where stakeholders in business, the community and the state engage in the sustainability discourse. Such an approach will allow for a transparent engagement around the development planning debates and allow for participatory decision-making. As part their Constitutional dispensation, municipalities are responsible for using the principle of developmental local government in their administrative and

planning decisions. The approach proposed in this dissertation will address this requirement.

## **1.12 THE STRUCTURE OF THE DISSERTATION**

This dissertation contains six chapters which are outlined in more detail below.

### **1.12.1 Chapter One: Introduction and Background**

Chapter One offers the introduction to the study and provides a clear background context of the research study by outlining the research problem, research questions, and overarching objectives. The research case study i.e. The Durban Back of the Port industrial precinct is dissected this chapter to provide a clear understanding of the research aim and objectives. The conceptual approach and research rationale outlined. Similarly, a brief discussion about the research methodology undertaken in the thesis.

### **1.12.2 Chapter Two: Conceptual and Theoretical Framework**

This chapter of the research study will provide conceptual and theoretical framework detailing research concepts include the definition and relevance of Environmental Justice and injustice, urban planning theory, and participatory planning approach.

### **1.12.3 Chapter Three: Research Methodology**

The research methodology used in this dissertation is outlined in this chapter. It focused on research methodology philosophies such as the research design in terms of qualitative research, data collection and gathering, sampling techniques, questionnaire design, data analysis, validity, and reliability of the research. It will further unpack the ethical considerations and measures to provide trustworthiness and outline how the research findings are available to the public.

#### **1.12.4 Chapter Four: Durban Back of the Port Case Study**

This chapter in the research study will explore the background of the case study, and briefly explain the context focusing on the role played by Transnet, civil society, and eThekweni local authority. This chapter will also closely outline the Planning context in South Africa focusing on planning policy, planning legislation, and the structural approach of planning.

#### **1.12.5 Chapter Five: Findings and Analysis**

In this chapter the finding and analyses are presented using three headings: main policy agenda on community participation, a response from business and civil society, and analysis on participation. In each section, knowledge production and planning discourses extensively discussed. Furthermore, the analysis offered directly following the findings for all headings. The concluding section of this chapter will synthesize the findings and reflect on the key research questions.

#### **1.12.6 Chapter Six: Summary, Recommendations and Conclusions**

This chapter will evaluate whether the research study succeeded in answering the research questions and makes recommendations that would; enhance planning knowledge and production. It proposes a synthesis of bottom-up just development that encourages Environmental Justice through government policies and dismantle the idea of economic biases in policies. The recommendations will also include suggestions to address the challenges faced by the spheres of government, local communities, and business (industry).

### **1.13 CONCLUSION**

This chapter introduced the background, problem statement, aim of the research study, rationale for the study, the questions and objectives, case study, study limitations, and conceptual approach. It is acknowledged that there is an existing body of knowledge guiding the approached and use of public participation in planning practice. There is a long history of practice recorded. As such, the following chapter will explore the literature that covers planning history and theory, Environmental

Justice and injustice and participatory planning approach which is relevant to this specific research.

## 2. CHAPTER TWO: THE CONCEPTUAL FRAMEWORK

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### 2.1 INTRODUCTION

The purpose of the theoretical and conceptual framework chapter is to structure the research investigation into a phenomenon to understand the topic of the research. As such, the purpose of theoretical and conceptual framework chapter is to identify and draw up multiple interrelated ideas from multiple urban planning theories. These theories are associated with community participation processes of the Durban Back of the Port. These theories develop a conceptual framework that guide the researcher and the reader understand the phenomenon of community participation within a case study setting. Given the applied nature of urban planning research a literature review, will be undertaken to identify the applicable concepts in the research. Secondly, develop theoretical framework to explain the data collected and form basis of the analytical framework.

The theoretical and conceptual framework chapter of this research entails identifying theories associated with community participation in the field of urban planning as this will assist develop theoretical basis for this dissertation and assist in development of analytical framework for the research. The fundamental question underpinning the chapter is 'can the concept of community engagement be conceptualized abstractly procedural and outside of the substantive context'? The question continues to explore whether if it is possible to focus on the process of engagement without the substantive issues you are engaging over.

Urban planning is a field associated with complex theoretical lenses due to the applied nature of the field. Furthermore, urban planning draws from multiple knowledge domains in the social sciences and the application of the field of planning is still emerging, especially in the global south, and South Africa. This research study has identified the following theories to be associated with community participation in the Durban Back of the Port Case study: -

- Substantively
  - Environmental Justice

- Procedurally
  - Advocacy Planning
  - Communicative Planning
  - Collaborative Planning

This theoretical and conceptual framework chapter is divided into four subsections. The first section seeks to introduce and dissect the following theories; Environmental Justice, advocacy planning, communicative planning, and collaborative planning. In the second section will specifically outline models associated with community participation, the purpose of this section is to highlight how participation conducted, and outline the fundamental opportunities and shortcoming associated therewith the outlined models. The third section outlines the concept of community participation within the broader context of South Africa. Finally, yet importantly, the fourth section will conclude by summarizing the section, and making concluding remarks thereof.

## 2.2 ENVIRONMENTAL JUSTICE MOVEMENT

Environmental Justice gained recognition of the politics and academics in 1982 when civil rights activists organized to stop the state of North Carolina from dumping 120 million pounds of soil contaminated with Polychlorinated Biphenyl's (PCB's) in Warren County where the area comprises of African American majority population (Mohai, Pellow and Roberts 2009: 406). PCBs are a group of chemical related compounds that can react with in the environment with food and water, and when consumed mistakenly by human can caused serious negative health effect such as a tumour (Ross, 2004: 276). The action of opposing the state caught the attention of many scholars, politicians, environmentalist, and other civil society groups worldwide. The Durban Back of Port community caught the Environmental Justice bandwagon in 1992 when a conference organized by Earthlife organization through the Earthlife Africa, in the conference titled "*what does it mean to be green in the new South Africa?*" (Francis 2008: 20). The conference focused on identifying and expressing a host of environmental concerns. These included the provision of social amenities, green spaces and safety standards for Black worker's communities', and threats to their health and livelihoods. The analysis of this posed premises of environmental racism, and the emphasis was to adopt and Environmental Justice discourse to



address the immense challenges faced by Black communities in Durban and elsewhere in envisioned democratic South Africa (Francis 2008: 20).

According to Francis (2008: 21) several community-based Environmental Justice organisations emerged during this period in South Africa's history. There has been a variety of recorded Environmental Justice conflict cases involving Black communities, corporate organisations and agencies, and the state. The Durban Back of the Port area is the primary example of this. According to the Department of Environmental Affairs and Tourism (DEAT) (2007: 04) communities in the South Durban Basin started to express concerns about deteriorating air quality as far back as the 1960's. Their efforts to bring this issue to the attention of government intensified in the 1980's and 1990's as air quality deteriorated even further. The multi-point plan report further stipulated that government, community and industry needed to debate a way forward and created a strategy to address the pollution '*hot spot*' problem. Subsequently, the government adopted the Multi-Point Plan in 2000 to address deteriorating air quality in the area.

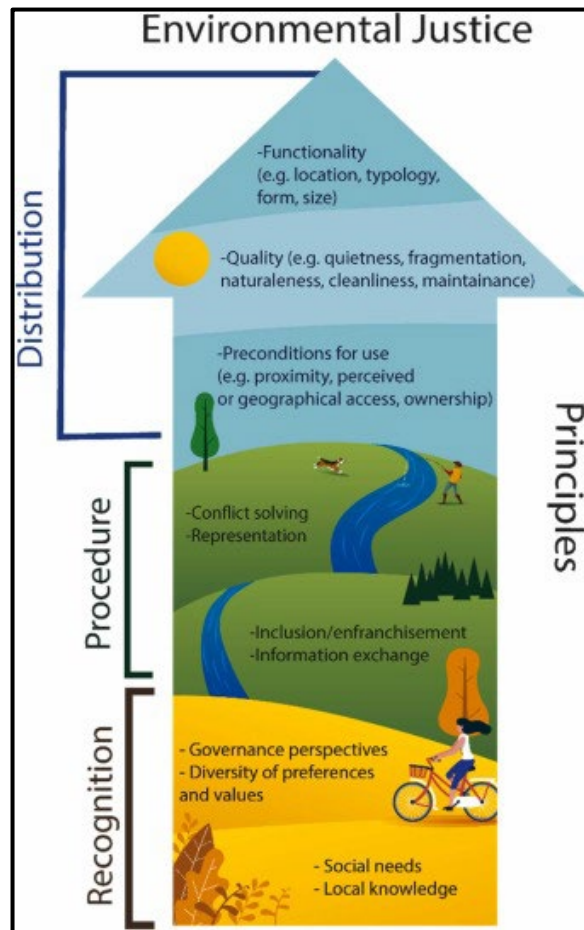
According to Ruiters (2002, as cited in Francis 2008: 21) the change of context in South Africa from Apartheid to the post-Apartheid era has influenced how Environmental Justice is viewed in terms of race. During the Apartheid regime, the Durban Back of the Port area was seen as the '*backyard*' where government and corporate entities could locate heavy industrial development next to Black racially marginalised communities. As such, the notion of '*environmental racism*' within the umbrella concept of Environmental Justice had defensible support from environmentalists and affected communities. However, post-Apartheid, in a democratic society, '*environmental racism*' is no longer the primary case, because Black communities are now able to manoeuvre up the social classes when they obtain economic opportunities that allow them to improve their lifestyles. Along with the opportunity for economic opportunity was the removal of restrictions as to where one can locate or reside. However, the shortcoming of this observation is that the marginalised members of the community, lower-income class communities remain in these areas and continue to bear the burden of environmental injustice. Many of the residents of these areas are from formerly disadvantaged groups so there is an

element of environmental, social, and economic racism that remains. This observation requires that Environmental Justice in South Africa includes an analysis of race as it did prior to 1994 and the advent of democracy.

Environmental Justice movement through the lens of urban planning can be described as a substantive call from local communities for a bottom-up development planning approach. This entails that these local communities through organized civil society representation fight for fair treatment and meaningful involvement of all people regardless of race, colour, and nationality on matters regarding spatial development, implementation, and enforcement of environmental laws. The above-outlined description of environmental justice is just a beginning, there are deeper conceptions outlined by key authors such as John Rawls (1971), Iris Young, Nancy Fraser and Axel Honneth. According to Schlusberg (2004: 4) John Rawls is the pioneer author of environmental justice, and Rawls principal argument of environmental justice was based on the principle of distribution of goods in a society. In a democratic setting, there is an expectation of fair distribution of goods in society, and that is deemed as justice. Schlusberg (2004: 4) outlined that this argument is correct, however, sees it as primitive, and argued that other key authors in this field such Iris Young, Nancy Fraser and Axel Honneth have developed environmental justice further by poking on the processes that causes or create mal distribution of these goods in society. In most instances, or in cases of the global south, Africa and or South Africa in particular, environmental injustice is visible when the structures are in place and operations are well underway. In the South African context, this was caused by the Apartheid government where the government had the central power and approved the development in the communities of colour without necessarily consulting the communities. Hence, environmental justice has developed to request for more scrutiny on the processes that create mal-distribution, and psychological connotation such as distrust, undermine, and ignorance apartheid instilled amongst multiple community stakeholders.

Environmental Justice concept evolution consists of six dimensions; distribution, recognition, participation/process, substance, capacity and just transition or policy

(Ntiwane and Coetzee 2018: 86). Figure 2-1 below provides an illustrative diagram of the principles of Environmental Justice.



**Figure 2-1: A Diagrammatic Presentation of the Principles of Social Justice**

**Source:** Environmental Justice implications of nature-based solutions in urban areas: A systematic review of approaches, indicators, and outcomes Jarumi Kato-Huerta and Davide Geneletti, *Environmental Science and Policy*, Volume 138, December 2022

### 2.2.1 Distribution Justice

The original author of Environmental Justice John Rawls (1971) first argued that poor communities and or communities of colour are strategically earmarked by government for environmentally hazardous developments when comparing these communities against white and the upper class community (Schlosberg 2004: 4). In

this sense, Environmental Justice is based on the premise of distributing resources, and services equally across society, and that is Environmental Justice view. In support of this view, Ntiwane and Coetzee (2018: 86) have articulated that the distribution justice dimension entails equal distribution of services, resources, and activities amongst communities. However, the other authors such as Young, Fraser and Honneth (as cited in Schlosberg 2004: 4) have further developed Environmental Justice to include additional five dimensions that original author failed to conceptualise.

### **2.2.2 Recognition Justice**

Schlosberg (2004: 4) cited that key Environmental Justice authors such as Iris Young, Nancy Fraser, and Axel Honneth have broadened the work of John Rawls to include other dimensions. The second dimension of Environmental Justice relates to recognition justice. Recognition justice entails policies and programmes meeting the standard of fairly highlighting, identifying and representing the cultures, values, and situation of all affected stakeholders (Ntiwane and Coetzee 2018: 86). The first dimension only substantiated on the distribution inequality where low-income communities or communities of colour tend to be overburdened with toxic uses. Schlosberg (2004: 4) articulated that recognitive justice broadens the scope beyond just distribution justice to entail recognizing contextual factors such as social, environmental and economic advantages and disadvantages.

### **2.2.3 Participation/Process Justice**

Participation or process justice is the dimension that seeks justice in the processes that lead to earmarking of resources and services to certain location. For Ntiwane and Coetzee (2018: 86) participation and or process justice is mainly about guidelines that inform the planning procedure for public participation in decision making that leads to the implementation. In other words, the concept seeks fair processes to be followed.

#### **2.2.4 Substantive Justice**

The concept of substantive justice refers to the act of immersion where roles- players and decision makers participate in the rationale that underpins decision making that is substantively fair. The process of immersion can be undertaken by both the communities that will be affected by the development and or the local authority entrusted with making the final decision (Ntiwane and Coetzee 2018: 87).

#### **2.2.5 Capability Approach**

Sen (2009) stated that the 'capability approach' is a general approach that focuses on information about individual advantages judged on opportunity, rather than particular external bodies earmarking developments without obtaining consent from society (Ntiwane and Coetzee 2018: 87). The concept of capability approach entails conducting a feasibility study prior to deciding whether to approve a project or not. This can include consulting or engaging affected parties, various government departments, and the legislature, to ensure that the final decision is just, and communities can function adjacent to the proposed development.

#### **2.2.6 Just Policy**

Just policy dimension highlighted the significance of policy to emphasise fair consideration of policy effects on planning outcomes during the planning, implementation and enforcement (Ntiwane and Coetzee 2018: 87). A typical example of unjust policy, it is the adoption of Group Areas Act in 1950 by the Apartheid government. This policy promoted the development of cities and towns in South Africa divided into segregated racial residential and business areas. In addition, the use of Euclidian Zoning where land uses were strictly separated often by large buffer zones enforced the concept of spatial separation. The policy enabled decisions to be made which created environmental injustice. In the case of the Back of Port, a government decision to demarcate the south of Durban area (sometimes referred to as the South Industrial Basin) for industrial development changed the spatial landscape. The area which was the home to majority of the people of colour was converted into a mix of heavy and service industry uses adjacent to the existing residential development. This land use change created the context where economic

priority created racial injustice. In contrast, the municipality designated and developed areas such as Durban north for White and upper-class residents with luxurious residential, and beautiful shopping centres, and social facilities with open spaces.

## 2.3 ENVIRONMENTAL JUSTICE IN THE CONTEXT OF SOUTH AFRICA

In the South African context, Environmental Justice matters are dealt with by two national government departments – the Department of Environmental Affairs and Tourism (DEAT), and by the disciplinary field of spatial planning which is administered by the Department of Rural Development and Land Reform (DRDLR). The following sub-sections will look at how these portfolios address matters of Environmental Justice within the country.

### 2.3.1 Environmental Affairs in South Africa

Matters of environment in South Africa are addressed at the national and the provincial levels by the Department of Forestry, Fisheries and the Environment (DFFE) and Department of Agriculture and Environmental Affairs (DAEA). The South African democratic government enshrined right in the Constitution of the Republic to ensure Environmental Justice (refer to figure 2-1)

**Table 2-2-1: The National Constitution of South Africa Bill of Rights and relevant sections related to community participation**

SEGMENT OF THE CONSTITUTION	DETAIL
Chapter 7: Bill of Rights, section 24; Environment	<p>Everyone has the right</p> <p>a). to an environment that is not harmful to their health or well-being; and</p> <p>b). to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that</p>

SEGMENT OF THE CONSTITUTION	DETAIL
	i). prevent pollution and ecological degradation; ii). Promote conservation; and iii). Secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

**Source: South Africa, Department of Justice. 1996.**

However, there are a number of issues with using the rights-based approach to achieving Environmental Justice (Francis 2008: 20). According to Francis (2008: 20) outline that the rights-based approach is inadequate to ensure Environmental Justice, and raises the following points;

1. There is over accentuation of the judicial equality terms of issuing constitutional rights to Environmental Justice, on the other hand, less effort placed in tangible material inequalities such as the six dimensions of Environmental Justice;
2. Environmental Justice activist organization in South Africa lack financial resources needed to fight the perpetrators of environmental injustice in court. A large portion of activist organisations are small and underfunded;
3. The context of inequality, poverty, and unemployment is a hindrance when activists' organisations attempt to gather substantial amounts of people to mobilise consistently; and,
4. The rights-based approach to Environmental Justice has the potential to keep communities' passive and dependent on the state because state that grants them rights.

In seeking to address the substantive and procedural issues concerning Environmental Justice matters in South Africa, an establishment of the National

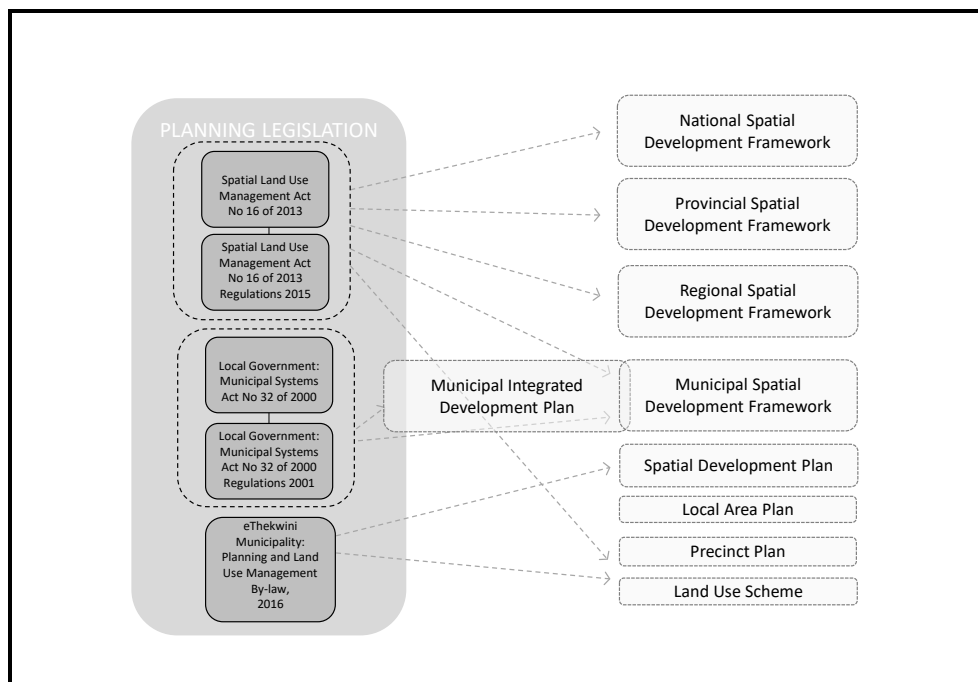
Environmental Management Act (NEMA) (No. 107 of 1998), a body of law dedicated solely to addressing issues surrounding ecological conflict was an affirmation of the government's commitment towards Environmental Justice. According to (Francis 2008: 20) the consolidation of an abstract body of environmental rights has the potential to become an effective legal tool that can be used by citizens to challenge Environmental Justices within a court of law.

The judicial approach to resolving Environmental Justice bodes well in addressing current issues; however, fails to consider cases of low-income communities represented by Non-Governmental Organizations (NGOs) and Community Based Organisations (CBOs). Firstly, this approach is expensive. Attendance at court cases and getting legal representation requires substantial funding whilst the representation from NGOs, and CBOs is often undertaken on a pro-bono system (no charge) and is voluntary. This discrepancy is substantial. According to Chilengue and Piedade (2014) CBOs and NGOs are fund-less organisations that offer technical expertise to local communities on a voluntary basis. This mismatch is a limiting factor because seeking Environmental Justice through the judiciary is an expensive and lengthy process. Secondly, court cases take long time to resolve matters, and communities might end up losing interest or being unable to stay the course of an extended legal process. In some instances, developers continue developing despite legal proceeding or interdicts to refrain from this activity. This is due to the fact that the financial penalties for transgressing the regulations are less than if they postponed their building and development on-site. The judiciary need to adopt strict measures in terms of suspending development proceedings if there is a breach of environmental rules.

### **2.3.2 The Spatial Planning Approach to Environmental Justice in South Africa**

The planning structure and system deployed by the South African government is complex and operates across multidiscipline departments and multiple scales of the spheres of government, ranging from national to local (for further perusal, refer to the figure 2-2 below).





**Figure 2-2: Legislative Context**

**Source: Hansmann (2020: 152)**

The South African government through the spatial planning legislation and policy, have enacted laws to govern the spatial planning process to ensure Environmental Justice and sustainable developments that seeks to address past spatial imbalances and environmental injustice, these legislations and policies are: -

1. Spatial Planning and Land Use Management Act (Act No. 16 of 2013);
2. Municipal Systems Act (No. 32 of 2000);
3. Integrated Development Plan (IDP) introduced in terms of Chapter Five of the Municipal Systems Act;
4. Spatial Development Framework (SDF) which the spatial translation of the strategic intentions of the IDP;
5. Town Planning or Land Use Scheme which is a more detailed plan and includes zoning, land uses and development parameters related to land management; and,

6. Local Area Plans which make provision for detailed examination of specific areas within a Land Use Scheme (LUS).

On the back of the legislation and policies, the planning field in eThekweni Municipality started processing its development applications in terms of the Planning By-law from about 31 August 2017. eThekweni exercised its powers granted in the Constitution, SPLUMA and MSA to enforce its Town Planning Schemes or make By-laws for the implementation of SPLUMA to regulate its planning. SPLUMA empowers municipalities to appoint a Municipal Planning Tribunal and adopt a Town Planning Scheme or Land Use Scheme (LUS).

**Table 2-2-2: The Spatial Planning and Land Use Management Act and relevant sections related to Community Participation**

SEGMENT OF THE SPLUMA	DETAIL
Chapter 2: Development principles and Norms and Standards;  Section 7: Development principles. the principle of good administration, whereby-	(iii) the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications include transparent processes of public participation that affords all parties the opportunity to provide inputs on matters affecting them; and  (iv) Policies, legislation and procedures must clearly set in order to inform and empower members of the public.

SEGMENT OF THE SPLUMA	DETAIL
Chapter 5: Land Use Management;  Section 24; Land Use Scheme	(1) A municipality must, after public consultation, adopt and approve a single land use scheme for its entire area within five years from the commencement of this act
Chapter 5: Land Use Management;  Section 26: Legal effects of land use scheme	(5) A municipality, may after public consultation, amend its land use scheme if the amendment is- <ul style="list-style-type: none"> <li>(a) in the public interest</li> <li>(b) to advance, or it is in the interest of a disadvantage community; I</li> <li>(c) In order to further the vision and development goals of the municipality.</li> </ul> (6) A land use scheme developed and approved in terms of this act must address and resolve any conflict within an existing scheme not repealed or replaced by the new land use scheme.

**Source: South Africa, The Office of the Presidency. 2013.**

The SPLUMA legislation principles, values, and ethos entail that spatial planning ought to bottom up in nature and should afford communities meaningful participation that sees communities influencing decision-making. SPLUMA uses planning tools such as — the Integrated Development Plan (IDP), the Spatial Development Framework (SDF) and the development of a Land Use Scheme (LUS). An Integrated Development Plan and Spatial Development Framework require that when these mandatory planning tools are used, they should encompass public participation. The IDP and SDF are legally mandate by Municipal Systems Act; drafted every five years and reviewed yearly. While a Land Use Scheme on the other hand, is tool that is a legal/statutory document that defines zones and the land uses permitted with in them, changes that can be made by Special Consent and Prohibited Uses. If a landowner

transgresses the regulations of the Scheme, they are liable to penalties although this enforcement aspect of statutory planning is one that is weak within the municipality.

The context of spatial planning in South Africa depicts good policies that promote Environmental Justice. However, the problem lies in the operational front when these processes and procedure conducted. There is grey area where the law does clearly instruct practitioners on the process, and specifics to be followed, as such this has created discrepancies in the system. These discrepancies eventually create an environment where the dimensions of Environmental Justice get undermined.

The upcoming section seeks to detail the origins of public participation within spatial planning, dissect both the theories relevant and types of participation methods, levels of participation and highlight methods of participation deployed in South Africa.

## **2.4 URBAN PLANNING THEORIES**

Urban planning is a profession that undertakes the design and regulation of the uses of space that focus on the physical form, economic functions, and social impacts of the urban environment and the location of different activities within it. Furthermore, urban planning is a field that initiates and manages land use changes in the natural and built environment. With the definition of urban planning having been presented, this section will further dissect urban planning by introducing the concept of bottom-up urban planning approaches associated with community participation. These approaches include Advocacy Planning, Communicative Planning and Collaborative Planning.

### **2.4.1 The Advocacy Planning Approach**

The paradigm change to Paul Davidoff's Advocacy Planning theory in the 1980s was associated with the disillusionment with technical, logical models and modernist planning (Davidoff 1965). The essence of Advocacy Planning theory was reaction by urban planners when they participated in the United States' civil rights movement in the 1960s. Paul Davidoff was the pioneer of this planning approach that offers local

communities, primarily disadvantaged and vulnerable groups, expert advice on planning matters. Essentially this approach is based on the understanding that local communities need a field expert to advocate for them when engaging with the official bodies (i.e. Local Council, State Owned Enterprises etc.) in the planning process (Stieglitz 1999).

From 1955 through 1968, Black Americans fought for social justice and equal legal protection in the United States through the civil rights movement. Urban planning was one of the main topics of discussion during this time, which was marked by protest movements and political instability in the United States, among other things. According to Davidoff (1965) urban planners involved in the civil rights movement championed the idea of replacing a single public interest plan with a number of plans reflecting various interest groups, with a focus on minority interests. This led to the development of the advocacy planning strategy, which supported multiple rather than unitary plans. These designs were the result of lengthy debates and deliberations in which the planners spoke for society's interests.

The issue of vulnerable communities lacking the actual know-how to communicate formally with other bodies is at the core of the Advocacy Planning Theory. Advocacy Planning's goal is to define the ethics of working with the public by giving local communities the knowledge, education, and communication tools they need to participate in the planning processes that have an impact on them. Furthermore, Mäntysalo (2005) articulated that by adopting an advocacy approach to planning, the community is given the chance to respond to the technical language of urban planners and provides a platform for urban planners to explain to the public the justifications for the planning ideas. According to Davidoff (1965: 331) planning through advocacy should not result in the promotion of impartial or value-free plans. Planners of advocacy initiatives should base their decisions on moral principles rather than forcing citizens into passive, inappropriate positions.

Angotti (2008: 15) highlighted a useful insight by suggesting that community engagement initiatives shouldn't respond to the technological blueprints created by governmental or non-governmental organizations. Advocacy planning initiatives

ought to promote the community's right to create its own neighbourhood plans. Advocacy Planning thus rejects the technical/rational model approach to planning and, in retrospect, promotes the sustainability of city planning through a supporting advocative approach.

The main critique or shortcoming in Advocacy Planning relates to the notion of pluralism, where critiques argue that there are multiple fundamental assumptions made. According to Mazziotti (1974: 38) planners should be weary of three essential presumptions that pertain to the primary premise of plurality in advocacy planning. The first premise refers to the possibility of future planning, in which the process blatantly invites political and social principles to be examined and debated (Mazziotti 1974: 38). Accepting this position signifies a rejection of the planning prescription that would have the planner function only as a technician. The second premise is how to decide what is in the public interest in a society where there are many different interest groups that are frequently at odds with one another (Mazziotti 1974: 38). A third presumption of advocates' planners is that any group interests at stake in the planning process should be clearly expressed since they believe that a plan is the embodiment of specific group interests (Mazziotti 1974: 38). The aforementioned perspective rejects the idea that there could be a single ideal strategy as well as any potential for public welfare (Mazziotti 1974: 38).

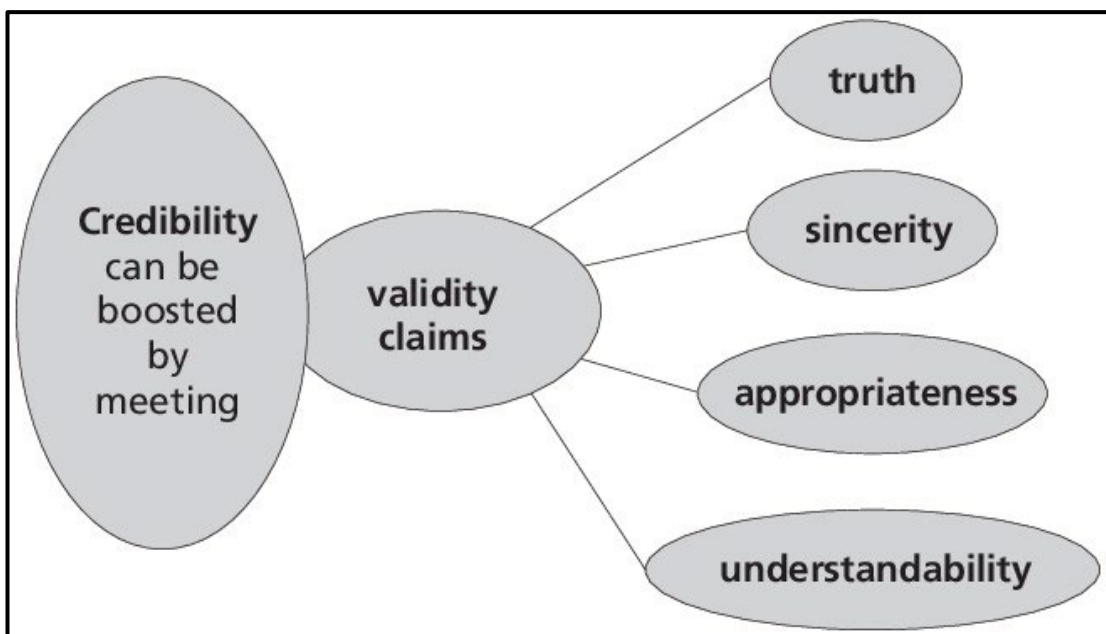
According to Angotti (2008), Davidoff (1965) is credited with opening the way to modern progressive planning, and the advocacy planning methodology had an impact on planning practice.

#### **2.4.2 The Communicative Planning Approach**

Within demise of rational comprehensive models as dominant form of planning, platform opened for emergence of new theoretical lens, concerned both to explain planning as a phenomenon and to provide ideas for how planning ought to be performed (Watson 2004: 30). Therefore, communicative planning approach became the dominant and influential paradigm to inform spatial planning (Ntiwane and Coetzee 2018: 89). Communicative rationality and Action Theory was founded by

Jürgen Habermas a sociologist and philosopher in 1991 (Mohammadi 2010). This approach focuses on rationality and action to solve spatial planning problems. Central to communicative rationality and action is social action, transformation, and dialectical relationship amongst spatial planning role players.

Communication unlocks rigid preconceived perceptions that spatial planning stakeholders have prior collaboration. The diagram below illustrates how the unlocking process (See Figure 2-2 below).



**Figure 2-3: The Theory of Communicative Action, Habermas, 1984**

Source: [https://www.researchgate.net/figure/Theory-of-Communicative-Action-Habermas-1984\\_fig2\\_339420117](https://www.researchgate.net/figure/Theory-of-Communicative-Action-Habermas-1984_fig2_339420117), accessed 5<sup>th</sup> December 2023

Using Habermas's communicative rationality, Healey (2003: 5) described the relevant action needed for the implementation of the Collaborative Planning. She provided seven key emphases namely: -

- A recognition of the social construction of knowledge and the exercise of both practical reason and scientific knowledge;

- An acknowledgment of the different forms for the development and communication of knowledge (analysis, storytelling, expression);
- The recognition of internal within social contexts must be acknowledged as important;
- The identification of diverse interests and the subordination of interests through relations of power;
- The concept of stakeholder, spreading ownership, and the range of knowledge and reasoning;
- A shift from competitive interest bargaining to collaborative consensus building; and,
- The recognition of planning activity (Healey 2005: 5)

Communicative rationality and action planning is concerned with protecting and extending democracy (Watson 2004: 30). Spatial planning as an emerging field of study struggled to ensure total inclusion in the planning process. This is evident in rational comprehensive model that deploys top-down planning approach which presents a plan to communities as a 'faire accompli' or end product into which they have had no say. On the receiving end of planning initiatives which do not address on the ground issues, communities suffer the consequences of un-democratic practices. Communicative rationality and action encouraged the normative principles of inclusiveness, openness, minority rights, bottom-up developments and community empowerment.

One of the key urban planning theory authors from the Global South Vanessa Watson (2004: 30) outlined that Communicative Action theory is concerned with protecting and expanding democracy. Secondly, Watson (2004: 30) highlighted the comparison made by Habermas, between the public sphere and the formal economy and the government. Watson argued that there is a difference in communication. In the public sphere, people engage over matters and reach consensus, and coordinate action. Key to communication in the public sphere is the perceived force of a better argument, and upon raising a better argument, other stakeholders are obliged to reach a

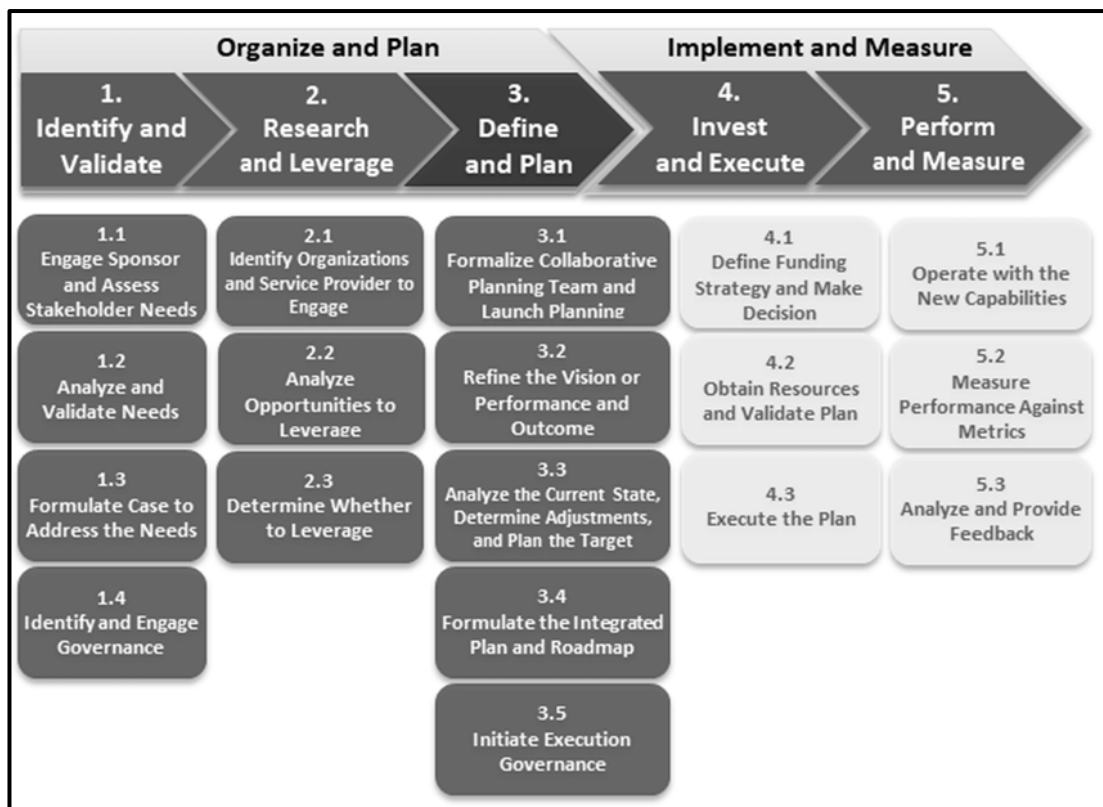


consensus, and coordinated action. Watson (2004: 30) therefore suggested that the formal systems need to adopt this view.

Watson (2004) and Healey (1999) have argued that there is a need globally for social compacts where civil society and government partner to deliberate community matters, and thus, ensure democracy. The interaction of different stakeholder groups in urban planning is covered in depth by the Collaborative Planning theory. The following section covers adeptly this concept and its relevance to this research.

#### **2.4.3 Collaborative Planning Approaches**

Patsy Healey developed Collaborative Planning theory in the mid-1980's. According to Healey (2003: 107) Collaborative Planning took ten years to develop before it could reach its full application. The concept developed an approach to understanding and evaluating governance processes especially those that focus on developing qualities of place and territory (See Figure 2-3 below).



**Figure 2-4: Collaborative Planning Methodology (CPM)**

Source: [https://www.researchgate.net/figure/Collaborative-Planning-Methodology-CPM\\_fig3\\_339170297](https://www.researchgate.net/figure/Collaborative-Planning-Methodology-CPM_fig3_339170297), accessed 4<sup>th</sup> January 2023.

The concept of the Collaborative Planning approach was inspired by several concepts, and the following sub-sections will outline each of these in detail.

The first concept relates to the perception of planning as an interactive process (Healey 2003: 104). Planning is a complex activity that encompasses multiple sectors, spheres and diverse stakeholders to engage in an interactive process. The South African context represents a situation where there are three formal spheres of government – national, provincial, and local. In addition, there are private sector organisations and diverse stakeholder groups with a wide spectrum of interests ranging from governance, social, economic, and environmental or a combination of these elements. From this perspective, Collaborative Planning requires a formalized structure to guide both substantive and procedural approaches to development. Amid

the complexities, there needs to be a structure that informs and promotes public engagement around proposed planning projects. The interactive process requires appreciation of different scales in shaping the contribution from top-down and bottom-up planning approaches.

The second concept relates to an understanding that planning is a governance activity that occurs within a set of complex and dynamic institutional environments. It is shaped by the wider economic, social and environmental forces that structure, but do not determine, specific interactions (Healey 2003: 104). This approach encompasses the role played in planning issues by lobby groups, environmentalists, and the planning elite. These are the groups that seek to simplify the planning processes and dictate development outcomes. This practice is undemocratic because it largely excludes civic involvement. Planning ought to be a participatory process because that is what idea of democracy prescribes. In contrast, a bottom-up planning processes tends to yield plans that can be agreed upon because the recipients of its product are involved in its design and implementation. This approach hinders conflict and contestation, enhances project ownership by residents and therefore responsibility, and allows effective implementation. It is by nature developmental, and democratic. It has the potential to create a power balance in terms of the interests of various stakeholder groups.

The third concept focused on planning and policy initiatives concerned with maintaining and enhancing the qualities of places and territories (Healey 2003: 104). Planning and policy when practiced accordingly have the capability to transform spaces and territories. Healey (1997) argued that there is a need to explore the potential participatory process in terms of transforming planning practice, culture and outcome. Collaborative planning is founded on ideas of honest engagement amongst stakeholders (Healey 2003). This leads to sharing of responsibility and promotes culture of mutual interest (Gunton, Day and Williams 2003). The participatory processes should inform planning policy, and not the other way around where elite technocrats deploy foreign ideas and use them in the local context even where they are applicable to local challenges.

The final concept related to a moral commitment to social justice, especially as it connects to the realized fine grain of daily life experiences. This is important in the context of a diversity of local environments and daily lives (Healey 2003: 104). Healey (2003: 105). outlines that this meant a *“concern not merely with the justness of material outcomes, but also with the processes through which policies about resource allocation and regulation are articulated and implemented,”* and she cited David Harvey (1973) where he stated in *“Social Justice and the City, social justice has a dimension of both outcome and process, a just outcome justly arrived at”*.

This research study focuses on participatory aspects of planning. As such the study seeks to investigate the structure that governs the planning process. The structure of governance in South Africa comprises of-three - national, provincial, local municipality. Within the metropolitan and local municipalities, the responsibility for identify and addressing local challenges is to be addressed by local Ward Councillors who are represented on the municipal councils. However, in the South African context the ability of Ward Councillors to be effective at the local level has been unimpressive. These identifications of these spheres of government are significance in that they determine the jurisdictional participation and the impact on local planning initiatives.

## **2.5 PARTICIPATORY PLANNING APPROACH**

A model for urban planning called participatory planning encourages community involvement in the planning process. To achieve consensus on a plan's implementation, this calls for participation in a variety of social and interest groups (Lefevre *et al.* 2000). The procedure is founded on the understanding that conflicts of interest and disparities in power and responsibility will always exist in society. Due to the critical importance of third-party mediation in resolving disputes and plan objections, participation and negotiation are at the core of the participatory planning process. Participatory planning is a technique that aims to prevent decisions from having results that are already predetermined by those in positions of authority and to promote inclusion (Hague *et al.* 2003).

Participating in the community involves involving citizens and planners in a reciprocal learning process where they can combine internal and external resources to improve their well-being. Because community development cannot only depend on external power holders, maintain a balance in power relations (Oakley 1991). Williams (2006: 197) defines community participation as the *“direct involvement or engagement of ordinary people (usually beneficiaries) in the affairs of planning, governance and overall development programmes at local or grassroots level, and is considered to be an integral part of democratic practice”* and hence, this is the definition used in this research study.

There are six key principles related to community participation namely: -

1. Common Cause;
2. Cooperation;
3. Strength and Independence;
4. Equity and Inclusiveness;
5. Participation; and,
6. Community Empowerment (See Figure 2-5 below).



**Figure 2-5: Six Principles of Community Participation**

Source: [https://www.researchgate.net/figure/Six-core-elements-of-community-development-Source-based-upon-Community-Development\\_fig8\\_329758560](https://www.researchgate.net/figure/Six-core-elements-of-community-development-Source-based-upon-Community-Development_fig8_329758560) (accessed 16 May, 2022)

### **2.3.3 Action Research Method**

German-born social psychologist Kurt Lewin pioneered the Action Research Method (ARM) in 1934. According to Adelman (1993) Lewin's concern was helping minority groups raise their self-esteem through encouraging them to seek independence, equality and cooperation. The aim of the Action Research is to assist marginalized groups overcome obstacle of a history dominated by exploitation and colonization (Adelman 1993).



**Figure 2-6: Action Research Model**

Source: [https://www.researchgate.net/figure/An-action-research-cycle\\_fig1\\_330984228](https://www.researchgate.net/figure/An-action-research-cycle_fig1_330984228) (accessed 16 May 2022).

According to Carr and Kermis (1986) ARM is a systematic form of introspective inquiry undertaken by participants. This includes individuals, professionals and educators. in social situation who want to improve social and educational practices, and in turn, understand practices and situations carried out (Leitch and Day 2000). Whilst Winter and Munn-Gidding define Action Research as a study of social situation carried out by the involved in situations to improve practice and understanding. Bradbury and Reason (2003: 4) illustrated the approach as a participatory process concerned with developing practical knowledge in pursuit of worthwhile human purposes.

The Action Research Method is useful, and applicable in the context of the Durban Back of Port. The situation of Durban BoP presents community subjected to Apartheid systems of racial, social and economic injustice which is manifest in environmental and spatial decline. To address the development challenges in the

area, all the stakeholders need to participate on a just transition process. There is a need for unbiased reflection on past planning actions for the purpose of exposing faults and producing remedies to address the current challenges.

### 2.3.4 Participatory Action Research Method

Two elements differentiate Participatory Action Research from Action Research; firstly, the researcher is interested in walking with ordinary citizens, and secondly, researcher stops fighting with the state, and instead, engages despite state weaknesses. However, there are similarities in the methods such as the cycles of self-review process that includes; planning for change, implementation of change, observe change, and review.



Figure 2-7: Participatory Action Research Diagram

Source: <https://www.youtube.com/watch?v=0Zng5AoMvVA>, uploaded by Peter Vana, October 2018, (accessed 16 May, 2022)



Morton and Montgomery (2013: 4) described Participatory Action Research as a method of extensive community participation in all stages, where the products are a result of participatory work between individuals, organisations and institutions of a community. The produced information and outcomes will reflect the perspectives community and involved stakeholders.

Participatory Action Research entails the relinquishing of power by handing over the microphone and or chalk to local people. Local people facilitate the process from investigation, analysis, present findings, and learn to enable community emancipation and produce bottom-up outcomes. This enables communities to review outcomes and adopt amendment strategies. Stakeholder responsibility and accountability fostered. The involved stakeholders have responsibility to share information and experiences to other communities using various techniques such as social media, emails, and conferences.

### **2.3.5 The Participatory Reflection and Action Methods**

The Participatory Reflection and Action Methods encompass elements of Action Research and Participatory Action Research. An amalgamation of these methods is useful for the field of spatial planning. PR&A enables Participatory Planning, budgeting, implementation, and monitoring of projects undertaken by local people through preparing plans, budgets, and schedules and enable action of monitoring and evaluating progress made (Chambers, 1994).

### **A CRITIQUE OF PARTICIPATORY PLANNING**

These methods and tools are standardised and defined; they must tailor the local context in which they are applied. For example, in areas with rife Environmental Justice concerns, PR&A can be useful in exploring complexities of environmental degradation, can highlight major concerns, and enhance interaction amongst stakeholders (industry, community and government). It allows a collective understanding of the core issues, and therefore the creation of a framework to come up with solutions to develop strategies to deal with challenges.

Participatory planning methods are time consuming. Dealing with communities' entails including individuals with sets of priorities and considering those priorities when scheduling meetings. Secondly, practitioners operate on time bases, and projects that take long time span are expensive.

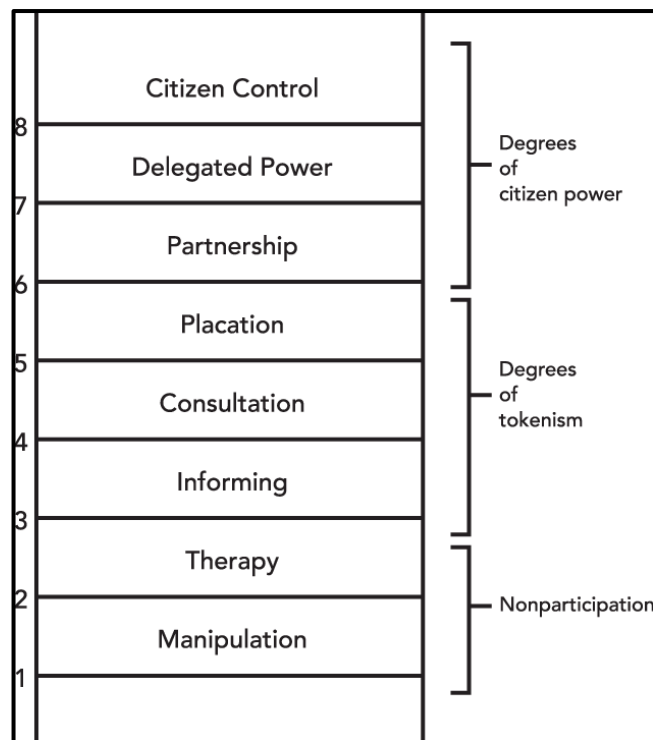
## **2.6 LEVELS OF PARTICIPATORY PLANNING**

The despondence with rational comprehensive planning models led to a paradigm shift in spatial planning approaches from those that favoured technicist top-down planning to bottom-up models that encouraged participation. Key to the change in thinking, was the inability of top-down models to address adequately community based substantive issues. Spatial planning practice whilst emerging has had to address power imbalances, inclusion and ensure democratic practices. This is achievable through participatory planning.

Participatory planning practices are deployed in various countries. Sherry Arnstein in 1969 developed a concept of ladder of citizens' participation using spatial projects such as urban renewal and anti-poverty schemes deployed in cities located in the United States of America (USA). From this exercise, Arnstein (1969) identified that there is types and levels of participation (refer to Figure 2-8 on the next page).

The ladder of citizens' participation comprises of eight types of participation as indicated above. These types are classified into three scale categories; non-participation, degrees of tokenism, and degrees of citizen power.

Central to Arnstein (1969) ladder of participation is firm belief that citizen participation equate citizen power. Meaning that if participation exercise did not result to a shift in power balance between elites and communities, that participation process is unjust.



**Figure 2-8: Arnstein's Ladder of Citizen Participation**

Source: [https://www.researchgate.net/figure/Arnsteins-Ladder-of-Citizen-Participation-Source-A-Ladder-of-Citizen-Participation\\_fig1\\_334078940/download](https://www.researchgate.net/figure/Arnsteins-Ladder-of-Citizen-Participation-Source-A-Ladder-of-Citizen-Participation_fig1_334078940/download) (accessed on 13 May, 2022).

The ladder is useful to assess the degree of participation on spatial planning initiatives. The ladder depicts distinct levels of participation where desired form of engagement at the pinnacle, and undesirable forms such as deception and manipulation are listed on the bottom of the ladder

## 2.7 COMMUNITY PARTICIPATION IN SOUTH AFRICA

South Africa is a democratic state; this was realised in 1994 when the country held its first free elections. In South Africa, there are two mainstream types of community participation associated with the democratic system deployed in South Africa. There is representative participation and public participation. Representative participation refers to a participatory approach where communities vote to select from a plethora of candidates, a candidate to represent their interest, and these representatives

include Ward Councillors, Ward Committee members all the way up to national executive members and members of parliament. The elected candidate or candidates are then granted the power to make decision on behalf of the community that elected them. Whilst public participation is the type of participation that is part of the development proceeding where community is expected to participate in decision-making regarding neighbourhood matters. All the members of that neighbourhood (a certain area), the directly affected therefore participate in the decision-making and there are no representatives who decide on their behalf.

The concept of community participation became mainstreamed into government processes in South Africa is approximately 30 years old, public participation as a right for all South Africans initiated from 1994, and this is young when compared to developed western countries. According to Williams (2006: 200) the system of governance prior 1994 mimicked the early systems of planning applied in Britain, where there was an overemphasis on efficiency, and the operational processes were technical and top-down in their nature of approach. Subsequently, the field of built environment, comprising of; Architects, surveyors, civil engineers and town planners, these experts, therefore played a significant role in the operational process of planning and were the decision makers. The hindsight of this efficient and technical sound approach is that communities were objects of planning and not necessarily the creators and shapers of the very tools used by planners to structure and give material content to human experience in time and space (Williams 2006: 200). Furthermore, Williams (2006: 200) stipulate that South Africa history on community participation reflect little opportunity of community participation. This observation resonates from the fact that the majority of the population, black people had no political rights until 1994 that demonstrates total absence of any sort of formal participation process that catered for majority of communities in South Africa prior 1994. Williams (2006: 200) stipulate that the method used by government prior 1994 demonstrated a highly centralized, deeply authoritarian, and secretive governance approach that deprived most of the fundamental basic services.

The field of town planning prior 1994 in South Africa operated using racially based approach where it catered to service the minority White community. The racially based approach ethos and principles cascaded into the planning tools were

embodied in technical rational tools such as Town Planning Schemes, where, according to Seekings and Nattrass (2008) the concept of Group Areas or racial zoning which allegedly originated in South Africa, when erstwhile Durban City Council, introduced racial zoning into its by-laws. Seekings and Nattrass (2008) argue that members of the City Council raised concerns when the Indian community was acquiring property on the lower Berea. Claimed that this would eventually lead to exclusive area of Berea becoming entirely Indian owner occupied. The race based separatist ethos and principles inducted onto planning policies and legislation by the National Party government when this party won the elections of 1948. According to Seekings and Nattrass (2008) these separatist policies led to various areas throughout greater Durban being designated for different race groups or industry and racially zoned accordingly. This indicates that the Apartheid government excluded Black majority from participating in the town planning processes, such as the enacting of town planning schemes, which are a valuable tool which legally bind a land use agreement between government, and community.

Williams (2006) described participation in South Africa to not only being government centred, but it a stakeholder process where there are multiple stakeholders involved, and by constitution design, should be community centred. Subsequently, public participation in apartheid era was racial; however, people on the receiving end of injustice, the Black communities, used other forms of participation not recognized by formal and legal processes. These were radical and insurgent forms of participation prior 1994. The African Natives, Indians and Coloureds communities would rigorously rebel against apartheid authoritarian governance. Activists such as the late Steve Biko who passed away in September 1977 was at the forefront of grassroots anti-apartheid campaign known as the Black Consciousness Movement. Organizations such as the African National Congress, and Inkatha Freedom Party are some of the organizations that opposed the authoritative governance approach. The radical and insurgence participation undertaken by various political organization led to eventual abolition of apartheid system in South Africa in 1994.

In the case of post-Apartheid South Africa, community participation has become synonymous with legitimate governance (Williams 2006: 198). For example, the Municipal Structures Act, Municipal Systems Act, the national Constitution of the

Republic of South Africa, and the Spatial Planning and Land Use Management Act; highlight community participation to centre grassroots development whereby communities are encouraged and given constitutional rights to play the leading role in the governance and transformation of areas. However, what envisaged by this legislation is not how participation is conducted, and cases like the Durban Back of the Port are primary examples of failed community participation processes.

During this endless rhetoric and multiple platitudes, the very concept of community participation has been reduced to a cumbersome ritual; a necessary appendix required by the various laws and policies operating at the local government level (Williams 2006: 197-198). What is very evidence in the South African context, Williams (2006: 198) argued that informed discussions and rational debates on the merits and demerits of specific planning programs are non-existent, even though 'community participation' features as a key component of planning programs at the local level. In short, the bureaucratic elites of officials and Councillors are determined to impose their own truncated version and understanding of community participation on communities (Williams 2006: 198). What makes this possible is precisely because in the South African version of democracy, the political party is everything and the constituency is nothing (except every four years when it is required to vote for a specific party). The field of planning in South Africa uses multiple tools to guide and manage development according to the vision, strategy, and policy. The tools used vary according to scale and the mandated sphere of governance; these are National Development Plan, Provincial Growth and Development Strategy, Integrated Development Plans, Spatial Development Frameworks, Local Area Plans, and Town Planning Schemes or Land Use Schemes. The scale (size, threshold, population) factor is important when analysing these tools in relation to meaningful participation. The relationship between scale and participation of a policy or plan that is of a broader scale; is less democratic, less impact it has on the local communities i.e., meaningless, and not legally binding communities. Whilst on the other hand, there is an opposite approach to the small scale, where the policy or plan becomes legally binding because stakeholders engage and assign responsibility. For example, the National Development Plan is at national scale, and this plan is not binding, however, the Town Planning Scheme or Land Use scheme is at micro scale, and this

policy/plan is legally binding and when parties break the oath set in Land Use Scheme, they are in transgression of planning by-laws.

## **2.8 CONCLUSION**

The researcher supports the stance raised by the Environmental Justice Movement where they are fundamentally seeking meaningful participation. There are direct links between the cultural values and its ethos with those of found in the concept of community participation. Similar principles are outlined in the national Constitution of the Republic of South Africa, SPLUMA, NEMA, and LG: MSA. Despite these linkages, meaningful community participation is difficult to achieve in South Africa and specifically in the BoP area. The researcher has argued that community participation is a complex and contested phenomenon, in terms of meaning, approaches, and anticipated outcomes. As such, the three models of community participation were put forward: Action Research Method, Participatory Action Research Method, and Participatory Rural Appraisal Method as typical examples of participatory models, and Arnstein's ladder of citizen participation was introduced to offer the analytical lenses that will be used in this research to examine the data.

The significance of public participation in the planning process is mandate by the legislation in South Africa. Unfortunately, there is a gap between what the literature wants to achieve in applying public participation and how Durban Back of Port stakeholders conduct and perceive community participation.

The following chapter will outline the background context to the Durban Back of the Port case study area and illustrate the different approaches taken by state institutions and other agencies in applying the concept of community participation in a project-related environment.

### **3. CHAPTER THREE: THE DURBAN BACK OF THE PORT CASE STUDY**

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#### **3.1 INTRODUCTION**

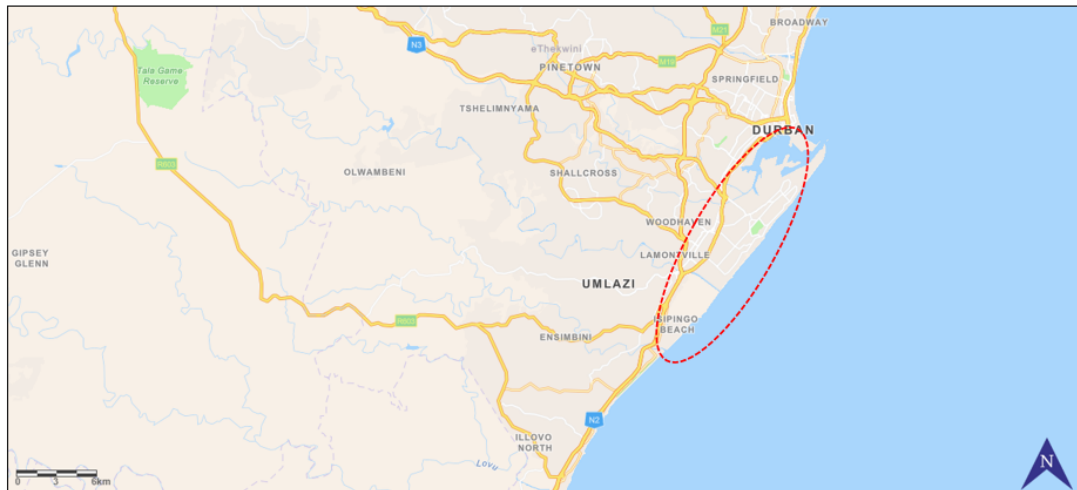
One of the ways that injustice can manifest itself in urban areas is through the local environmental inequalities (Anguelovski and Carmin 2011: 22). Bullard (1990, as cited by Anguelovski et al 2011: 22) and Pellow (2000) have argued that traditionally, deprived urban neighbourhoods and communities of colour have been victims of greater contamination than the well-off (upper class) and White communities (Anguelovski and Carmin 2011: 22). Authors such as Pellow (2000), Bullard (1990) articulated that incinerators, landfill sites and large chemical refineries have historically been located in or adjacent to poor and powerless communities rather than affluent suburbs (Anguelovski and Carmin 2011).

This case study was selected because of the long history of contestation between public, private and civic based stakeholders. These included local communities and civic organisations, industry, parastatals, the local municipality and government agencies on matters pertaining environmental injustice. In the BoP there is a mix of spatial injustice, social inequality and environmental degradation which was initially enforced through racially based legislation. It is now part of the spatial social and environmental legacy of the area. The purpose of the research study is to explore how the Durban Back of the Port stakeholders perceives participation.

#### **3.2 DURBAN BACK OF THE PORT GEOGRAPHICAL CONTEXT**

Durban's Back of the Port is an area in the Province of KwaZulu-Natal within eThekweni Metropolitan Municipality (refer to Map 3-1: National Context Map).  
National Context Map eThekweni Metropolitan Municipality

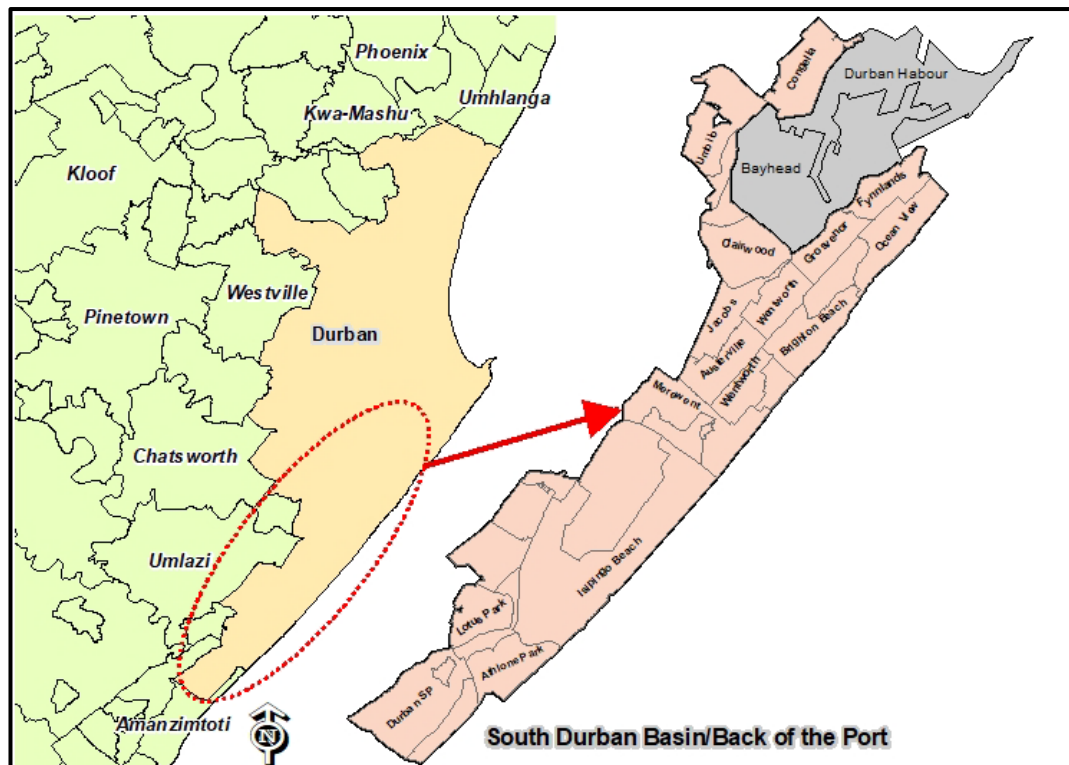




**Map 3-1: Durban Back of Port Local Context Map**

**Source: eThekweni Corporate GIS Map Viewer (2022).**

Durban Back of the Port stretches westward from the coast to the M4 Highway and southward from the Durban Bay towards the Isipingo estuary and Umlazi. According to Niranjan (2005: 5) the topography is a shallow, alluvial plain that stretches south of Durban Bay for around 4 x 24 kilometers. A sizable sand dune that stretches from the South Point at the harbour entrance south through Brighton, Anstey's, Treasure Beach, and on to Isipingo Beaches, where the river estuary breaks through the dune, and beyond, surrounds the basin on its seaward side. A crest of hills extending a few kilometers inland separates the basin from the Drakensberg Mountains. Prior to urbanization, the majority of the basin was close to sea level, and the rivers that came down from the mountains meandered through it before pouring into the bay through a number of wetlands and swamps. (Refer to Map 3-1: Local Context Plan).



**Map 3-2: Local Context Plan**

**Source:** Generated by the researcher, 2022

### **3.3 DURBAN BACK OF THE PORT HISTORICAL CONTEXT**

#### **3.3.1 The 1900's-1950: Union of South Africa**

The decade of 1950 and 1960 saw a change in government during which time the National Party comes to power in 1948. It enacted a series of statutes designed to implement their policy of 'Separate Development or Apartheid'. In 1950, the national government enacted the Group Areas Act (No. 41 of 1950). This Act became the "cornerstone" of the Apartheid policy, and the national government identified Durban Port as a strategic development point. Therefore, the government established necessities for the development of port-associated activities and land uses. The Durban City Municipality implemented the South Durban Industrial Centre Plan. This plan attracted two of the biggest petrochemical companies in Sub-Saharan Africa to locate their plants in the Back of the Port Area. These companies were ENGLEN and SAPREF. The industries located in the Durban back of the port were oil and sugar

refineries, paper producers, chemical industries, and automobile plants. Durban international Airport developed there (See Plate 3-1).



**Plate 3-1: Aerial View of the Back of Port Area**

**Source:** Is Durban Port Expansion really Necessary? TIPS Discussion Paper, Jack Alban Dyer. University of KwaZulu Natal Unit of Maritime Studies, August, 2014.

### **3.3.2 The 1950's-1960: The Early Years of Apartheid**

The decade of 1950 and 1960 saw a change in government during which time the National Party comes to power in 1948. It enacted a series of statutes designed to implement their policy of 'Separate Development or Apartheid'. In 1950, the national government enacted the Group Areas Act (No. 41 of 1950). This Act became the "cornerstone" of the Apartheid policy, and the national government identified Durban Port as a strategic development point. Therefore, the government established necessities for the development of port-associated activities and land uses. At that time the Durban City Municipality implemented the South Durban Industrial Centre

Plan. This plan attracted two of the biggest petrochemical companies in Sub-Saharan Africa to locate their plants in the Back of the Port Area. These companies were ENGEN and SAPREF. The industries located in the Durban back of the port were oil and sugar refineries, paper producers, chemical industries, and automobile plants. Durban international Airport was also developed there. The Group Areas Act's sole objective was to eliminate multi-racial neighbourhoods and promote racial segregation. This was achieved by the expropriation of land and its re-designation for other uses along with the forced removal of the communities living there. After the industries that located to the study area needed the labour force, and the government initiated forced removals whereby the "Blacks", mostly the Coloureds communities (Mixed race) were relocated adjacent to these multi-national industries to become a source of cheap labour. According to the Department of Environmental Affairs and Tourism (2007: 7), the Apartheid government forcefully relocated the Black communities to the doorstep of the industry using the Group Areas Act of 1950.

### **3.3.3 The 1960's-1994: Community Resistance**

The period between 1960 and 1994 represents, a time when the Back of the Port community settled under the Group Areas Act formed organizations, and mobilized, particularly to protest issues of air quality and environmental injustice or racism. South Africa, Department of Environmental (Affairs and Tourism 2007: 3) articulates that communities in the South Durban Basin started voicing their concerns about deteriorating air quality as far back as the 1960's, and the efforts intensified in the 1980's and 1990's as air quality deteriorated even further. The South Durban has one of the longest histories of community mobilizing against urban industrial pollution in South Africa (South Africa, Department of Environmental Affairs and Tourism report 2007: 9). In 1964, a number of community-based organization were established, these includes Merebank Ratepayers Association, Wentworth Development Forum and Clairwood Residents and Ratepayers Association (Leonard and Pelling 2010: 139). The Merebank Ratepayers Association (MRA) was the first organizations in South Africa to take on urban environmental issues raising concerns about industrial expansion and increasing pollution levels in the area, and the other organizations followed their footsteps.

### **3.3.4 1994-2012: Democratic South Africa**

The period between 1994 and 2012 represented a time of transition in national discourse from apartheid to a democratic dispatch. The African National Congress came into power, Nelson Mandela became president, and a democratic South African was born. Scott, OELEFSE and Guy (2002: 50) articulated that the political democratization in the period since 1994 has created the space for local communities to demand Environmental Justice and claim their rights to a safe and healthy environment, a right guaranteed in South Africa's Constitution. As such, in 1996, 14-affiliate organization grouped to establish the South Durban Community Environmental Alliance (SDCEA), among these; were the MRA, Bluff Ratepayers Association and Wentworth Development Forum. Three years later (1999) groundwork was established and became an active campaigner for previously disadvantaged communities against pollution in the South Durban Basin and received international recognition for its efforts. After intense efforts by communities and civil society organizations to trounce industry on pollution, in response, industry recognized the need for public awareness and liaison (DEAT SDB Multi-Point Plan Case Study Report 2007:9). Therefore, to this end, the African Explosives and Chemical Industries (AECI) in Umbogintwini established the first Community Awareness and Environmental Response (CAER) Committee in SA in 1995. This initiative was followed by a Corporate Social Impact (CSI) to uplift communities was undertaken by Engen. Furthermore, the SAPREF Community Liaison Forum was established in 2004, and Tongaat-Hulett Community Liaison Forum in 2006 (South Africa, Department of Environmental Affairs and Tourism 2007:9). The purpose of these committees was to liaise with civil society and communities on matters pertaining pollution in the South Durban Basin. The underpinning rationale was to create a platform where industry and society can communicate and come with solutions that serve all the affected parties.

In 1999, Transnet made significant investments towards upgrading the port facility. Furthermore, soon after, the Port authority unveiled their Port expansion plans to the Back of the Port area. This plan had short, medium, and long-term objective (See Plates 3-2 to 3-4 below).



**Plate 3-2: Short Term Proposal for Durban Port**

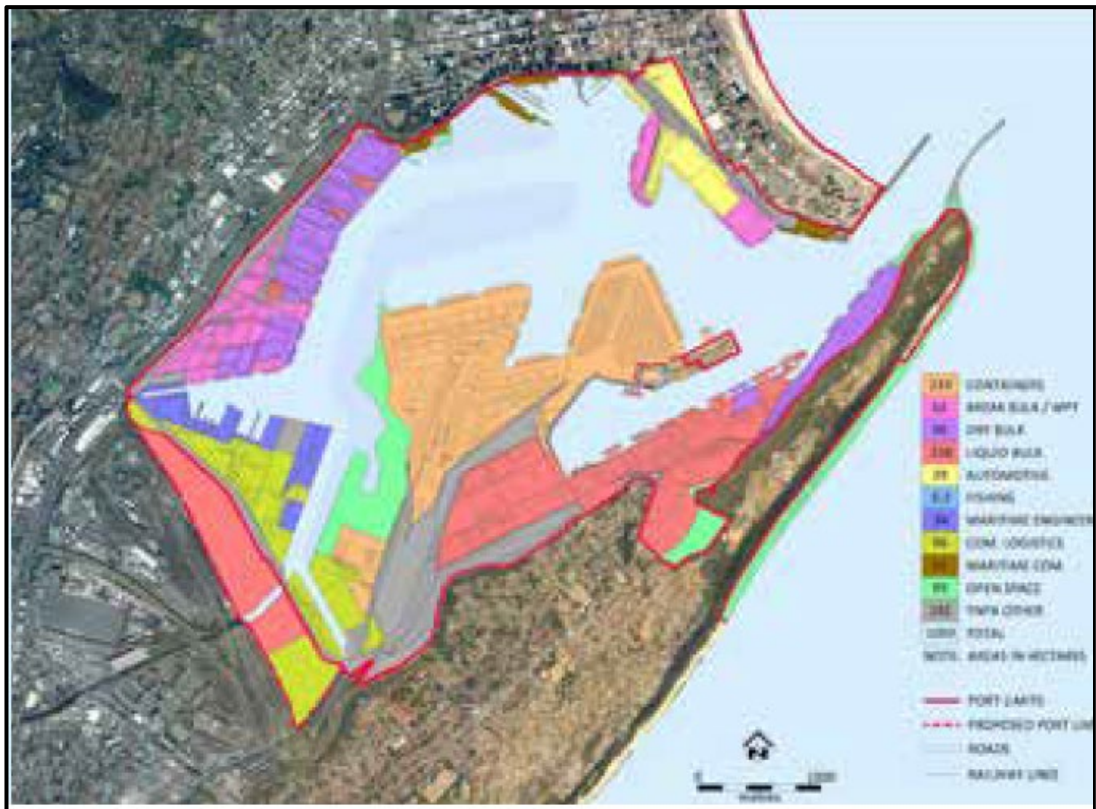
Source: Port of Durban, Transnet Publication, <https://www.transnetnationalportsauthority.net/OurPorts/Durban/Documents/%28TNPA%29%20Durban%20Brochure.pdf>, accessed 5<sup>th</sup> January, 2023

The short-term plan entailed widening of the entrance to the harbour facility to allow bigger vessels to access the Durban Port. The plan also proposed the development of a Passenger Terminal at AB berthing dock, the rehabilitation of the Maydon Wharf Quay Wall, the development of the Bayhead, the deepening of the berthing at the Durban Container Terminal, and the creation of the Island view liquid bulk storage units.

While the medium plan on the other hand entailed details on expanding and upgrading of roads and railway to accommodate future infrastructural needs. It included the expansion of Pier 1 and Salisbury Island through a process of infill to create new land. The Port of Durban has created additional space the infilling pf the Bay rather than digging it out which is the case elsewhere e.g., Richards Bay. The plan proposed the building of four new bulk liquid fuel terminals and the acquisition



of land in Ambrose Park with the intention of creating more space for logistics and commercial activities (See Plate 3-3 below).

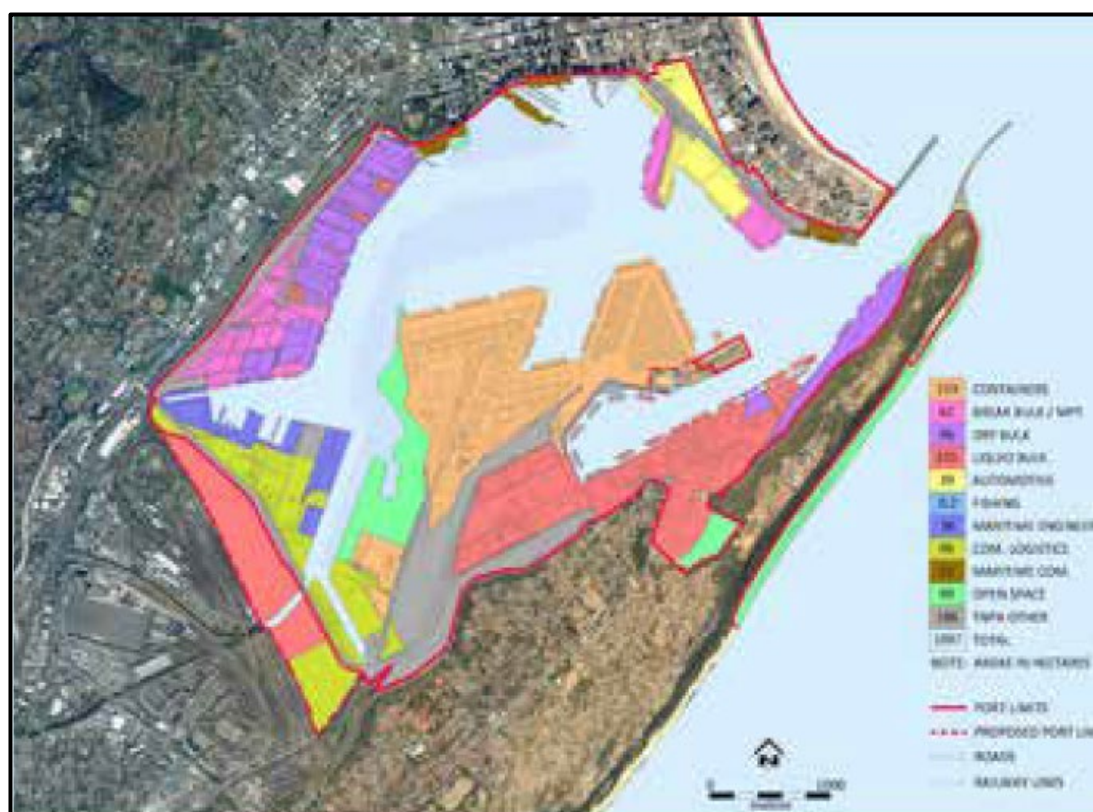


**Plate 3-3: Medium-Term Proposal Durban Port**

Source: Port of Durban, Transnet Publication, <https://www.transnetnationalportsauthority.net/OurPorts/Durban/Documents/%28TNPA%29%20Durban%20Brochure.pdf>, accessed 5<sup>th</sup> January, 2023

In 2019 the Department of Energy proposed the development of a strategic fuel reserve project by leasing land from Transnet in Ambrose Park and the construction of storage capacity units to accommodate 1.3-billion litres of refined fuel. The project formed part of a national strategy to create a 60 day reserve of fuel stocks for national and regional development (<https://mg.co.za/article/2019-05-10-00-fuel-terminal-project-mired-in-controversy/>, accessed 5<sup>th</sup> January 2023). The project was estimated to cost R200-billion and would generate 5 000 construction jobs. The leasing of the land was to create 1 billion rand in rental for Transnet and five hundred million rand in rates for the eThekweni. In the post construction phase, one thousand

employment opportunities were to be generated. The project was proposed in 2016, but it had been stalled when Transnet found that there had been irregularities in the leasing agreements on four properties in Ambrose Park. The administration of the parastatal launched an investigation into the leasing issues which delayed the commencement of the project.



**Plate 3-4: Long-term Plan for Durban Port**

Source: Port of Durban, Transnet Publication, <https://www.transnetnationalportsauthority.net/OurPorts/Durban/Documents/%28TNPA%29%20Durban%20Brochure.pdf>, accessed 5<sup>th</sup> January, 2023

The Long-Term plan entailed the plans for a new dig-out port by 2030 on the old Durban International Airport. The long-term plan emanates from the relocation of the Old Durban International Port to King Shaka International Airport located north of Durban in 2010, and this created an excess land space. As part of the plan, the rail facilities and the Bayhead were to be rationalised to provide space for logistical and commercial uses (See Plate 3-4 above).



The eThekweni Metro in 2007 conducted research study on Port Development, solely focusing on the Back of the Port and soon after the study was completed, the city council drafted a Local Area Plan to rezone properties in the Durban Back of the Port to accommodate Transnet's proposed Durban Port expansion plans.

### **3.4 DURBAN'S BACK OF THE PORT SITUATIONAL CONTEXT**

The Durban Back of the Port is vast area located south of Durban that comprises of multiple industrial belts and residential suburbs. These suburbs are called Austerville, the Bluff, Clairwood, Congella, Isipingo, Umlazi, Merebank/Merewent and Victoria Embankment. These areas vary in context; socially, environmentally, economically, and in terms of planning and development challenges.

#### **3.4.1 Austerville and Wentworth**

Austerville is one of the suburbs located in the Durban Back of the Port. The area includes Jacobs Industrial Belt and Wentworth residential area. This area is comprised predominantly of people of colour who were relocated here. In 1961, the Apartheid government used Group Areas Act to relocate people of colour across Durban. In 1963, a proclamation was issued by the nationalist government declaring the suburb as a Coloured Group Area. According to South Durban Community Environmental Alliance (2008: 42) Austerville received new residents from KwaZulu Natal, the Eastern Cape and the Transvaal. This amalgamation of communities from various provinces across South Africa created an environment where diverse Coloured communities who have different religious beliefs, ethnicity, and origins were forced to locate in Austerville/Wentworth next to Jacobs industrial belt.

Austerville comprises of half the population size workforce, which comprises of both skilled and unskilled artisans and general workers (South Durban Community Environmental Alliance, 2008: 42). However, despite being industrial, most workers forced into limited duration contract work, and some of the workforces had to travel all over South Africa to sell their artisan skills or endure seasonal unemployment (South Durban Community Environmental Alliance, 2008: 42). This is lower income community, has more women headed households (South Durban Community

Environmental Alliance, 2008: 42). Some households in the community supplement their income through illegal trade, while some families rely on welfare grants from government social grants and community social services (the South Durban Community Environmental Alliance, 2008: 42).

Austerville is characterised by overcrowding and deplorable housing conditions have often defined the community and its perceptions of itself (South Durban Community Environmental Alliance, 2008: 42). Most people live in publicly owned flats, which are in appalling conditions (Ibid). According to South Durban Community Environmental Alliance (2008: 42) social upheaval and constrained living conditions in the flats have fostered intense gang activity since the 1960's, and related drug and alcohol abuse (See Plate below).



**Plate 3-5: Flats in Austerville, Durban**

Source: [https://www.fastsell.co.za/property/houses-flats-for-sale/flats-for-sale-in-kwazulu-natal/flats-for-sale-in-durban/2-large-bedroom-flat-for-sale-in-austerville-durban\\_i13100](https://www.fastsell.co.za/property/houses-flats-for-sale/flats-for-sale-in-kwazulu-natal/flats-for-sale-in-durban/2-large-bedroom-flat-for-sale-in-austerville-durban_i13100), accessed 5<sup>th</sup> January, 2023

Moreover, to make matters that there is a dire shortage of recreational facilities to provide, especially the youth, with healthy forms of recreation, and this concerning because this creates is high possibilities for the youth to involve in activities such gangsterism, alcohol and drugs abuse (South Durban Community Environmental Alliance, 2008: 42). According to South Durban Community Environmental Alliance (2008: 42) communities through civil society groups such as SDCEA and Groundworks, have raised objections over the allowed several nightclubs and taverns to open in the area, and despite these efforts, the Municipality approves these establishments.

The Durban Back of the Port area lies on the coast, and several rivers pass through to access the Indian Ocean, as such, landforms, and a multiple valley drainage basin system. According to South Durban Community Environmental Alliance (2008: 42) Austerville is in the epicentre of the Durban Back of the Port industry at the lowest point of the polluted basin. The multi-national corporation - Engen and its refinery are located above the area on the east, whilst the belt of Jacobs chemical industries is located on the west boundary, and industrial trucks bring burdens the infrastructure, release pollution and causes accidents to local roads; e.g., Duranta Road, Tara Road and Quality Street.

Despite the abovementioned difficulties, South Durban Community Environmental Alliance (2008: 42) has created a strong active civic association e.g., the Wentworth Development Forum and Chemical Engineering and Industrial Worker Union, which has had a great success in defending the rights of contract workers. The South Durban Community Environmental Alliance (2008: 42) further stipulated that people like living in Austerville because of the perceived benefits of social capital. There is a strong network of help from local churches, and welfare, and there is good community and unity.

### **3.4.2 The Bluff**

The Bluff suburb lies on the large sand dune that overlooks harbour on the north and the sea on the east. This area comprises of several suburbs; Island View, Fynnland,

Ocean view, Van Riebeeck Park and Grosvenor. According to South Durban Community Environmental Alliance (2008: 46) this area developed largely as a White working-class area but has since transformed to accommodate other cultural groups.



**Plate 3-6: An Aerial View of the Bluff**

Source: <https://kznpr.co.za/durban-the-bluff-fynnlads/>, accessed 6<sup>th</sup> January, 2023

The Bluff area is well off economical (middle to high-income neighbourhood) when compared to other suburbs in the Durban Back of the Port (South Durban Community Environmental Alliance, 2008: 46). However, Bluff residents have complained about the lack adequate services; that the road and pavements are in a bad condition, water pipes often burst, low-lying areas are not draining accordingly, and local parks have become dumping grounds (South Durban Community Environmental Alliance, 2008: 46).

According to South Durban Community Environmental Alliance (2008: 46) although the Bluff lies on the higher altitude, catchment, and receive sea breezes, the whole area is affected by bad air quality. The prevailing winds frequently carry chemical pollutants from the harbour industrial zone and even oil spray from refinery and ash dust from the Mondi plant (South Durban Community Environmental Alliance, 2008: 46). The explosions at Island View Tanker storage left many residents shaken and concerned about the safety of the underground fuel pipe network (South Durban Community Environmental Alliance, 2008: 46).

### **3.4.3 Clairwood**

Clairwood is a predominantly Indian suburb. According to South Durban Community Environmental Alliance (2008: 48) Indians released from indentured labour, settled in Clairwood from the 1920s. They set up market gardens alongside the settlement. Clairwood is an area zoned as residential, and the Apartheid government earmarked it for industrial development in the 1950s. Ambler (2008;42) has stated that through the Clairwood and District Residents Ratepayers Association, they resisted for 30 years against the proposed rezoning of their area because this would lay waste to several social, cultural, educational and religious institutions in the area. Efforts by the Apartheid government intensified. They adopted a covert campaign to coerce people out of Clairwood in the early 1960s. Within 21 months, communities were destroyed and relocated. The first residents relocated to the new 'Indian area' of Chatsworth 30 km to the southwest. This led to population decline in Clairwood, from an estimated 50 000 in the early 1960s to a mere 6 000 by 1970 (South Durban Community Environmental Alliance, 2008: 48).



**Plate 3-7: A View of Clairwood**

Source: <https://www.iol.co.za/news/clairwood-residents-officials-face-off-over-slum-8304311>, accessed 6<sup>th</sup> January, 2023

The earmarked plan of introducing industry in Clairwood is gradually penetrating the area against the wishes of the local communities. According to Ambler (2008: 42) there was a gradual penetration of light industry, temporary permission to allow the operation of scrap dealers, and container storage. These activities have resulted in an overwhelming increase in trucks, which belch out fumes, damage roads and pavements and endanger other road users. Subsequently, there is a lack of law enforcement in the area. The South Durban Community Environmental Alliance (2008: 48) stated that this lack of policing has led to frequent dumping of manufacturing waste. Neglected or abandoned plots of land have attracted unserviced informal settlements. According to Ambler (South Durban Community Environmental Alliance, 2008: 48) all these factors, together with the levying of industrial rates and a deliberate lack of council maintenance in the area, have contributed to an advanced state of urban decay. The dawn of democracy in South Africa has done little to help besieged Clairwood residents (South Durban Community Environmental Alliance, 2008: 48).

There is a 'Precinct plan' which was prepared by consultants for the Thekwini Municipality that aimed at upgrading Clairwood, and which has been on the table for several years. However, no work has begun on the ground (South Durban Community Environmental Alliance, 2008: 48). Many members of the Clairwood community now feel that government's inaction is due to hidden agenda for further industrial expansion, and community have been forced to take to the streets and demonstrate to make their concerns public (South Durban Community Environmental Alliance, 2008: 48).

#### **3.4.4 Isipingo**

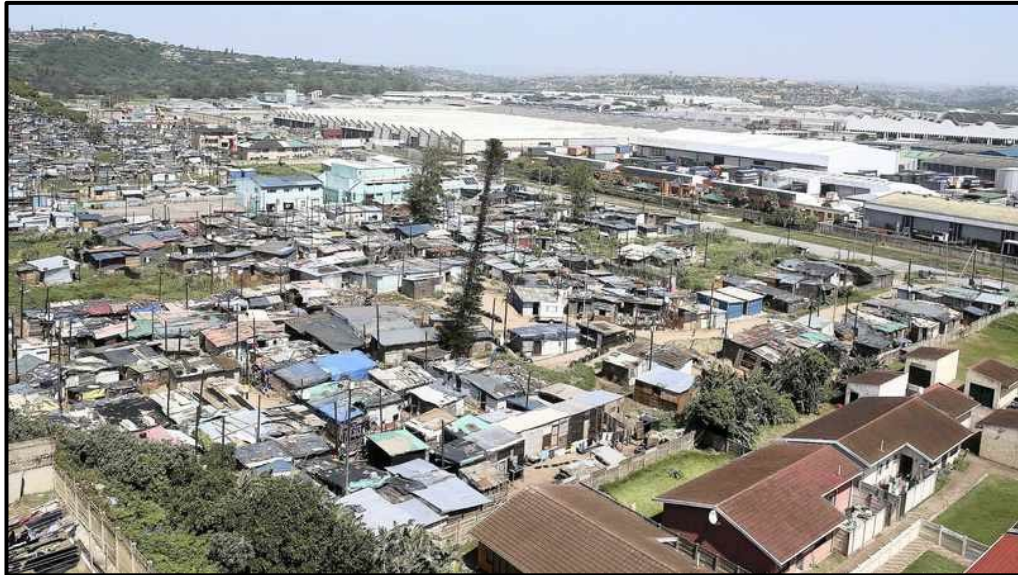
Isipingo was formerly a sugarcane plantation owned by Dick King, who started growing sugarcane in Isipingo in 1843 (South Durban Community Environmental Alliance, 2008: 52). To support Dick King's sugarcane farming, Indians were brought to the area under the indentured labour system. In 1919, Indians formed Isipingo Indian Society, and this organisation later to became Indian Civic Association (Ambler 2008: 42). There were White settlers at Isipingo Beach from the 1920s but, when Isipingo declared an Indian area in 1963, the Whites residents were amongst the scant 2% of the country's population that relocated under the Group Areas Act (South Durban Community Environmental Alliance, 2008: 52).

Isipingo has two residential areas, separated by highways R102, and N2 national freeway, there is Isipingo west of R102 south bound highway, and on east is Isipingo Beach, located on the shore of the Indian Ocean. In the 1960s, the land separating Isipingo area that comprises of the Highways further developed into Prospecton industrial belt. This area incorporated into Amanzimtoti to ensure that the rates generated (R30 million in 1994) went to a white Borough whilst the Indian community had to deal with the increased pollution generated by the industries located in Prospection (South Durban Community Environmental Alliance, 2008: 52).

There are over 220 businesses in Isipingo. These include; the Toyota Manufacturing (assembly) Plant, the South African breweries and Republic Press. These multinational and national corporations have caused extensive water pollution with



numerous fish kills over the years (South Durban Community Environmental Alliance 2008: 52).



**Plate 3-8: Isipingo Informal Housing**

Source: <https://www.iol.co.za/the-post/news/informal-settlements-cause-anxiety-among-isipingo-beach-residents-43127609>, accessed 6<sup>th</sup> January, 2023.

Isipingo formerly comprised of beautiful estuary and was once one of the finest estuaries and mangrove habitats in KwaZulu-Natal have been severely degraded by pollution (from industry, informal settlements, sewage works and solid waste) and the canalisation of the river for industry, which reduced its flow by 94% (South Durban Community Environmental Alliance, 2008: 52). Multiple organisations in Isipingo have fought to save the estuary an important habitat for many species, such as breeding fish and red mangrove tree species, *Rhizophora mucronata* South Durban Community Environmental Alliance (2008: 52) indicates (See Plate 3-8 below).





**Plate 3-9: The Isipingo Estuary**

Source: [https://www.coastkzn.co.za/wp-content/uploads/2019/05/Isipingo-Estuary-ManagementPlan\\_Situation-Assessment-Report-2011-merged.pdf](https://www.coastkzn.co.za/wp-content/uploads/2019/05/Isipingo-Estuary-ManagementPlan_Situation-Assessment-Report-2011-merged.pdf), accessed 6<sup>th</sup> December, 2023

### **3.4.5 Merebank and Merewent**

Merebank and Merewent suburb before the 1950s was characterised by shack dwellers and smallholder families of diverse racial origins (South Durban Community Environmental Alliance, 2008: 54). These communities were forcefully removed off the land to make way for industrial development in the area. Whilst some of the residents remained in the area to be sources of labour for industries. These residents have since improved the area by investing in their properties. The area expanded in population and is overcrowded (see Plate 3-10). Families with large site proportions have sub-leased outhouses, and garages. The dawn of democracy in South Africa saw the increase in informal settlements that re-appeared in 1994 on the railroad

land. The population of Merebank and Merewent engages in the following occupations; clerks, salesperson, artisans, and in industry and manufacturing (South Durban Community Environmental Alliance, 2008: 54).



**Plate 3-10: Merebank and Merewent**

Source: <https://www.iol.co.za/ios/news/south-durban-community-fixes-things-itself-148f1e53-1063-4ca7-859d-b168b4dfcc82>, accessed 6<sup>th</sup> January, 2023

The physical outlook of Merebank and Merewent depicts an area that is besieged on all sides and even overhead by polluting and noisy industry and transport arterials (Ambler 2008: 42). These include the Umlazi Canal and the adjacent industries of SAPREF, Shell chemicals, and Isegen; the Southern Freeway and South Coast Highway, the ENGEN refinery and its transport corridor of Duranta street; the Southern Sewerage Works; and Stanvac Canal, railway lines, the Mondi industrial road and the noisy Mondi paper mill (South Durban Environmental Alliance 2008: 44).

According to the South Durban Community Environmental Alliance (2008: 54) the area has a long history that has ensured a strong community identity, despite varying income levels, religious and political affiliation. This is visible in Merebank where

there is a strong civic organisation, a history of anti-Apartheid activism. The community has uniquely mobilised around environmental issues even during the Apartheid era when the green issues were not on the political agenda (South Durban Environmental Alliance (2008: 42).

#### **3.4.6 Umbilo and Congella**

Umbilo/Congella is an urban transition zone where there are a mix of warehouses, and residential working-class houses. This area is home to an eclectic mix of people, and a collection of small population historically dominated by middle-income white people. Local people worked at local businesses and were attracted by the area's proximity to Durban CBD. The current status quo depicts a divided area in terms of culture and economic lines with a high influx of people in search of cheap accommodation (See Plate 3-11).

Umbilo/Congella is bisected by two one-way roads – the R102 heading south (Sydney Road) and north (Gale Street). These two one directional roads are utilised extensively as truck routes since they allow access to the harbour. Both public transport and private vehicles also make use of this route, taking traffic outward and inward from Durban CBD to south of Durban industrial and residential areas. The routes also connect the CBD to much of the southern industrial, commercial and residential areas and create easy access for buses and patients of the King Edward Hospital.



**Plate 3-11: An Aerial View of Congella and Dalbridge**

Source: <https://focuspm.co.za/past-projects/rail-transport-2/>, accessed 6<sup>th</sup> January, 2023

The Umbilo/Congella comprises of light industry from R102 eastwards towards the Indian Ocean, and residential from R102 westwards towards Westville. There is growth of informal settlement in open spaces in the area, and growth in criminal activities, however, this current with the national trends.

### **3.4.7 Umlazi**

Umlazi is South Africa's second largest township, and the largest in the KwaZulu Natal Province. Prior to 1950, Umlazi comprised of informal settlements such as Malukazi (South Durban Community Environmental Alliance, 2008: 58). Umlazi started growing when the Apartheid government forcibly moved people from areas like Cato Manor using the Group Areas Act. Umlazi is characterised by formal houses, informal settlements, and large single-sex hostels (Ezimpohlweni), many of



which are in T-section. Umlazi established in 1950. Lower to middle-income estates, such as Emaphazini were built in the 1980s as part of the reform strategy for fostering an African middle class in the township.

According to South Durban Community Environmental Alliance (2008: 58) the assassination of human rights lawyer, Victoria Mxenge, outside her home in Umlazi in August 1985 sparked riotous protest. In response, apartheid government incorporated Umlazi into the KwaZulu Self Governing State in 1986. Since then, the area racked simmering political and criminal violence.



**Plate 3-12: Umlazi Town**

Source: <https://www.flickr.com/photos/41087279@N00/49100070337>, accessed 6th January, 2023

Umlazi T section was also the site of Durban's main hazardous waste landfill. The noxious stench affected residents in Umlazi and Isipingo, and contaminated

groundwater was slowly seeping towards Isipingo River. After years of community campaigning, the Department of Water Affairs and Forestry finally responded by closing the site in 1996.

Umlazi, like many townships, is characterised by years of under-development and service backlogs. Most areas need properly constructed roads and pavements. There are few parks and recreational areas.

#### **3.4.8 The Victoria Embankment**

Victoria Embankment was once the hallmark of Durban's tourism showcase, this area has subsequently undergone a name change (South Durban Community Environmental Alliance, 2008: 60). This road has now received a name change to Margaret Mncadi Drive hosts a wide variety of shops, the high court, restaurants, blocks of flats, hotels, the yacht club and so on.



**Plate 3-13: The Victoria Embankment**

Source: <https://wellbeyondthetravel.wordpress.com/2016/12/18/south-africa-places-you-need-to-visit/durban-point-and-victoria-embankment/>, accessed 6<sup>th</sup> January, 2023

A shady history looms over this area regarding the high levels of crime by way of pick pocketing and hijacking (South Durban Community Environmental Alliance, 2008: 60). The affluent population that once lived in the area replaced with middle to lower income people (South Durban Community Environmental Alliance, 2008: 60). An increase in street children, beggars and homeless people have arrived in the CBD due to unemployment and yet there is an increase in business activity created through more taxi's accessing Durban progressively since 1994 (South Durban Community Environmental Alliance, 2008: 60).

Transnet owns much of the port areas, and this has negatively affected the bay and piers users like the subsistence anglers (South Durban Community Environmental Alliance, 2008: 60). The eThekweni Municipality owns a portion of the land that planned for the development of a harbour. Increased development has caused this area to reach its optimal carrying capacity to the detriment of the lush and unique biomes that once grew in Durban's Bay. Important environmental ecosystems like the centre sand bank and the mangroves have slowly eroded due to increase development of the port and its associated chemical and petrochemical industries.

### **3.5 RECENT PLANNING INITIATIVES**

In 2014, the eThekweni Municipality appointed private consultants to undertake an extensive planning and development exercise in the Back of Port Area. The consultants designed and produced an Inception Report, a Concept Plan, a series of Precinct Plans and a Zoning Framework. The starting point of the planning process was to refer to '*Birds Anypoint Model of Port Development*' which was published in 1963 and illustrated that there was a phased development to ports. These phases were setting, expansion and specialization. The plan would evaluate the expansion and specialization phases with improvements to the port and the rebuilding of the former Airport property so that it may become a separate container port in the case of the Durban Harbour area. A fourth phase was added to the model which addressed the need for 'regionalisation' or the development of stronger linkages from the port to inland storage sites and the design of a rail and road network to support the logistics industry associated with this process. It is interesting to note that the report states the following in terms of assessing challenges to this regionalisation phase –

*“Local constraints – Ports lack available land for expansion and with increased port traffic, local road and rail systems are overburdened. Often environmental constraints and local opposition to port development are also of significance. Port regionalization thus bypasses these local constraints by externalizing them.”* (Back of Port LAP and LUMS Report, Iyer Urban Design 2014: 13). In economics, the term externalising means *“fail or choose not to incorporate (costs) as part of a pricing structure, especially social and environmental costs resulting from a product's manufacture and use”* (Dictionary Definition). The use of this work at the start of the report is significant, since it suggests that the model guiding the planning process was already reducing the significance of environmental and social issues in the project area.

Part of the consultant’s appointment required consultation with the stakeholders and communities who would be affected by the outcomes of the plan. The proposed participation process consisted of several actions namely: -

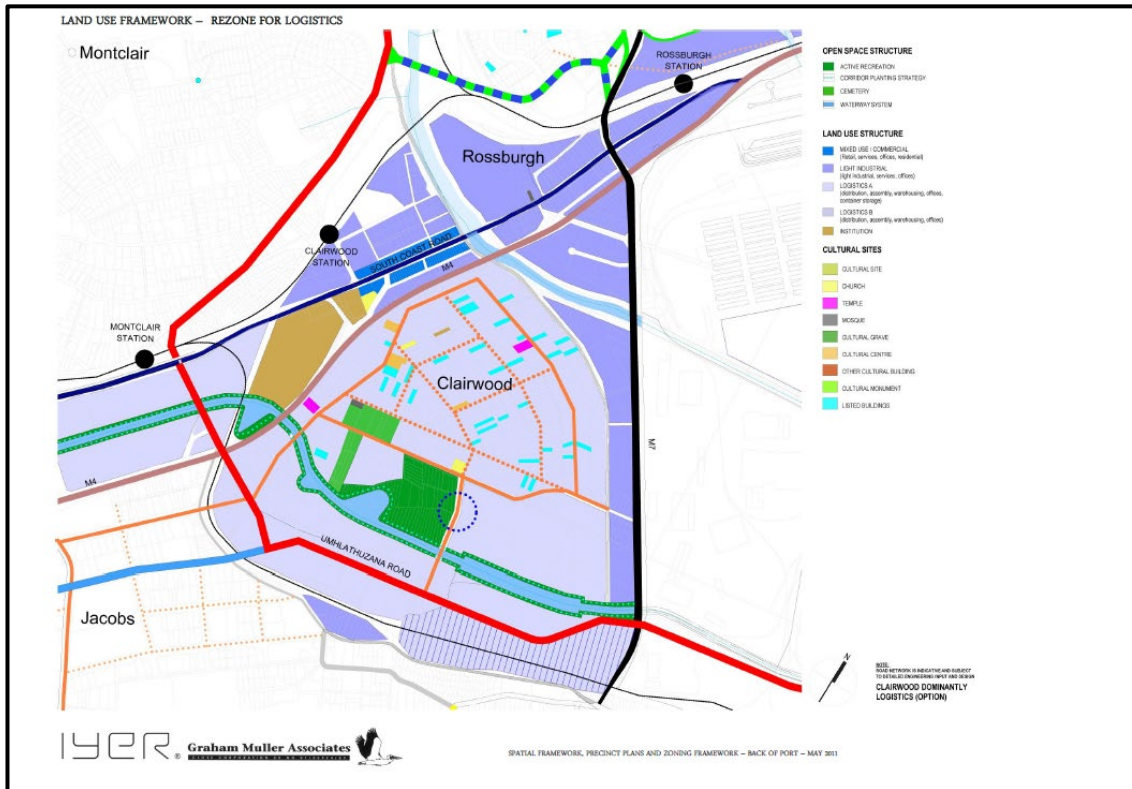
- 60 days stakeholder engagement process;
- The holding of seven public meetings;
- 5 Focus Group Meetings;
- Access to documentation and notification at local libraries and the regional centre;
- The use of posters and flyers;
- Adverts in the Metro News Paper;
- Noting of comments and inputs; and.
- Provision of a Toll-free line for phone calls and queries along with the provision of comment boxes and the acceptance of emails.

**Source: Draft Back of Port Interface (Local Area Plan) Presentation, Iyer Urban Design (2012:47).**

The process was to be overseen by an independent facilitator along with a logistics and communications service provider. It is understood that the public meeting did not go well because of the long history of contestation in the area and the perception that



the port expansion was merely a method for engaging in the removal of residents from the adjacent suburbs via changes in zoning and land use. In this regard the concept plan for Clairwood reflects this approach with a rezoning of the remnants of the residential area to logistics (See Map 3-2 below).



**Map 3-3: The Precinct Plan for Clairwood showing proposed Rezoning to Logistics**

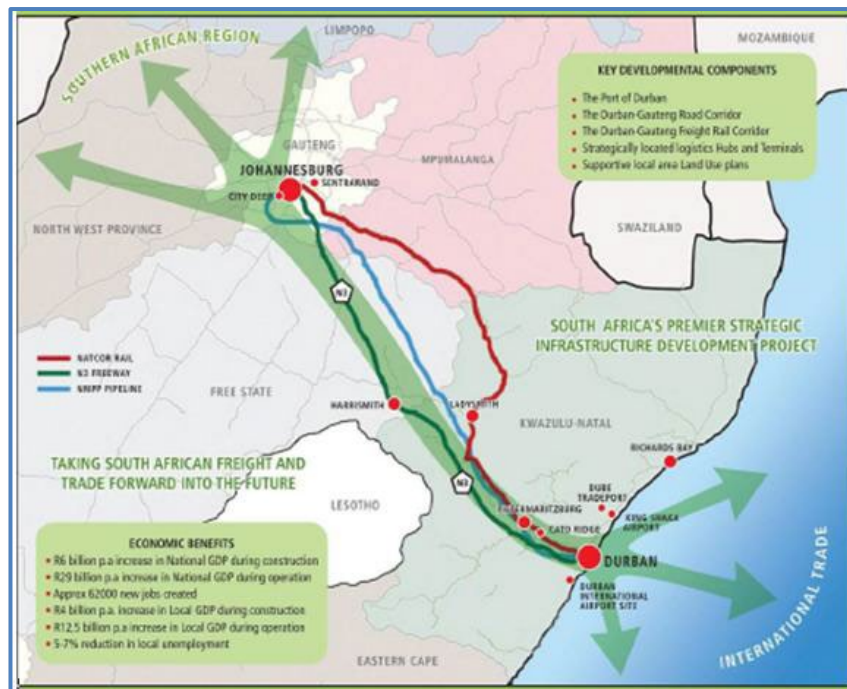
**Source:** Draft Back of Port Interface (Local Area Plan) Presentation, Iyer Urban Design 2012, page 163.

The action of rezoning of Clairwood depicts top-down planning approach where planning ideas emanates from government without meaningfully engaging communities. The purpose of community participation within the parameters of planning is to enable communities to participate fully in the planning process. However, the participation process conducted for the Clairwood rezoning exercise excluded communities. Communities did not dictate proposed developments, they were informed, consulted and placated. This raises question marks over whose

interest is served by rezoning the area. The notion of better argument prevailing (as argued by Habermass, cited by Watson 2004: 30) or suitable plan that benefits the majority is outright ignored. Environmental justice concerns raised by civil society groups representing interests of local communities are forgone in this rezoning exercise. Local authorities have adopted the Clairwood rezoning plan. The Clairwood racecourse was sold and is currently planned for logistic park.

### **3.6 THE PUBLIC PARTICIPATION CONTEXT IN THE DURBAN BACK OF THE PORT PRECINCT**

There are two mainstream types of participation processes in the Durban Back of the Port; representative participation and public participation. Representative participation occurs firstly through local government elections, which take place every five years, where local citizens vote for a Ward Councillor that represents a certain political party. Another form of representative participation is through a more radical approach of organised civil society. The Durban Back of the Port community has engaged over delicate matters, meaning they meet with multinational corporations, parastatal, government, and other small size business enterprises. This community also interacted with various agencies to address social, economic, and environmental matters. Government, and business, both local, national, and international regard the Back of Port area as a strategic economic point where the world market gets to access the local and wider Southern African markets. It is viewed as the gateway to the economic powerhouse of Gauteng where key industries and mining are located.



**Figure 3-1: Economic Linkage of Durban Back of Port within South Africa**

**Source: Is Durban's Port Expansion really Necessary? TIPS Discussion Paper, Jack Alban Dyer. University of KwaZulu Natal Unit of Maritime Studies August 2014, page 9**

As such, communities need to be more organised, and this organisation of community is through civil society, there are multiple small organisations in the area that have amalgamated to form the South Durban Community Environmental Alliance, and the purpose of this organisation is to represent the interest of community in the Durban BoP. This depicts that representative participation fails to represent the interest of Durban BoP communities. Civil society groups' formation are radical approaches deployed by communities to address systematic deficiency.

The second mainstream method is public participation, and this method is a more complex operation, and it is field or disciplinary based. In the field of urban planning, in the Durban Back of the Port in particular, in the past government initiated the development process by earmarking the Durban Back of the Port for industrial development designing. This development eventual received backlash from local

communities for environmental racism set up, where people of colour were faced heavy polluting industries and limited resources to choose alternative accommodation. Even when government went through site identification process, their identification process, and motivation from policy such as the Group Areas Act and Native Land Act were unfair and unjust, and created environmental injustice.

Government initiates development in the post-apartheid. Government engages with the community over matters pertaining a suitable land use scheme. The land use scheme is a contract between property owners and the state over prohibited, permitted, and special consent land uses. Its operation is a lengthy process and is dependent on multiple external variables. In the context of the Durban Back of the Port, there is an issue of low-income residents, who in most instances are not present to attend day meeting. In most instances, people individually have different priorities, some more economic, like going to a job, rather than community wide matters that relates to the environment and society. In this case, civil society then plays, a crucial role in terms of briefing and mobilising the community on broader community matters.

The second issue with the participation in the context of the Durban Back of the Port relates to the lack of capacity eThekweni Metropolitan Municipality. Observations supported by both the National Development Plan, and the Integrated Development Plan, indicated that local municipalities lack the needed capacity to deal city wide issues (South Africa, National Planning Commission, (2013: 45)), and later, cite that the eThekweni Metropolitan Municipality does not have enough environmental practitioners (South Africa, eThekweni Metropolitan Municipality (2011: 68)). This lack of capacity has created a situation where projects such as Durban Back of the Port Local Area Plans have been outsourced to private urban planning consultancies. The issue that arises from this project approach is that companies operate with a distinct set of economic principles. Private urban planning consultancy firms are profit and efficiency driven which is the opposite to requirements of participatory planning. A participatory approach to projects is time consuming, and costly. Secondly, there is an element of fear for whoever has engaged with communities given the history of hostile nature of some communities in South Africa.

The third element that disrupts public participation in the Durban Back of the Port is the culture of lobbying stakeholders. The Durban Back of the Port community have resorted to voting for local councillors from civil society organisation, who in turn prioritize the interest of community, however, through lobbying. Whilst the parastatal, who owns substantial portion of land in the Durban Back of the Port, and falls within the scope of national portfolio. They tend to lobby through engaging with national government, whom in turn, draft the interest of the parastatal into the national strategic plans. Through the national planning policy and long-term planning, these plans then puts pressure on local government to align with the planning policies and planning of the national level of government. This subtle coercion has created an environment where there is an overarching national interest, rather than a democratically obtained plural interest.

The legacy of the Apartheid government, through the lobbying of the multinational corporations, and small business, and the petitioning of civil society groups disrupts genuine participation. In addition, lobbying creates the culture of a vindictive attitude amongst stakeholders. In turn, this approach disrupts democratic development processes by creating a competitive rather than a collaborative environment for engagement.

### **3.7 CONCLUSION**

This research study believes that amongst plethora of issues outlined in this chapter, the solutions to the Durban Back of the Port problems lie in the process of community participation, in terms of how stakeholders view this phenomenon, and how they then seek to achieve effectiveness. There is a growing need to go back to the founding principles of community participation and democracy, and exercise these accordingly. The following chapter is the research methodology chapter. This chapter will dissect methods deployed in this research study, outline sampling technique, data sources, analytical tools and research design adopted in the quest to detail the steps taken to ensure trustworthiness and validity of this research study.

## **4. CHAPTER FOUR: RESEARCH METHODOLOGY**

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### **4.1 INTRODUCTION**

A technically sound research study requires a well thought through and coherent research philosophy, design, and methodology. Subsequently, a structured research project requires an alignment between the research philosophy, the design and methodology. This goal is achieved by adopting sound research principles and a consistent approach. The tools to assist in ensuring that the data collection methods conducted by the researcher are relevant, dependable, trustworthy, and valid should ensure that the analyses are accurate. The end product will offer relevant analysis which will contribute to new knowledge in the planning and development field through the recommendations. This research methodology chapter covers four broad themes; the research philosophy, the research design, data sampling, and data analysis.

### **4.2 RESEARCH PHILOSOPHY**

The concept of a research philosophy refers to a system of beliefs and assumptions of how the development of knowledge is undertaken within the parameters of a research study. Cresswell (2003) defined a paradigm as a set of beliefs and assumptions. According to Burrell (1979) and Morgan (1979) the researcher is obligated to make a variety of assumptions at every level of the study. These presumptions include axiological, ontological, and epistemological ones. This chapter's goal is to define and validate the philosophical and theoretical lenses that were applied to the investigation.

### **4.3 CRITICAL SOCIAL SCIENCE**

Developing the emancipatory functions of knowledge is one of the implicit goals of critical social science, a multidisciplinary knowledge base. It went about doing this by endorsing the value of criticism in the pursuit of high-quality education. This philosophical perspective offers both theoretical and applied tools for social work as well as motivation for pursuing social justice. Utilizing critical Social Science has the benefit of taking into account the fundamental processes and mechanisms that shape and affect social behavior, structures, and institutions. Researchers and academics

can better understand society with the aid of this concept. The relationships between people in society are the main topic of critical social science. This philosophy included elements of history, geography, political science, economics, sociology, and social psychology, among other areas. The concept term's use of the word critical alludes to coming to common sense. This is accomplished through challenging presumptions, pointing out the flaws in an argument, and probing presumptions about validity. In order to support or criticize the studied position as a lens for societal improvement, the fitness of the position is assessed.

Due to the legacy of the Apartheid urban planning system, which played a crucial role in the creation of the Durban Back of the Port, the critical social science perspective is employed in this study. Due to its implementation, Black communities became targets of environmental racism. Even in the post-Apartheid era, they have consistently been denied the chance to express themselves. Government agencies, Transnet, and private sector actors have continued to use a top-down mono-urban planning strategy to oppress people, with the main focus being on strategic economic development at the expense of social and environmental responsibilities. The researcher's desire to record the perceptions that the government, civil society, and other groups have motivated the use of this crucial Social Science concept in this study.

#### **4.4 RESEARCH DESIGN**

The next paragraphs will unpack the research design used in this work.

##### **4.4.1 Qualitative Research Methodology**

Research data collection and analysis often follow one of two basic approaches: either qualitative or quantitative. According to Pathak, Jena and Kalra (2013: 192) the fundamental approach to research was quantitative. However, Pathak et al (2013) emphasized the fact that social science academics have recently become more interested in using the qualitative approach of research. Authors like Kothari (2004), McCusker and Gunaydin (2015) and Pathak, Jena and Kalra (2013) have defined qualitative research as a technique that focuses on understanding organizations' perspectives on a specific topic as well as their perceptions, narratives, contexts, and

points of view. This strategy is referred to as a humanistic or idealistic strategy. The quantitative research strategy uses numerical data instead of words and meaning. According to Pathak, Jena and Kalra (2013: 192) the qualitative research approach is more reliable in comparison than qualitative research. However, as the purpose of the study is to explore policy papers, it makes use of textual data from news sources, reports, and open websites. Qualitative research methodologies were used in this study. According to Pathak et al (2013: 192) three major areas make up the qualitative approach: document/textual analysis of various written records, interview studies, and observational research. This research study made use of later category, the documents or textual analysis of various written; the South African National Development Plan, the KwaZulu Natal Provincial Growth and Development Strategies, the eThekweni Metropolitan Municipality Integrated Development Plan, the Durban Back of Port Local Area Plan, the Transnet Long-Term Plan, and civil society yearly reports were all used in this research study.

#### **4.4.2 Case Study Approach**

A case study approach refers to a thorough, in-depth analysis of a specific case, event, or setting within a practical setting. A case study is a contemporary occurrence that is depicted in its reality, according to Yazan (2015: 138). The goal of the case study approach is to explain a specific situation, identify its important concerns, and analyze it using pertinent theoretical concepts in order to provide suggestions or decide on a course of action based on the case's research.

The case study approach, whether employed in research that is quantitative, qualitative, or uses a hybrid methodology in its work, is a contentious area in the Social Sciences because of differing perspectives, advantages, and disadvantages that characterize this approach. George and Bennett (2005) have asserted that the case study strategy stands alone as a legitimate research methodology. Other authors such as Starman (2013: 30) outlined that case studies are research types. Authors such as Simons have outlined an argument that case studies are a detailed study of a variety of experiences and of the uniqueness of a particular project, policy, institution, program or system, precinct, region, and or location in a real life context from multiple perspective. Flyvbjerg (2011) stated that because they focus on difficult



real-world situations, case studies are not a form of research methodology but rather a type of technique researchers choose to adopt in qualitative and/or quantitative projects. Case studies have many different facets because their examination can be both vast and complicated as well as narrow and limited. The various data collection techniques therefore depend on the case study's specific environment.

One of the shortcomings of a case studies approach is that there is bias nature towards the researcher's verification. In other words, the researcher can be tempted to verify his or her own preconceived concepts (Starman 2013: 40). However, this shortcoming is avoidable by using secondary data from documented studies and literature from leading researchers to supplement and verify any claims made. The strength of the use of case studies is that it has the advantage of producing contextual knowledge. Case studies can produce knowledge that is practical since the information acquired is based on practical experiences embedded within a specific context (Flyvbjerg 2006: 221).

This research study will use the Durban Back of Port area as case study. The nature of the Durban Back of Port was selected not as a typical case but rather because of the case specific phenomena that demonstrates the complexities of environmental racism within neighbourhoods facing substantial environmental issues.

#### **4.5 DATA SAMPLING**

The term data sample in normal circumstances refers to a portion of a population or a universe. According to Etikan, Musa and Alkassim (2016: 1) when researchers use the word population, many often consider people only, however, Etikan, Musa and Alkassim (2016) argued that the demographic aspect in research does not only refer to people but can also refer to total quantity of the things such as organizations, and cases with distinct characteristics. A sample in this research study refers to organizations with authority in the Durban Back of the Port Precinct, which are representing a particular interest, and directly or indirectly are affected by policy decisions related to participation, pollution, environmental racism, economic development, and the proposed port expansion.

According to Koerber and McMichael (2008: 462) there is a growing awareness that quantitative and qualitative research demand different sampling method, and health care researchers have grouped appropriate sampling techniques for qualitative research. There are three types of sampling categories for qualitative research, namely, Convenience Sampling, Purposeful Sampling, and Theoretical Sampling. Each of these categories is described in more detail below.

#### **4.5.1 Convenience Sampling**

Convenience sampling technique is also known as accidental and or opportunistic sampling. According to Koerber and McMichael (2008: 463) this type of sampling is a non-probability sampling that requires participants to be drawn from a population that is readily available and easy to contact. Critics of this methodology have argued that this technique is not adequate in every situation, and that there is a high probability of getting similar responses from participants. This can result in generalizations which do not represent perspectives beyond a narrow population group (Koerber and McMichael 2008: 463).

#### **4.5.2 Purposeful Sampling**

Purposive sampling on the other hand is described as a sampling technique where the researcher intentionally selects participants based on their ability to elucidate a specific theme, concept and phenomenon (Koerber and McMichael 2008: 464). The critics of this technique have cited that researcher selects informants intentionally to achieve the result that they desire (Koerber and McMichael 2008: 464). Secondly, Koerber and McMichael (2008: 464) also reiterated that researchers tend to describe their sampling as purposive. However, they fail to provide adequate detail about their purpose in selecting the sample.

#### **4.5.3 Theoretical Sampling**

Theoretical Sampling is a process whereby data is collected from the sample to generate a theory. This sampling normally requires a series of samples, generating

codes, and analysis of gathered data to a point where there is substantive information to generate a theory (Koerber and McMichael 2008: 464). The sampling technique is like purposive sampling, however, there are differences in that this is a lengthy process in comparison, and secondly, it requires a series of samples.

This research study selected for this research the Purposive Sampling technique. It was intentionally selected because the organizations investigated will form bases of the themes, concepts and phenomena researched in the study. These organizations were selected because of they fitted the criteria which was based on their responsibilities, position and involvement in the subject studied. The aim of the study is to evaluate the process of participation in the context of planning for the Durban Back of the Port using the lens of policy analysis, and discourse analysis.

The purposefully selected organizations are Transnet, Toyota, Illovo Group, Tongaat Hulett, SAPREF, ENGEN, Mondi Group, and the South African Breweries (SAB), the eThekweni Metropolitan Municipality, KwaZulu-Natal Provincial Government, South African National Government, the South Durban Community Environmental Alliance (SDCEA), and Ground Works. Transnet has been selected because they are port administrators. They are the organization that is planning to develop the Back of the Port area. Toyota, Illovo Group, Tongaat Hulett, SAPREF, ENGEN, Mondi Group, and South African Breweries (SAB) these are multi-national corporations located in the Durban Back of Port. These big industrial companies own sizeable portions of land. The eThekweni Municipality selected because the Durban Back of the Port area falls under their administrative jurisdiction. This local government agency is empowered by the national Constitution to manage and perform local government duties for the study area. Whilst national and provincial government are included amongst sample because they also have some jurisdiction in the area, in terms of the Departments of Energy, Health, the Environment, and as well as the SOE portfolio within the national government jurisdiction. GroundWorks and the SDCEA are Community Based Organizations representing the voice of civil society. These organizations formed by the local Back of the Port communities to represent them, and their concerns related to the planned expansion plans for the port area.

#### **4.6 DATA SOURCES**

The source of data section is important because it is a section that details the type of information used in the research. Universally, there are two types of data sources; there is primary data and secondary data. Primary data refers to data collected by the researcher at source; and is referred to as raw data. It is useful in research because it enables the researcher to collect data that is specific to that topic. Secondary data on the other hand refers to data collected by someone other than the primary user. The benefits of using secondary data range from data being readily available, and whilst in some instances the analysis conducted. The shortcomings of using secondary data are; the data used not collected for the purposes specific for this research, and that it can be tampered with to a point where the core message is lost in translation, and the analysis. However, amongst the plethora of issues accompanying secondary data, this study will use secondary data sources because this research is a document analysis-based research.

#### **4.7 LIMITATIONS OF THE RESEARCH APPROACH**

A plethora of rationales encourage the idea of basing the research on document analysis. This research study was designed during the COVID-19 pandemic, and due to the requirements for social distancing, and the lockdown restrictions, it became less feasible to conduct face-to-face interviews. Secondly, the eThekweni Municipality were reluctant in offering gatekeeper letter approvals to conduct research in their jurisdiction. The third reason, it was due to the reluctance of Transnet to participate in the research study even after several attempts. Transnet stated that the content of the research was covered by their public policies and long-term planning documents available on their online website. As a result, the information related to their approach to public participation can only be drawn from secondary resources.

#### **4.8 DATA COLLECTION**

Data was collected from multiple stakeholders namely; the SDCEA, GroundWork, the eThekweni Municipality, the Kwa-Zulu Natal Provincial Government, the South African National Government, Transnet SOE, SAPREF, Mondi Group and ENGEN. The collected data was in the form of stakeholder's policy documents, sustainability reports, and development plans. For further perusal, refer to the Table 4-1 below.

**Table 4-1: An Overview of Data collected from Stakeholders**

Organisation	Website	Plan/Report/Policy Document
South Durban Community Environmental Alliance	<a href="https://sdcea.co.za">https://sdcea.co.za</a>	The Green issue, volume 28
		The Green issue, volume 27
		The Green issue, volume 26
		The Green issue, volume 25
GroundWorks	<a href="https://grondwork.org.za">https://grondwork.org.za</a>	2020: “The Elites don’t care” – People on the frontline of Coal, Covid and the Climate Crisis.
		2019: Down to Zero – the politics of a just transition.
		2018: Boom and Bust in the Waterberg – A history of coal mega projects
		2017: The Destruction of the Highveld – Burning Coal
		2016: The Destruction of the Highveld – Digging Coal
		2015: Climate and Energy – The elite trips out
		2014: Planning poverty – The NDP and the infrastructure of Destruction
		2013: Talking energy
	<a href="https://durban.gov.za">https://durban.gov.za</a>	Integrated Development Plan 2021/2022 – Draft Process Plan

Organisation	Website	Plan/Report/Policy Document
eThekweni Metropolitan Municipality		Integrated Development Plan 2017/18 to 2020/21 – Review 2020/2021
		Integrated Development Plan 2017/18 to 2020/21 – Review 2019/2020
		Integrated Development Plan 2017/18 to 2020/21 – Review 2018/2019
		Integrated Development Plan 2017/18 to 2020/21 – Adopted 2017/2018
		Integrated Development Plan 2012/13 to 2016/17 – Review 2016/2017
		Integrated Development Plan 2012/13 to 2016/17 – Review 2015/2016
		Integrated Development Plan 2012/13 to 2016/17 – Review 2014/2015
		Integrated Development Plan 2012/13 to 2016/17 – Review 2013/2014
Kwa-Zulu Natal Provincial Government	<a href="https://provincialgovernment.co.za">https://provincialgovernment.co.za</a>	Kwa-Zulu Natal Provincial Growth and Development Plan 2012/2030
		Kwa-Zulu Natal Provincial Growth and Development Strategy 2015/2035

Organisation	Website	Plan/Report/Policy Document
		Kwa-Zulu Natal Provincial Growth and Development Strategy 2021/2030
South Africa National Government	<a href="https://nationalgovernment.co.za">https://nationalgovernment.co.za</a>	National Development Plan 2030
Transnet Parastatal	<a href="https://www.transnet.net">https://www.transnet.net</a>	Transnet: 30 year Long Term Planning Framework 2017 edition
SAPREF Oil Refinery	<a href="http://www.sapref.com">http://www.sapref.com</a>	Sustainability report - 2015
		Sustainability report - 2016
		Sustainability report - 2017
		Sustainability report - 2018
		Sustainability report - 2019
		Sustainability report - 2020
ENGEN Oil Refinery	<a href="https://engen.co.za">https://engen.co.za</a>	ENGEN Integrated report 2012/13
		ENGEN Integrated report 2014
		ENGEN Integrated report 2015
		ENGEN Integrated report 2016
		ENGEN Integrated report 2017
		ENGEN Integrated report 2018
		ENGEN Integrated report 2019
		ENGEN Integrated report 2020
		ENGEN Integrated report 2021
Mondi Group	<a href="https://www.mondigroup.com">https://www.mondigroup.com</a>	Sustainability report 2021

Organisation	Website	Plan/Report/Policy Document
Toyota	<a href="https://www.toyota.co.za">https://www.toyota.co.za</a>	Sustainability report 2021

Source: Self-generated by the Researcher, 2022.

## 4.9 DATA ANALYSIS

### 4.9.1 Document Analysis

Document analysis is an analytical tool that uses a systematic procedure to review and or evaluate documents, these documents could be printed and or electronic material (Bowen 2009: 27). Documents are secondary data sources that have been created for other purposes and requires synthesizing. According to Bowen (2009: 27) document analysis requires that data need to be examined and interpreted in order to elicit meaning, gain understanding, and develop empirical knowledge.

The advantages of using document analysis are (Bowen 2009: 31); time efficient, availability, cost effective, lack of obtrusiveness and reactivity, stability, exactness and coverage. Whilst the limitations or disadvantages of document analysis are insufficient detail, low irretrievability and biased selectivity (Bowen 2009: 31-32).

According to Bowen (2009: 28) document analysis is often used in combination with other qualitative research methods as a means of triangulation, the combination of methodologies in the study of the same phenomenon. This is to enhance credibility, trustworthiness and reliability. The research uses three analytical methods; Document Analysis, Policy Analysis and Thematic Analysis. Triangulation is extended to the sample where the study examined and interpreted data from three distinct category of organisations; government, civil society, and corporate community.



#### **4.9.2 Thematic analysis**

The researcher considers qualitative research as an effective way to explore the research study topic and this approach will assist the researcher to produce innovative ideas to support research hypothesis. However, this qualitative research study encompasses substantial amounts of unorganised public publication gathered qualitative datasets, used to find the trends and observations to support research study hypothesis. To assist in dissecting these large datasets, the researcher will use thematic analysis as an analytical tool to sift through datasets in an organised manner and uncover trends and other inferences based on a criterion or a theme, defined by researcher.

A thematic analysis is a tool commonly used in qualitative research when seeking to emphasise identifying, analysing, and interpreting patterns within qualitative data. In a non-professional's term, a thematic analysis refers to a method of analysis, using which you can go through your qualitative dataset, in an organised manner and analyse it effectively to uncover hidden trends and other inferences based on a criteria or theme, defined by the researcher. Qualitative research involves mostly non-numerical data, which cannot be analysed through statistical and mathematical calculations. As such, a thematic analysis conducted on data collected through public policies, public publication, interview, focus groups, and social media profiles. This dataset gathered depending on the nature of the information gathered, and thus is sometimes transcribed, organised and analysed in order to make valuable inferences of the data. A thematic analysis can be used in any research, where there is a need to analyse substantial amounts of data that is not in a numerical form. This includes research projects from various fields such as history, planning, and sociology.

Thematic analysis can be categorised into two types; deductive and inductive thematic analysis. A deductive approach to thematic analysis starts with a list of themes that a researcher expects to find in their data. In other words, it uses prior research or existing theory to guide the analysis. In qualitative analysis, this often means applying predetermined codes to the data. Whilst the inductive approach on the other hand could be described as a process of coding the data without trying to fit into a pre-existing coding frame or the researcher's analytical preconceptions. In

this sense, this form of thematic analysis is data-driven. The inductive approach involves deriving meaning and creating themes from data without any preconceptions. The researcher will dive into his/her analysis without any preconceptions of what themes will emerge, and thus allow themes to emerge from the data.

Thematic analysis comprises of six (6) sequential phases

1. Familiarisation;
2. Coding of the data;
3. Generating initial themes;
4. Reviewing the themes;
5. Naming and defining themes; and,
6. Writing up the report.

The concept of thematic analysis consists of advantages and constraints. One of the hallmark advantages of a thematic analysis is its ability to be flexible. The concept of a thematic analysis is not all positive. With hindsight the thematic analytical approach can be described as phrase based, and may miss nuanced data. The thematic analysis exercise revealed a plethora of themes. These ranged from; thematic issues, participation initiatives, participation structure and participation rationales.

#### **4.9.3 Public Policy Analysis**

Public policy refers to an institutionalised legal document containing a deliberate system of principles to guide decision-making to achieve the desired outcomes for immediate society, the environment, and the economy. These public policy documents have life cycles, and are regularly reviewed, and analysed to sharpen their positive impact on society, environment, and economy.

When tracing the evolution of the notion of public policy development, Prinsloo, and Pillay (2006: 94) articulated that it received significant attention following the Second World War when analytical approaches to social problems integrated into formal

policy processes. In the 1950s to late 1960s economists developed several cost-benefit analysis theories as an approach to problem solving (Prinsloo and Pillay 2006: 94). Other disciplines in the Social Sciences, such as Town and Country Planning, adopted this idea of public policy to address social ills (Heineman et al., as cited by Prinsloo and Pillay 2014: 95). However, the then adopted idea of public policy was seen to have the capability of solving these social ills under the ideology of positivist thinkers. However, as has been evident over the years, issues arose with policies in place, and as such, progress-tracking mechanism adopted. It is through the recognition of this past anomaly that policy analysts adopted public policy analysis tool.

According to Wildavsky the concept of Public Policy analysis as an applied tool used to analyse a particular field content cannot be determined by disciplinary boundaries, and thus cite, applicability to whatever appears to be relevant and or appropriate to the context where the policy was adopted and applied (Knoepfel *et al.* 2007). According to Mény and Thoeng Public Policy analysis is a study of the action of public authorities within the realm of society (Knoepfel *et al.* 2007: 3). Based on both definitions made by Wildavsky, and Meny and Thoeng, public policy documents appear relevant. However, when there are issues that arise in the future, a policy analysis application ensures that the policy in question can be amended to relevant context.

According to the World Bank Development Report (2003: 160-161) from the 1980s to 2003, policy development processes saw a change in focus to public service delivery based on appropriate policies. The report stated that there are policy constraints regarding transparent processes, and efficient resource utilization. The report cited that this is mainly because the public sector remains solely accountable for policy processes in respect to funding service delivery and monitoring policy progress programmes. Authors such as Innes and Booher (2015), Elling and Thompson (2017), Habermas, and Hague *et al.* (2003) disagree with the notion of the public sector remaining the only stakeholder responsible for funding and monitoring policy programmes. These authors argued that there is a need for shared responsibility amongst private (Business), public (Government) and communities (Society) to be

included in the policy process. Furthermore, tackling urban challenges with communities reduces stakeholder contestation and the disagreement after implementation because this approach instils a sense of shared responsibility amongst all stakeholders. Prinsloo and Pillay (2007: 97) have stated that the successful policy require good governance. It should encompass excellent public service delivery, and include prudent financial expenditure, coordination, and efficient local management.

#### **4.10 CONCLUSION**

This chapter has provided an overview on how research conducted achieve result despite the limitations. This is a qualitative research study, and this chapter presented the design of this research study, and the methodology followed and how the collection and analysis of data will be conducted and assessed. It illustrated that the researcher will gather a relevant sample of organisations and policy documents to undertake the appropriate analysis which is outlined in the following chapter.

## **5. CHAPTER FIVE: RESEARCH FINDINGS AND ANALYSIS**

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### **5.1 INTRODUCTION**

Chapter Five presents the research findings using a hybrid analytical system that includes policy analysis, document analysis and thematic analysis. This hybrid analytical system entailed following the six steps of thematic analysis and use a mix of deductive and inductive method to establish the perception held by sampled stakeholders on the concept of community participation. Therefore, this section focuses on the following themes; participatory initiatives, participation structure and abstract concept association and trends therewith.

### **5.2 GOVERNMENT DOCUMENT ANALYSIS**

The current government structure in South Africa comprises of vertical and horizontal levels of cooperation. The vertical setting comprises of three spheres of government namely - National, Provincial and Local. A horizontal setting of the spheres includes shared authority, administration, and mandates. There is an inbuilt principle of cooperative governance which outlined in Chapter Three of the national Constitution and is inherent in policy and administrative statutes e.g., the Intergovernmental Relations Framework Act (IGFA) (No. 15 of 2005). The national government has authority, mandate, and administrative jurisdiction over an entire country. Provincial government has authority, mandate, and administrative authority in of one of the nine designated provincial areas created in South Africa post 1994. Local government has authority, mandate, and administrative jurisdiction of either a District, Metropolitan or Local municipality. These spheres of government integrate, and function cohesively over multiple key fields and they make use of planning tools such as policy, the principle of integrated development planning and departmental cooperation to deliberate on matters. Furthermore, these horizontal and vertical settings also provide challenges for integrated actions between spheres of governance. One of the critiques of government has been that cooperation between national, provincial, and local levels of governance is not optimal. Departments tend to work in silos and protect their mandated functions rather than working collectively together.

In the case of planning and development this characteristic can be illustrated by two Department contending over the production of legislation related to the creation of a planning systems. The Department of Rural Development and Land Reform is the mandated authority for planning and development and promulgated the Spatial Planning and Land Use Management Act (No. 16 of 2013) to provide for a unitary framework for Spatial Development Frameworks and Land Use Management Systems (LUMS). Previously the Department of Cooperative Governance had created a framework for the development of Integrated Development Plans and Spatial Development Frameworks at municipal level through the Local Government: Municipal Systems Act (No 32 of 2000). There was a perception that the two national departments were in competition for dominance in the planning sphere rather than working together.

The following sub-sections outlines the perception on community participation as outline in the planning policy document of each sphere of government. This section will outline the conceptual perception and actual initiatives undertaken as articulated in each spheres policy. The findings are cross examined with planning theories and models of participatory planning associated with community participation.

### **5.2.1 National Level of Government**

The national level of government in South Africa is responsible for the making of laws and policies and the delivery of services as outlined in Chapter Five of the National Constitution of the Republic of South Africa (Act No. 108 of 1996).

#### **5.2.1.1 *The National Planning Commission***

The National Development Plan (NDP) is a strategic national planning policy that details the country's 20 year long term vision and execution strategy. This policy document has national jurisdiction and drafted by the National Planning Commission (NPC). The first NPC was appointed by President Jacob Zuma in May 2010. The NPC consists of 26 commissioners. According to South Africa (2013: 55), the NPC is an advisory body consisting of 26 representatives drawn largely from outside government, who are chosen for their expertise in key areas. The appointment of the

NPC by the national government represents an attempt to diversify planning discourse in South Africa beyond over reliance on political discourses. However, this appointment contradicts constitutional democracy because the Constitution and related planning laws depicts that South African planning ought to be bottom up where communities affected by planning initiatives should be engaged extensively. The NPC approach is top-down technocratic approach where the Commissioners rely heavily on their technical expertise. It highly unlikely that the NPC would engage with the entire local level, private sector and communities when seeking to draft national planning policies. Thus, their appointment resembles rational comprehensive planning approach. Subsequently, communities such as the Durban BoP are overlooked. Their suburbs are earmarked for economic development because of their proximity to Durban Port. This change in land use is deemed to be in the national interest because the Port is regarded as a strategic facility.

The process of drafting the National Development Plan can be summarized to be conducted in three phases; a Diagnostic Report, first draft plan, and comments from stakeholders and adoption. The first phase entailed the NPC conducting the assessment of South Africa. Upon completing the assessment, this process yielded the Commission's Diagnostic Report which was released in June 2011 (South Africa, 2013: 25). The second phase in process involved the NPC drafting a strategic economic plan for the country and consulting with multiple stakeholders on the first draft plan produced to address the Diagnostic report. According to South Africa (2013: 25), the Commission consulted widely on the draft plan. This consultation process entailed using public forums that drew in thousands of people and meeting with parliament, the judiciary, national departments, provincial governments, development finance institutions, state-owned entities and local government formations. In addition, talks were held with unions, business, religious leaders and non-profit organisations. The third phase entailed the adoption of the plan. According to South Africa (2013: 25) South Africans broadly supported the draft plan, proposing modifications and making suggestions to implement it effectively and some had comments or input, and their input has informed this plan.

The NPC used a wide spectrum of public participation strategies to engage with a broad range of South Africans (South Africa 2013: 480). These strategies included using traditional print and electronic media (newspaper, television, and radio) and innovative forms of electronic media (online jam, Facebook, Twitter, Mxit, YouTube) (South Africa 2013: 480). There were also direct engagements with broad range of groups including parliament, government, the judiciary, business, civil society, trade unions, religious organisations, and institutions of learning and community-based organisations (South Africa 2013: 480).

#### ***5.2.1.2 The National Planning Commission view of Community Participation***

The NPC perception of community participation is informed by the broad social objectives that they argue have the potential to propel the country into greater development heights (South Africa 2013). These social objectives are: -

- Community participation is seen a tool to combat racial and class divide, and will improve spatial conditions in terms quality and service;
- To improve grassroots leadership in society. According to South Africa (2012: 474) this entails; leading by example, honesty, and integrity, trustworthiness, empowering people and placing them at the centre of development;
- To improve social compactness as this has the potential to propel higher developmental trajectory as well as build cohesive and equitable society where opportunity is not defined by race, gender class or religion; and,
- To unite a fragmented rainbow nation renowned for its diversity as this is a shared commitment as pledged in the Constitution.

The NPC (South Africa 2013: 474) used the White Paper on Local Government (1998) ideology that encourages local municipalities to find ways of structuring participation to enhance service delivery process. According to South Africa (2013: 474) participatory governance is a central tenet of post-apartheid legislation on local governance. Formal structures of participation were established through legislation. This resulted in local institutions that included the creation of mayoral executives,



municipal management, district and local councils, and Ward Committees and communities to participate together in decision-making.

The NPC also suggested an alternative where the state is encouraged to focus on engaging with people in their own forums rather than expecting citizens to engage with forums created by the state (South Africa 2013: 474). Furthermore, national, provincial, and local spheres of government can enhance citizens' participation through a variety of two-way information gathering and sharing forums and platforms between citizens and government (South Africa 2013: 474). According South Africa (2012: 474) the conception by the NPC entails creating platforms that enable government to inform, and citizens to give feedback to government and monitor performance, these channels will allow all development actors (the individual, communities, NGOs, government and even the private sector) to use information flow to develop strategies together that enable citizens to best claim their rights and exercise their responsibilities as envisaged by the Constitution.

The NPC community participation perception ascribed to the concept of a social compact. Fostering social compact entailed establishing social contract. According to South Africa (2013: 475) at the core of social contract arrangement should lie an agreement among people in a society or between people and their governments that outlined rights and duties of each party while building national solidarity.

The perception portrayed by the NPC in the NDP resembles bottom-up approach. However, the appointment of the NPC, and how they conducted the entire process from inception to adoption of NDP resembled the top-down rational comprehensive planning approach. The participatory initiatives were a one-way set of communications resembling a process of informing, consulting and placating rather than a process of engagement.

The NDP is a long-term plan where it envisaged that the amount of development work to be undertaken that will take long time to achieve because of the complexities of its large scope, the diverse groups it requires and the structure of governance. It ought

to have used the existing structures of government to engage all the stakeholders and communities. Hence these deliberations should have therefore been used as basis for diagnostic report and used to inform the NDP. However, the plan relied heavily on the expert technical skills of the Commission which had the potential to superimpose national or provincial challenges or strategic planning choices over local issues. In some instances, experts tend to utilise international solutions to solve local problems rather than harnessing local skills and knowledge to address issues pertinent to the territory it was located in. It has been argued that the NDP is an economic plan for the country which has planning implications, but which does not address the development challenges the country faces.

#### ***5.2.1.3 An Analysis of the National Government Approach to Community Participation***

The NPC embodies the principles of rational comprehensive models. The Commissioners were selected based on their technical expertise and engages in an analysis of the country's challenges without any form of meaningful community participation. Hence, this is the founding anomaly that planning theorists argued for through advocacy planning, communicative rationality, and action theory, and as well as collaborative planning seeks to address.

The NDP participation process resembled elements of degree of tokenism. The first phase, and the diagnostic report, included an element of informing rather than consultation. The public participation process informed the stakeholders and citizens of South Africa problems. This was supplemented with the use of media propaganda where the Commissioners authored articles weekly in local newspapers, became guest speakers on radio and television talk shows. The conception of informing stems from the fact that the government structure has the access to all provinces. It also has the resources to conduct meaningful participation in all Municipal Wards in country, given the twenty-year long-term project trajectory. However, these avenues were overlooked. Secondly, the participation route taken by the NPC involved spaces or platforms that use one-way communication medium.

The second phase displayed an element of consultation. This is where the NPC engaged with multiple stakeholders; civil society groups, corporate communities, government, parliament, traditional leaders, and religious leaders. The third phase indicates an element of placation. This phase entailed attending to suggested modification and minor comments prior to the adoption of the plan. This was an attempt to soothe or an act to appease stakeholders and the citizens as the participation process did not ensure any inclusion of civic representation to ensure that the plan embodies the voices of South Africans at large. The processes informing the NPC are questionable. Where did they get the information from that informs the fundamental problems in country? What methodology was used and what procedural processes determined the final outcome of the plan?

The NPC theoretical perception of community participation aligns with Advocacy Planning, Communicative Rationality, and Action Theory and as well as Collaborative Planning in that they sought to engage stakeholders and the public. However, in practice their approach may have been wanting in that they had preconceived ideas about the generic challenges that South Africa faced rather than assessing the specifics of each province. In principle their approach had a high potential to effectively conduct participatory planning, but it was squandered by limited timelines and a need to develop a national plan to guide provincial and local initiatives. It could have been capable of enhancing the power balance and ensuring that citizen control as articulated in Arnstein's ladder of participation. The government structure outlined by the NPC to bolster community participation aligns with the conceptions of abovementioned theories. Community participation is a democratic tool that ensures equality. Within this framework, local government plays a significant role in ensuring that the public participate meaningfully in the process particularly at local level. This consultation would then feed into iterative process that would inform upper spheres of government. It would influence decision making and policy.

### **5.2.2 Provincial Government**

Section 103 and Schedule 4 of the National Constitution outline the role, functions, and responsibilities of the provinces in the country.

### 5.2.2.1 The Spatial Planning and Land Use Management Act (SPLUMA) Principles

The KwaZulu-Natal provincial government uses the five SPLUMA principles as basis for development approach; Spatial Justice, Spatial Sustainability, Spatial Efficiency, Spatial Resilience and Good Governance (See Figure 5-1 on the next page).

The principle of Spatial Justice aims to redress the spatial imbalances of the past through improved and equitable access to land, basic services, social amenities, and economic opportunities (South Africa, 2021: 19). Spatial Sustainability seeks to balance effective management of natural resources with the transformation of the natural environment to meet human needs and the impact of human activities (economic activities and livelihood strategies) on the environment. It promotes land development that does not harm the environment, effective management of natural resource assets, and recognition that social and economic development depends on the quality of the natural environment (South Africa 2021: 19-20).



Figure 5-1: Diagrammatic Representation of the Five Principles of SPLUMA

Source: [https://www.researchgate.net/figure/Corridor-development-principles\\_fig12\\_317305563](https://www.researchgate.net/figure/Corridor-development-principles_fig12_317305563), accessed 7<sup>th</sup> January 2023

The principle of Spatial Efficiency is about the creation of a functional spatial system that facilitates and enables effective use of infrastructure; unlocks economic potential and creates economic opportunities, and; enables land use integration and development of sustainable communities (South Africa 2021: 20).

The third principle addressed of Spatial resilience calls for the evolution of settlements and land use patterns that can withstand natural shocks, including the impact of climate change and the concomitant natural catastrophes (South Africa 2021: 20).

Finally, the principle of good governance. According to South Africa (2021: 20) this principle *“requires that spatial planning must be democratic, legitimate, and participatory as this affects the lives of all people within an area and therefore, authorities should undertake this function in a participatory manner with fairness, transparency, and accountability, hence purely because the interested and affected parties should be afforded an opportunity to participate in decisions that affect their lives”*.

#### **5.2.2.2 The KwaZulu-Natal Provincial Planning Commission**

KwaZulu-Natal Provincial Planning Commission (KZ-N PPC) is an advisory body that comprises of eight commissioners. This Commission engages with Provincial Executive Council, to create a Provincial Growth and Development Strategy and Plan (PGDS/P). It also cooperates with the Technical Committee, Non-Governmental Consultative Forums and Action Working Groups. The Provincial Executive consists of Members of Executive Council (EXCO) representing various national government portfolios at provincial level. In contrast, the PGDS/P Technical Committee is made up of planners responsible for drafting Provincial Growth and Development Strategy policy document. It is the equivalent provincial report to the Integrated Development Plans (IDPs) produced at the local government level.

- The Non-Governmental Consultative Forums comprises of nine councils namely: –
- the KwaZulu-Natal Economic Forum;

- the HIV/AIDS;
- Climate Change;
- the Social Cohesion and Moral Regeneration;
- the KwaZulu-Natal Council Against Crime;
- the Economic Transformation and Monitoring Council;
- the Women Economic Empowerment Advisory Council; and,
- the Anti-substance Abuse Forum.

Whilst Action Working Groups are made up from representatives of national departments, provincial departments, public entities, local government, Traditional Councils, private sector organisations and Non -Governmental Organisations.

According to South Africa (2021: 11), the KwaZulu-Natal PPC plays the role of monitoring and facilitating alignment in the planning and execution of planning and development strategies, monitoring, and evaluating the implementation across a wide range of stakeholders. Specifically, it must ensure the alignment of the plan prepared by province with those of national and local government. The PSDGS must align with the IDPs and SDFs prepared by District and Local Municipalities as well as being the vehicle through which the national directives of the National Development Plan are implemented at provincial and local levels.

#### **5.2.2.3 Provincial Participatory Planning Models**

The KwaZulu-Natal provincial government conducts participatory planning using two models; Operation Sukuma Sakhe and the District Development Model (South Africa 2021: 22).

#### **5.2.2.4 Operation Sukuma Sakhe**

Operation Sukuma Sakhe (OSS) is a programme initiated by the Office of the Premier of KwaZulu-Natal. This is a district level programme that invites stakeholders from government departments, business, traditional leaders, civil society, and communities to engage on local ward matters. The interaction occurs in the platform

called War Rooms. According to South Africa (2021: 20) OSS terms of reference had seven (7) key objectives –

1. *Facilitation of improved interaction between the Executive Council Members and Districts Municipal Areas (Deployment of Members of the Executive Council MECs - in the District Municipalities);*
2. *Promotion and enhancement of provision of integrated services to the people;*
3. *Support mechanism and approach in addressing high levels of disease;*
4. *Poverty reduction and addressing inequalities in our Province;*
5. *Mobilisation of all stakeholders and sectors in the fight against disease and poverty;*
6. *Promote ward-based planning that ensures citizenry participation in the programmes of government; and*
7. *Collective and pooled response to poverty and disease is a necessity”.*

However, according to South Africa (2021: 21) this programme has multiple deficiencies, and these are; *“non-sitting and dysfunctionality of OSS War Rooms, lack of consistent participation of some government departments in War Rooms, neglect of community and households needs, lack of enforcement of accountability, non-coordination of ground soldiers (service delivery), lack of integrated forward planning to inform the required interventions, and lack of accountability and consequence management action on the non-delivery of the required interventions”.*

The KwaZulu-Natal Provincial government has transformed the OSS under the slogan the ‘OSS Revitalisation Strategy’. According to South Africa (2021: 21) this revitalized programme seeks to address anomalies of the old OSS programme objectively and robustly. A primary shortfall was its failure to keep up with the socio-economic challenges facing KwaZulu-Natal citizens, households, and communities. The OSS Revitalisation Strategy has entailed change in conception by seeking to obtain sustainable integrated service delivery through functional and resilient structures, and the renewing of the social fibre through increased participation and accountability. It is supported by seven pillars drawn from the NDP, KwaZulu-Natal PGDS and MTSF (South Africa 2021: 22). These pillars are: -

1. Active citizenry, social activism, and patriotism;
2. Stakeholder partnership and collaboration;
3. Protection and empowerment of the poor and the vulnerable groups;
4. The provision of integrated government services;
5. Transformed and inclusive economic activities;
6. Ethical governance; and,
7. Social cohesion and nation building.

#### **5.2.2.5 The Provincial District Development Model**

The District Development Model (DDM) was adopted by Cabinet in the third quarter of 2019 with primary purpose of rectifying poorly coordinated and integrated operations, planning and implementation within the government (South Africa, KwaZulu-Natal Provincial Government 2021: 22). According to South Africa (2021: 22) the DDM aims to address service delivery and economic development challenges through enhanced district level synchronization of planning across all spheres of government and department silos, it seeks to unify government system. The overarching rationale is creating a situation where government formulate and implement single plan and budget for a District or Metro geographical space level (South Africa, KwaZulu-Natal Provincial Government 2021: 22).

The DDM is a government orientated development model that focuses on structure integration and coordination within government. This model co-functions with the OSS through OSS-DDM structures at Provincial and District or Metro level supported by Local Task Teams and War Rooms (South Africa, KwaZulu-Natal Provincial Government 2021: 24). Secondly, the model uses District Multi-Stakeholder Forums where participation involved business, society, and labour (South Africa, KwaZulu-Natal Provincial Government 2021: 24). Thirdly, it uses a cluster system to ensure co-ordination and integration of key sectors (South Africa, KwaZulu-Natal Provincial Government 2021: 24).



#### ***5.2.2.6 An Analysis of the Provincial Government Community Participation Strategy***

The KwaZulu-Natal provincial government's use of SPLUMA principles resembles principles of both Environmental Justice and Communicative Rationality and Action Theory. The essence of Spatial Justice and Spatial Sustainability embodies elements of Environmental Justice. Whilst the principle of good governance that is underpinned by democratic processes, legitimacy and participation has elements of Communicative Rationality and Action Theory as related by Habermas.

The adoption of KZ-N PPC resembles elements of collaborative planning and a sense of rational comprehensive models. The top-down nature of planning in South Africa where the ANC's National Executive Committee (NEC) top six gives direct mandate to spheres of government, and the KZ-N PPC is designed to strengthen implementation, monitor and do oversight. The issue in this case relates to what informs the ANC's NEC and KZN PPC. The NDP, PGDS/P and IDP has outlined the economic development intentions in the Durban BoP. What is unclear is where these intentions comes from and what rationale has emphasized economic growth above environmental or social considerations. Were they democratically deliberated as the national Constitution, SPLUMA and the Local Government MSA require? The history of the BoP, and the civil society groups have raised multiple concerns over economic developments and industrial operations in the area stipulating that these perpetuate environmental injustice. The KZ-N PPC is not designed to be sensitive to bottom-up issues, because there is bottlenecking in the system caused by lack of capacity and weak institutions incapable of servicing their areas of jurisdiction. As such, the KZ-N PPC and government integration strategies are incapable of addressing the planning and environmental issues in the Durban BoP.

The first concept of Operation Sukuma Sakhe resembled mixed elements of both rational comprehensive models and communicative turn planning theories. The OSS is designed to engage communities over local matters, and these aspects resembles a shift to bottom-up planning. However, the preconceived notions from government attached to the programme such as prioritizing health and crime is imposing and top-down. These models of participation highlight the significant impact relying on the

participants as your main source of information. They suggest that researchers need to engage participants and base their conceptions on observation rather than preconceived ideas. They need to facilitate processes that ensure communities make their own decisions. The revitalized OSS, in principle, resembles a bottom-up approach. The seven (7) pillars are suggestive of this approach and thinking. However, the continuation of War Rooms resembles elements of degree of tokenism, where the citizens are perceived as participants who will be informed, consulted, and placated whilst the responsibility and decision-making rests firmly within governments structures.

The DDM resembles elements of Collaborative Planning and Rational Comprehensive models. The district model includes elements of strengthening top-down planning initiatives by creating a platform for stakeholders to collaborate. This is a structural strengthening model with a purpose of ensuring coordination and cooperation within government structure that has multiple departments. The conceived perception is that government is disjointed, and hence, requires coordinating and cooperation to ensure responsive government and improve service delivery. However, this model will only strengthen government power and authority. The model is not designed to source out grassroots problems, but the purpose of the model is to strengthen social relationship amongst existing stakeholders. Hence, this model does not address matters related to community participation nor bottom up. Community participation is a development approach that seeks to improve grassroots service delivery and isolate problematic areas to ensure correct minimalist solutions are applied.

### **5.2.3 Local Government**

The roles, functions and responsibilities of local government are spelt out in Chapter Seven and Schedule Five, Part B of the national Constitution. Two key principles underpin the role of local government namely to be developmental and to provide sustainable service delivery and administration. Section 152 (1) of the Constitution outlines the objectives that local government must strive for namely: -

- (a) to provide democratic and accountable government for local communities;
- (b) to ensure the provision of services to communities in a sustainable manner;

- (c) to promote social and economic development;
  - (d) to promote a safe and healthy environment; and
  - (e) to encourage the involvement of communities and community organisations in the matters of local government.
- (2) A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).

In terms of planning and development municipalities are required to adhere to the requirements of Chapter Five of the Local Government Municipal Systems Act (No. 32 of 2000), the national Spatial Planning and Land Use Management Act (No. 16 of 2013) and their own Planning By-Law published in terms of SPLUMA. These statutes introduced the principle of integrated development planning. They created the framework for the design of the Integrated Development Plan, the Spatial Development Framework and Land Use Management System. In terms of environmental planning, all municipalities must take of the requirements of the National Environmental Management Act (No. 107 of 1998). Similarly, there are statutory requirements that must be adhered to in terms of community participation in planning initiatives which are mandatory in law.

#### **5.2.3.1 *Spatial Planning Initiatives***

In 2019, the eThekweni Municipality established a City Planning Commission. According to eThekweni Municipality (2019: 319) this is the first of its kind in South Africa. Its sole purpose is to function as advisory body that was appointed to propel Municipality's long-term vision and strategic plan. The City Planning Commission consist of fourteen (14) part time external Commissioners who were selected based on their experience and expertise (eThekweni Municipality 2019: 319). According to eThekweni Municipality (2019: 319) the CPC is required to produce three (3) deliverables: -

1. A Diagnostic report;
2. A long-term development plan; and
3. An implementation strategy.

The City Planning Commission is an independent and expert advisory think-tank which assists the leadership and administration of eThekweni Municipality. It engages with municipal line departments as well as the city's Executive Council (EXCO) and the mayor.

The appointment of the CPC resembles top-down technocratic planning response that stems from rational comprehensive model of planning rather than integrated development planning or sustainability. The evolution of planning has indicated that top-down technocratic planning causes social ills, and thus there was a communicative turn shift comprised of Communicative Rationality and Collaborative Planning more suited to community participation. Hence, the principles of these approaches are embedded in the national constitution which grants everyone the right to participation. This participative characteristic has been further supported by the promulgation of SPLUMA and the LG: MSA. The Diagnostic report approach is anti-participatory because this has afforded technocrats the opportunity to use their expertise to determine issues facing society. This is anti-participatory because communities are not given an opportunity to outline their pressing issues.

#### **5.2.3.2 Community Participation Initiatives**

eThekweni Metropolitan Municipality IDP's associate community participation with good governance. According to eThekweni Metropolitan Municipality (2019: 212) one of the key performance areas are in good governance and public participation. The objective is to become a responsive local government (eThekweni Metropolitan Municipality 2019: 212). The aim of public participation is to ensure accessibility, promote good governance, and create efficient, effective, and accountable government administration (eThekweni Municipality 2019: 212). This is significant because the municipality suffers from governance processes that are not well coordinated for optimal delivery. This administrative deficit has resulted in the local authority not effectively employing its resources optimally which leads to a duplication in efforts, inefficiencies, fraud, theft, and corruption (eThekweni Municipality 2019: 212).

eThekwini Metropolitan Municipality conducts public participation in various ways, through their Masakhane Campaign, Organised Stakeholder Engagement (Religious Leaders Forum, Traditional Leaders (Amakhosi), Support to Vulnerable Groups, Support for Civil Society Organizations / Non-profit), Community based Planning, Ward Committees, Operation Sukuma Sakhe and through the media; Metro Ezasegagasini newspaper, Weekly bulletin, Social media (YouTube, LinkedIn, Twitter, Facebook), Radio, Website, Mayoral Izimbizo, Workplace magazine and Billboards (eThekwini Municipality 2019: 212).

The Masakhane Campaign comprises of a series of consultative engagements with local communities with aim of information sharing with regards to municipal programmes and seeks to identify matters that affect communities (eThekwini Municipality 2019: 212). Accordingly, communities are given an opportunity to propose interventions that can address their concerns, and these are taken to service units for implementation (eThekwini Municipality 2019: 212). Using the analysis of Arnstein's ladder of participation, the Masakhane Campaign has elements of the degree of tokenism level where there is a mix of informing, consulting, and placation.

The municipality has Organised Stakeholder Engagement programme which comprises of several categories. Religious Leaders Forum was established through a consultative process. This stakeholder forum consists of religious groups whose practices are legal in the Constitution of South Africa (eThekwini Municipality 2019: 252). There is also a Traditional Leaders (Amakhosi) Council which consist of fourteen (14) traditional leaders who partake in eThekwini Council meetings. These representatives have been identified by Section 211 of the Constitution (eThekwini Municipality 2019: 252). A third category of consultative group is via support for Vulnerable Groups initiative which targets; Children, People with Disabilities and Older Persons (eThekwini Municipality 2019: 252). Finally, there is support for Civil Society Groups and Non-Profit Organisations in the form of a financial aid scheme. The scheme supports civil society groups within eThekwini Metropolitan Municipality area (eThekwini Municipality 2019: 252). Using Arnstein's ladder of participation, organized stakeholder engagement initiative falls in the level of degrees of citizens' power, because eThekwini Municipality invites these organisations to participate in

decision making and has assisted them with necessary resources for these stakeholders to thrive.

Community Based Planning (CBP) is a bottom-up approach in development to inform and contribute to the IDP and as such encompasses a municipal wide approach to citizen involvement on government programmes (eThekweni Municipality 2019: 253). This approach entails communities drafting their own community-based plans, and submitting them to local authority for alignment, and prioritization. The Community Based Planning approach has characteristics of delegated power, which is degree of citizens' control. This is not ideal, but a step in the right direction in terms of fostering democracy and ensuring power sharing at the local level.

Ward Committees (WCs) are a legislated structure provided to enhance public participation by giving community members a voice towards community development initiatives within Wards (eThekweni Municipality 2019: 253). There are 110 wards within eThekweni, and 1100 members registered in Ward committee structures. According to the eThekweni Municipality 2019: 253),

*“All elected Ward Committee members have been inducted on Municipal processes in pursuit to better equip them to carry out their respective responsibilities. Ward based inaugural meetings were held where Portfolio Chairpersons and Secretaries were nominated accordingly. A number of trainings have been carried out for all elected Ward Committee Secretaries outlining their responsibility within the Committee”.*

The creation of Ward Committees is a good initiative; however, these bodies have become politicized purely because they comprise of Ward Councillors and political party members. There is a lack of adequate skill set that would enable councillors to identify local issues that need addressing and to report these to enable upper structures of government to be informed about coalface concerns. Secondly, adding quality experts in the ward level would increase capacity, and improve implementation.

The media communication is pledge by eThekweni Municipality where it committed itself to effective communication with its stakeholders to ensure that its vision is shared by all and to meet the information needs of the residents (eThekweni Municipality 2019: 254). These are one-way communication streaming platforms that uses print media, online streaming platforms, radio and television broadcasting, and local events to inform residents of matter that are considered important. However, they are not ground-breaking initiatives that allow full participation. Their function is one of acting as notice boards where local government current affairs are reported to the public for convenience, and updates.

### **5.3 CORPORATE COMMUNITY DOCUMENT ANALYSIS**

The following section will outline the perceptions held by private sectors stakeholders about community participation in the Back of Port Precinct.

#### **5.3.1 Transnet**

Transnet is a State-Owned Enterprise (SOE) that operates government business custodian of ports, rail, and pipelines. Transnet is made up of seven (7) divisions namely: -

1. Transnet freight rail;
2. Transnet rail engineering;
3. Transnet national ports authority;
4. Transnet port terminals;
5. Transnet pipelines; and,
6. Transnet property

Planning activities at Transnet occurs at multiple levels. Based on the research, five levels of planning have been identified namely: -

1. Level 1: National and provincial planning
2. Level 2: A Long – term planning framework

- 3. Level 3: A Transnet corporate plan
- 4. Level 4: A Business plan
- 5. Level 5: An Operational plan

#### **5.3.1.1 National and Provincial Planning**

According to Transnet (2014: 10) national and provincial planning activity entails participating in the National Development Plan, the development of a National Transportation Masterplan (NATMAP), being part of the Presidential Infrastructure Coordinating Commission Strategic Integrated Projects and participating in provincial and local Master Plans. These are long term planning projects have life cycles that range from 10 – 50 years. The participation process entails intensive engagement with national, provincial, and local government planning structures. The SOE also assists with the formulation of plans or provide essential inputs in planning.

#### **5.3.1.2 A Long-Term Planning Framework**

This plan is produced annually by Transnet Group Capital with support from operating divisions and key external stakeholders (Transnet, 2016: 10). The Long-Term Planning Framework (LTPF) has seven years to thirty years' time horizon. It is designed to reflect the long-term future demands envisaged by the company. The notion of future demands entails long term capacity planning and sustainability planning. According to Transnet (2016: 10) this plan provides the business and broader stakeholder community with a planning framework within which the long-term development of South Africa's freight transportation network and the expansion of Transnet's operational footprint can be executed.

#### **5.3.1.3 The Transnet Corporate Plan**

Transnet's Corporate Plan is an annually produced document that is approved by Transnet Board (Transnet 2016: 10). This plan aligns defined strategy, objectives, and plans with the requirements from Shareholders as agreed in shareholder's compact (Transnet 2016: 10). The plan outlines the initiatives that will be implemented to achieve the company's strategic objectives by enabling it to deliver on its mandate in the next fiscal year as well as the following six (6) years. An internal



participation process requires a robust and structured procedure that involves; inter alia, the Board of Directors and a Group Leadership Team of Transnet (Transnet 2016: 10). The process culminates to various activities, initiatives, and internal processes. Transnet Corporate Plans have a two – ten-year lifespan that focus on strategic targets, integration and funding (Transnet 2016: 10).

#### ***5.3.1.4 The Business Plan and Operational Plan***

The Business Plan is a lower-level strategy that stipulates business objectives and plans. These plans are compiled by internal operating divisions. Their purpose is to guide resource allocation and strategic enablement (Transnet 2016: 10). They are medium term plans that have life spans of seven to ten years. Operational plans on the other hand are plans that outline key objectives and goals of Transnet internal Operating Divisions. The purpose of the plan is to articulate resource allocation and fulfilment for milestone and progress tracking (Transnet 2016: 10). These plans require participation from internal division staff. This internalised perception of participation is excluding communities that carry the burden of sharing spatial amenities with Transnet. These are short-term plans that provide a framework for a range of activities on a daily, weekly and sometimes monthly basis.

#### ***5.3.1.5 An analysis of the Transnet perception of Community Participation***

Transnet plans presents a hybrid situation where it is a government entity but operates business functions. Secondly, it is hybrid in terms of conducting its business operations locally, but conduct participation functions at national level, and with corporate community as they have business ties. The Transnet Corporation view of participation resembles rational comprehensive models because their plans are negotiated at national level, but their operations are scattered in multiple locations locally. The administrative powers of Transnet supersede municipalities within their designated areas e.g., Durban Harbour. Their mandate is of national priority which is indicated because ports, harbours and other Transnet properties are listed as key installations. They are not required to engage in formal participation processes. Thus, the essence of democracy which stipulates that people have equal say, and the essence of participatory planning as outlined by SPLUMA and MSA are overlooked by Transnet. Their participatory operation because they solely engage

with government, and stakeholders within their own groups or related business and not the actual public.

### **5.3.2 ENGEN**

Engen's perception of community participation is informed by multiple quests such as ensuring sustainable development and ensuring effective stakeholder engagement. According to Engen (2015: 59) the company has two broad social engagement initiatives namely - Corporate Social investment and Stakeholder Engagement.

#### **5.3.2.1 Corporate Social Investment**

Corporate Social Investment initiatives seek to streamline areas of social corporate investment. Engen identified three category themes: -

- Education;
- Environment; and,
- Health and Safety

Under the banner of education, they opened matric exam supplementary schools with curriculum focus on mathematics and science subjects, participated in the Whole School Development Initiative, an Artisan Learnership Programme and opened Computer Schools in collaboration with Department of Education in KwaZulu-Natal, the Eastern Cape and Limpopo provinces. Under the banner of environmental concern, Engen has funded the EduPlant Programme which is an environmental initiative that instructs children in schools and communities to grow vegetables using environmentally friendly method called permaculture. They support Wildlife initiatives and the Environment Society of SA. During Arbor month, Engen employees' plant 1 650 trees across schools in South Africa. Under the banner of health and safety, they have driver wellness, and paraffin safety campaigns. They offer Corporate Social Investment to other Sub-Saharan Africa countries. Engen sponsors several sporting codes; soccer, and cycling, through creating tournaments, and financial sponsor individual soccer clubs like Supersport United.

### **5.3.2.2 Stakeholder Engagement**

Engen formed Engen Stakeholder Engagement Forum, in 2014, and this continued to provide a platform for the consolidation of stakeholder engagement activities across the business (Engen 2015: 59). Engen have clustered their stakeholders into four broad categories: -

- Authorisers;
- Partners;
- Associations; and,
- Influencers.

Authorisers are category of stakeholders that have direct control on what business does in their respective spheres of influence (Engen 2015: 59). They are; shareholders, government, and regulators. Engagement channels with shareholders consists of; quarterly reviews, direct reporting by the CEO and the Executive Committee meetings. Engagement with regulators and government are topic based, and take place through scheduled meetings, written correspondence, and via industry bodies and organized business representation.

Partners are a category of stakeholders that participate and are key to the service offerings of the company and products as part of our value delivery to customers (Engen 2015: 59). Partners are; employees, suppliers and service providers, and business partners and customers. Engagement with employees entails conduct of culture surveys, meetings, roadshow annual events, internal media and formal platforms and forums. Contact with suppliers and service providers involves using the supplier extranet, service level agreements and supplier audits. Engagement with business partners and customers entails conference and trade shows, customer service centres and web services.

Associations are a category of stakeholders that consists of organised business, industry bodies and national/international initiatives (Engen 2015: 59). Engagement with industry bodies and professional association entails the arrangement of

meetings, participation in events and organized initiatives, and participation specific committees.

Influencers are a category of stakeholders that have nothing to gain from the business but have an interest in the affairs of the business, usually on behalf of other interested and affected parties (Engen 2015: 59). Engagement with influencers entails displaying information on corporate website, annual reporting, 24-hour community line (Durban), a representative community forum, corporate social investment, and enterprise development.

### ***5.3.2.3 An analysis of Engen's perception of community participation***

Engen overall perception of participation has grown to resemble elements of Communicative Rationality, Action Theory, and Collaborative Planning with some aspects that align with the principles of Participatory Planning. The formation of the Engen Stakeholder Engagement Forum for the Durban Back of Port area resembles elements and complying with Collaborative Planning etiquette and principles. This is a bottom-up approach that prioritises community in terms of influence. It has a positive impact in that it provides space for a dialogue to create sustainable development. The overall perception presents a corporate company that is willing to partake in community participation initiatives.

### **5.3.3 Toyota South Africa**

Toyota South Africa's perception of community participation presents corporate member of society that seeks to commit itself to uplift and empower society through capital investment. The company has undertaken community participation through the Corporate Social Responsibility and stakeholder engagement initiatives.

#### ***5.3.3.1 Corporate Social Responsibility (CSR)***

According to Toyota South Africa (2021: 39) CSR function was established in 1972 by Dr Albert Wessels with a primary focus on offering training and support to communities closest to our production plant and offices. However, this initiative has

evolved, and currently involves a range of upliftment projects in communities through a blend of the TSA Foundation, the CSR Department, employee involvement and in-kind donations (Toyota SA 2021: 39). This initiative focuses on four pillars; education; road safety; civic and community service; and health and human service. The education pillar entails offering mathematics and science programme, early childhood development, mini-enterprise development and education on sustainable development. The health and human services initiative entail providing old age homes and hospices. Civic and community services pillar entails offering trauma counselling, a safe haven and a children's home. The road safety initiative entails educating school children about road safety, and the initiatives offers support to the taxi industry's road safety campaign over the Easter break and December festive season.

#### **5.3.3.2 Stakeholder Engagement**

The Toyota South Africa sustainability report under review represent 2020-21 calendar year. This period was ravaged by the COVID-19 pandemic. Toyota South Africa had six notable stakeholder engagement activities. They engaged with local government and businesses on a forum with the KwaZulu-Natal government and the Durban Chamber of Commerce to source offers of assistance for communities and businesses in distress (Toyota SA 2021: 67). They also contacted local Ward Councillors, social leaders and indunas to co-ordinate the distribution of food parcels and to offer service contracts to local suppliers (Toyota SA 2021: 67). This entailed attending a local councillor summit which was attended by eighteen (18) ward councillors, to outline our business purpose and address municipal service delivery issues which affect the business and our employees (Toyota SA 2021: 67). The third stakeholder engagement activity entailed engaging weekly with suppliers and dealers to assess the impact of the pandemic on their businesses and any critical issues that would affect production and retail (Toyota SA 2021: 67). They have meetings with internal staff via T-Talk and V tube, which are telephonic and video conference platforms regularly (Toyota SA 2021: 67). The company engaged with the Department of Health to develop shared-value projects to benefit the communities around the operations by offering mobile clinics using Toyota vehicles (Toyota SA 2021: 67). They have an annual strategic meeting with the eThekweni Executive

Mayor and his management team to identify projects through where they can create partnerships with the municipality (Toyota SA 2021: 67).

#### **5.3.3.3 *Toyota South Africa Perception of Community Participation***

The perception displayed by Toyota South Africa resembles Collaborative Planning principles. The two programmes; Corporate Social Responsibility and Stakeholder engagement initiatives are collaborative in design and approach. Toyota South Africa demonstrate willingness and commitment to community participation.

#### **5.3.4 MONDI**

Mondi Group engages with four categories - stakeholders; communities, investors and partners and industry associations.

##### **5.3.4.1 *Community Stakeholder Engagement***

They engage with community category through various initiatives. They have Mondzi Zimele initiative which focuses on income generating projects, and self-help group initiative to support communities' livelihood (Mondi 2021: 100). The company has provided communities, especially, forestry communities with mobile clinics, Early Childhood Development services and support sessions (Mondi 2021: 100). Mondzi comprises of confidential hotline and, complaint mailboxes. They have received one hundred and thirteen complaints from surrounding laying complaints regarding noise and odour. In response Mondzi has installed the latest technology in their plant to reduce noise and odour (Mondi 2021: 100).

They have engaged with communities using multiple avenues. They contact communities through community-based programmes and investment initiatives, open days and site visits, development initiatives, confidential hotline, and through the development of a Socio-Economic Toolbox (SEAT) process (Mondi 2021: 100).

#### **5.3.4.2 Investor Stakeholder Engagement**

The Mondi Group together with investors discusses matters pertaining to finance performance, market dynamics, governance and remuneration, strategy, capital allocation and sustainability priorities and actions throughout the year (Mondi 2021: 100). They engage using multiple avenues namely: -

- Annual General Meetings (AGMs);
- Results presentations and trading update calls;
- Roadshows, telephone calls and other meetings — Integrated and Sustainable Development reports;
- Questionnaires and ad hoc questions and requests;
- Independent disclosure platforms for investors, such as a CDP;
- Site visits and capital markets days; and,
- Investor perception studies.

#### **5.3.4.3 Partners and Industry Association**

The company has engaged with partners and industry associations on matters that pertain finding solutions to societal challenges such as climate change, the circular economy, responsible sourcing, biodiversity, and water stewardship (Mondi 2021: 100). They are involved in multiple initiatives such as 4evergreen, the Circular Economy for Flexible Packaging, the Confederation of European Paper Industries, the Ellen MacArthur Foundation, the Endangered Wildlife Trust, the EU Business @ Biodiversity Platform, the Institute of Biology of Komi Science Centre of Russian Academy of Science, the International Union of Forest Research Organizations, the Silver Taiga Foundation, Stellenbosch University, the United Nations World Food Programme, the World Business Council for Sustainable Development (WBCSD) Forest Solutions Group, and the World Wildlife Foundation (WWF) Climate Savers.

#### **5.3.4.4 Mondi's Perception of Community Participation**

The Mondi Groups perception of community participation presents a sense of willingness, and commitment to participation across vertical layers of society, from

international to national. However, there are very few local initiatives reported where they engage communities surrounding the plant in the Back of Port precinct. The overall perception held by Mondi resembles a Collaborative Planning approach, where there is a strong desire to partake in activities that are democratic, within the sustainability framework and solution-based approach. However, their initiatives in the case study area need attention.

#### **5.3.5 SAPREF**

SAPREF created refinery Community Liaison Forum (CLF) in 2018 which comprises of a three-year membership cycle. According to SAPREF (2019: 9) the CLF is the main engagement forum with communities located near the refinery, it is made up of community organisations, clinics, Ward Councillors and the municipality's Area Based Management (ABM) initiative.

SAPREF (2019: 9) has engaged with communities through investment initiatives. There is ongoing funding initiative which is a community project of career guidance for High School learners and a fund for the South Durban Area Based Management Area which provides transportation for learners. Secondly, SAPREF (2019: 9) runs a Blue Roof initiative which facilitates the career guidance sessions as well as reproductive health guidance. This is a concerted effort in collaboration and is just one of the ways in they co-operate with their stakeholders for the betterment of communities. However, there is subtle shift towards formulation of forums to engage with communities.

##### **5.3.5.1 SAPREFs Perception of Community Participation**

SAPREF perception of community participation resembles a bottom-up approach that is consistent with Collaborative Planning, Communicative Rationality and Action Theory. The creation of Community Liaison Forum (CLF) displays the direct intention of wanting to engage stakeholders, especially surrounding communities on pressing issues, and matters pertaining to pollution. It has provided the opportunity for future meaningful engagements with communities affected by the company's operations.



## 5.4 CIVIL SOCIETY DOCUMENT ANALYSIS

### 5.4.1 South Durban Community Environmental Alliance

SDCEA community participation initiatives resemble community emancipation and is action driven. The organisation invites experts from multiple disciplinary fields such as climate change, environment, and social development. These experts are invited to be speakers in meeting and workshops where they share knowledge with school pupils and communities to educate, empower and mobilise communities in the Durban Back of Port. It also comments in proposed development projects within the Durban BoP area. They track development projects within the vicinity and make court applications where necessary to stop development projects that gets approved without following due development planning processes. According to the SDCEA (2020: 2) they *“campaign together with the coalition of the poor that comprises of street traders, the market users committee, subsistence farmers of KwaZulu-Natal, subsistence fisherfolk, Abahlali Basemjondolo, hostel dwellers, R2K, the Poor Flat Dwellers Movement, Active Citizens, and several others for a better life for all its citizens; for small economic zones in townships; and for communities in mass housing to be spared the hazards of being used as big transport nodes”*.

The SDCEA in coalition with Food and Trees for Africa (FTFA), the African Climate Reality Project (ACRP) and the South African Institute of International Affairs (SAIIA) launched Action 24 Campaign. According to them the Action 24 campaign is a thirty (30) month project, co-funded by the European Union, aimed at strengthening governance and civic participation to advance decarbonized sustainable and inclusive development in South Africa (SDCEA, 2020: 14). The organisation has argued that this campaign is a necessity because *“the Action 24 project is centred around Civil Society Organisations (CSO's) working towards open and responsive legislatures, with a conferred interest in promoting hands-on democracy and active citizenry which have been slowed in their tracks by the absence of meeting with the legislature”* (SDCEA, 2020: 14).

The SDCEA is a civil society organization and resembles the Advocacy Planning approach in their actions. They represent the interest of community and the environment. Within the Durban Back of Port precinct they strive to educate and empower the community on plethora of issues prior to offering advocacy services to ensure social, economic and environmental Justice. These organization are not just advocates, but also provide an intrinsic nexus for stakeholder groups that play vital role in ensuring the Collaborative Planning approach is able to flourish. Civil society are cornerstone of democracy when conducting development planning processes. They direct their efforts towards areas of vulnerability (social, environmental, and economic), and their sole purpose is to ensure democracy and justice. The art of planning as an interactive process requires civil society to participate. This is necessary for planning initiative to be sustainable. The sole purpose of participation is to ensure that there is a moral commitment that seeks justice within the prescribed development planning processes. Participation is a mandatory component of integrated development planning. A key role of the SDCEA is to ensure that this is action takes place in the Back of Port precinct and other areas in eThekweni. They are advocates of social, economic, and environmental justice in the city.

#### **5.4.2 GroundWork**

GroundWork is a non-profit Environmental Justice organization collaborating with South Africans to accomplish basic objective of improving the quality of life for vulnerable people. This organization engages with multiple stakeholders; communities, government, civil society groups, business, community leaders, and politicians. The NGO engages stakeholders using plethora methods, such as; petitions, reporting, media, News programmes, conferences, protests, court applications, and community meetings.

On an annual basis, GroundWork has produced a substantive report on pressing matters that occur within the year. The purpose of these reports is to spread information and provoke action that addresses issues and improve quality of life for communities.

GroundWorks civil society group perception of community participation resembles the Participatory Reflection and Action Model approaches. This is a research-based approach, where researchers go into communities to investigate issues through community-based approach. The model presents a situation where community dictates their context. Thus, the researchers assist with the facilitation of development prior to it proceeding. However, in the case of GroundWork, the Durban Back of Port area, and South Africa in general presents peculiar nature where there are visible power imbalances, especially for civil society groups. These organisations can engage and mobilise communities on substantial number of matters, and their actions get ignored because they hold lesser power to leverage with representative government.

## **5.5 AN OVERVIEW OF STAKEHOLDER RESPONSES**

The previous discussion has outlined the type of response presented by the various stakeholders in the Back of Port precinct. For comparative purposes, this information has been put into tabular format so that the similarities and differences between the response can be seen. Table 3-2 on the next page illustrates this data.

**Table 3-2: An Overview of Stakeholder Responses to Public Participation**

STAKEHOLDER NAME	THEORETICAL RESPONSE OF STAKEHOLDER GROUPS TO PARTICIPATION				
	RATIONAL COMPREHENSIVE	ADVOCACY PLANNING	COMMUNICATIVE RATIONALITY	PARTICIPATORY PLANNING	COLLABORATIVE PLANNING
NATIONAL GOVERNMENT	✓	x	✓	x	✓
PROVINCIAL GOVERNMENT	✓	x	✓	x	✓
LOCAL GOVERNMENT	✓	x	✓	x	✓
TRANSNET	✓	x	✓	x	✓
ENGEN	✓	x	✓	x	✓
TOYOTA SOUTH AFRICA	✓	x	✓	x	✓
MONDI	✓	x	✓	x	✓
SAPREF	✓	x	✓	x	✓
SOUTH DURBAN COMMUNITY ENVIRONMENTAL ALLIANCE	✓	✓	✓	✓	✓
GROUNDWORK	✓	✓	✓	✓	✓

**Source: Researcher, 2023**

From Table 3-2 it can be observed that there is a similarity between the approaches used by the public sector agencies and private companies who are active in the Back of Port precinct. This is to be expected since both groups are focused on the economic and strategic aspects of the precinct and address participation as part of a social responsibility goal or a sop to appease the community who deal with the impact of their activities. There is also a clear correlation between the comprehensive

approach used by Non-Government Organisations such as the South Durban Environmental Alliance and Groundwork who are the advocates acting on behalf of the residents affected by the proposed redevelopment. One of the challenges emerging from this analysis is how to find a common approach to participation amongst the diverse stakeholder groups to allow a meaningful debate to take place. This challenge is addressed in the next chapter where a set of recommendations will be presented.

## **5.6 CONCLUDING COMMENTS**

In this chapter, an overview of the various level of government, public sector companies and stakeholders and Community-Based Organisations (CBOs) has been presented. An analysis of their perspectives in terms of what constitutes public participation has been provided. In each case the approach adopted has been linked back to theoretical and conceptual approaches to civic engagement to illustrate how diverse the approaches are in the Back of Port precinct. Transnet as the port authority is seen to be the least engaged in terms of how they regard the need for social participation. This disregard can be attributed to their unique legal and strategic status which allows them to develop plans outside the mainstream development agenda. Other levels of government engage in different forms of community participation within their required mandates with sometime only perfunctory success. Private sector companies operating within and around the Back of Port precinct also have a differential engagement approach. Each company engages the community on its own basis without any sense of coordination or appreciation for the collective impact their activities have on the residents. In contrast the SDCEA and other civic organisations are clear in their contention that economic, social, and environmental injustice is taking place in their communities and suburbs.

In the next chapter a summary of the research and a set of recommendations have been presented to try and address the complexities of the Back of Port precinct in terms of participation moving forward.

## 6. CHAPTER SIX: RESEARCH SUMMARY, RECOMMENDATIONS AND CONCLUSIONS

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### 6.1 INTRODUCTION

Chapter Six will focus on consolidating the research study by summarizing the work undertaken, making recommendations, and presenting closing remarks. There are three subsections in the chapter; summary, recommendations, and a conclusion. The summary section will highlight the fundamental rationale for the thesis by summarizing the research argument. The second section offers recommendations to the shortcomings identified by the research study. In the third section, concluding remarks are presented.

### 6.2 SUMMARY

The concept of community participation is a complex phenomenon to investigate. This phenomenon has entailed identifying the substantive and procedural aspects associated with the concepts and theories associated with the topic. The concept of community participation in the Durban Back of Port presents a situation where there are three types of interests in the area, corporate, government, and civic society. Corporate interest stems from the area's logistic and strategic opportunities, its accessibility to the global market, and SADC region and the role of Durban Harbour as major transport node. Governments' interest in the area is strategic and economic. This is informed by national issues of poverty, inequality and unemployment, and geopolitics. Community interest stems from the sense of belonging. This area is where people were forcefully relocated to whilst were removed from the area. Residents identify with the BoP because it is the place of their birth. It is where they live, work and play, and hope to bring up their children. However, this environment is polluted, and the proposed redevelopment of the Back of Port presents the spectre of another systematic removal. With these diverse interests, community participation is a tool that can be used to come into agreement on feasible way forward, in Habermass terms, "*better argument*" prevailing.

The concept of participation entails engagement that influences the results. However, this only occurs if the participants influencing the results entails having the power to do so. Power is derived through governance systems and rules (Law) in South Africa and despite the inclusion of civic involvement or participation being fundamental to this system, adherence to the principle is not always successfully implemented or intended. In the context of strategic economic opportunities, the notion of public participation is often side-lined compromising the sustainability of projects.

The South African governance system is informed by hybrid democratic system. It is hybrid in the sense that it subscribes to both direct and indirect democracy. Direct democracy means people must have a say, meaning they should participate, whether it possible or not, that another debate. Indirect democracy entails representative participation, meaning, the public forgo they right to participate, and give authority to elected candidates to participate on their behalf. The issue arises in these abovementioned scenarios when it comes to adopting participation process, do you include public or just the representatives elected? Using a representative participation approach can yield efficient results, but it not effective in representing public overall perception, and development needs. Whilst, direct democracy yields effective results, and is developmental, but inefficient, especially in the inception. The Durban Back of Port case study represent both these participatory situations at play. Government structures with authority have earmarked the area for economic development. They have employed a representative participation approach which is consistent with the requirements of the law based on indirect democracy. In exercising their power, they have informed, consulted and placated the community affected by the proposed project and are satisfied that they have engaged in a public participation process. However, through the lens of public participation within a direct democracy, the governments' behaviour is inconsistent with specifics of engagement. The vast majority in the Durban Back of Port residents have different interests regarding whether this is ideal or not. The government must engage society and allow for the processes to allow for a better argument to prevail. In the absence of this avenue of communication, the local community have adopted radical representatives in the form of civil society groups to try lobby their interest into development agenda.

The concept of participation stems from the idea of a conversation, meaning, people must engage in a two-way communication process and within a framework that enables them to articulate their ideas, and reach consensus. Conversations are more effective in smaller groups, meaning, a conversation between two people is more effective and efficient when compared to that of a larger group. Similarly group conversation can be more efficient and effective than trying to articulate the viewpoint of a public meeting. Secondly, the physical aspect, conversation between two people living adjacent is more effective and efficient than a conversation of community, or of neighbourhood, suburb or at bigger scale a metropolitan, provincial, or national level. Based on these principles, the ward level, and local area plan scale is more efficient and effective than IDP conducted at metropolitan scale. However, the issue with the Durban Back of Port arises from the system of government in South Africa that was designed for a small minority white people. In the post-Apartheid era, the government tried to strengthen and expand its administrative system by introducing developmental local government. The research study found that the strengthened current government structure is incapable of addressing efficiently and effectively the expected processes of community participation. The NPC (South Africa 2021) supports this observation where they outlined that local government lack capacity to develop this social aspect of the country.

The research study used multiple theories to guide research ideology; Environmental Justice, Advocacy Planning, Communitive Rationality and Action Theory. It considered Collaborative Planning, Participatory Models, and Arnstein's Ladder of Community Participation to create an analytical framework that would allow the complexity of the case study to be unpacked and understood. However, these models are not specific in outlining the scales to ensure efficiency and effectiveness.

### **6.3 RECOMMENDATIONS**

The research study found all the stakeholders sampled to have participatory initiatives, and willing to engage with the issue in the area. All the institutions sampled have participation initiatives, and their initiatives are informed by plethora rationales. For corporate community, they are seeking to create better communities, sustainability, climate change, good corporate citizen. Government agencies are



seeking to be developmental, create social compact, good governance, and to create an active citizenry. For civil society, they are seeking economic, environmental, and social justice, sustainability, ways to address climate change, meaningful participation, and the representation of vulnerable groups.

The research study found that for effective community participation to be conducted at different vertical scales a different and comprehensive approach needs to be considered. The corporate community found in the Durban Back of Port are multi-national corporations, meaning these organizations are based outside the country and operate in this locale for strategic and economic reasons. Their vertical scale starts from internationally to local. Some of the corporations like Engen and SAPREF have created forums to engage with communities in the Durban Back of Port. These organisations are the Community Liaison Forum and the Engen Stakeholder Engagement Forum. Government structures engage with the participation process along the vertical scale starting from Ward level to the national level. Ward level initiatives are; Operation Sukuma Sakhe, Masakhane Programme, Community Based Planning, and a local Ward Committees. Civil society groups engage with international groups to mobilise communities on local and international matters. They have programmes such as Action 24, and have ward organisations such as Abahlali Basemjondolo, and the Ratepayers Associations.

### **6.3.1 Improving Skills at Ward Level**

There are effective community participation initiatives at ward level. This is the first step in the right direction to creating sustainable communication. However, these initiatives are disjointed and lack the impetus to formalise their initiatives into a unified voice that able to get things moving. Therefore, the research study recommends that government strengthens the ward level with skills, infrastructure, software, and legitimacy to perform governance duties at ward level. This recommendation if implemented will enable this level of governance to have jurisdictional capacity beyond politics. It will afford it the necessary legitimacy to function and provide governance and service duties. This action will create a sensitive government system that is able to identify and help address local issues efficiently and effectively. Thus, there will be added value to this level of government. Local issues that will be

reported to both provincial and national structures effectively and efficiently. This will enable the inclusion of them in national and provincial policies and laws, whilst ensuring that these structures adequately respond to local problems.

The development of key skills at the ward level will ensure that stakeholders have access to unified governance centre that caters specifically for their area. This will ensure continuity and accessibility and indirectly boost declining trust levels that government and other stakeholders have regarding government institutions. The current structure of government displays disjointed initiatives that attempt to assist local communities at ward level. However, this is not enough, because these initiatives lack the legitimacy. There is a lack of authority and power that is necessary to influence decision making at the ward level. Thus, it is not possible for the city to tackle critical issues effectively, and efficiently.

### **6.3.2 Stricter Environmental Controls**

One of the key complaints from residents located near to the oil refinery and other polluting industries is the impact of these impacts on their health and well-being. Industries located outside the boundary of the harbour area are subject to national, provincial, and local government policies and statutes that relate to environmental pollution. There is an onus on the eThekweni Municipality to monitor air quality in the Southern Industrial Basin and to enforce the legal requirements to make industry conform to accepted norms and standards associated with this pollution. This enforcement could take two forms – penalties and fines for non-compliance or rewards in the form of rates or services rebates for industries who are prepared to address the issue and upgrade their processes to international standards. More attention needs to be paid to air quality issues as part of sustainable plan for the precinct. The municipality needs to actively engage industries about this problem and solutions to it.

### **6.3.3 Zoning and Land Use Compliance**

Plans prepared for the BoP precinct have demonstrated that there has been a steady creep of non-conforming land uses into adjacent residential areas surrounding the

port. Clairwood has seen the illegal conversion of residential properties for logistics and other service industrial uses. The conversion of the Clairwood Racecourse from a green recreational space to a logistics park has contributed to the urban decay associated with the suburb. This explains why plans such as the BoP LAP suggested a replanning and rezoning of the suburb for logistics and the complete removal of all residential properties.

One of the land use management responsibilities of the municipality is to enforce their own Land Use Scheme and to penalise residents who use their property for illegal uses not applicable in terms of the current zoning. Despite complaints from residents, little has been done to address this issue. The municipality should make more of an effort to address this problem and police their Scheme more effectively.

#### **6.3.4 Increased Compliance regarding Traffic Control**

Residents living around the port and in proximity to the logistic park have complained about heavy trucks using lower-level local roads instead of main arterials to access the port and other industrial areas. This has resulted in damage to roads, loss of life, loss of amenity and increased safety issues. There should be an effort made by the metropolitan traffic police to monitor and prevent this taking place. Drivers from logistics companies should have heavy fines imposed on them to discourage them engaging in this behaviour. A higher police presence would also assist the community in building trust in local structures as it would demonstrate that their concerns have been taken seriously and are being addressed.

#### **6.3.5 A Joint Stakeholders Forum**

This research has shown that levels of government, industry and civic society located in the BoP are engaged in diverse forms of participation. However, there is no joint forum in which all stakeholder parties can meet to see if they can reach consensus or a collective understanding of each other's aspirations and needs. One way to address this issue to create a Joint Stakeholders Forum potentially headed by independent facilitators who would be paid by the municipality. Their task would be to bring all participants to the table to discuss the challenges and potential solutions to the social, economic, and environmental issues of the BoP precinct. This approach

would be characteristic of Collaborative Planning approaches and may yield sustainable solutions to what is currently viewed as an intractable problem.

### **6.3.6 Community-Based Planning Initiatives**

Linked to the creation of a Joint Stakeholders Forum would be the facilitation of community-based planning. This involves a process of engaging residents and other stakeholder to sit around a plan and make suggestions regarding how the land use challenges could be addressed. At present, planning seems to take place in silos with the national government and multi-national companies focused on strategic and economic imperatives, the port authority moving ahead regardless of other development initiatives, industrial companies designing their own business and long-terms development plans, the local municipality appointing consultants to create a Local Area Plan (LAP) and Zoning Framework and civic grouping engaged in contestation politics to stop any development they deem detrimental to the area. A community-based planning initiative speaks to the spirit of true advocacy planning in areas of spatial contestation. It is one solution that the municipality could try rather than trying to force a top-down solution and plan on the residents in the Back of Port precinct.

## **6.4 CONCLUSION**

This research study was conceived on the perceived problems in the Durban BoP where there is contestation in the precinct presented by varying interests of multiple stakeholders in the area. This perceived problem presented a paradox given that South Africa is a democratic country, and the policies emphasize public participation. The aim of the researcher was to investigate the perceptions that stakeholders have on the notion of community participation as this is a catalyst to resolving the contestation. The main research question of this study enquired about the role of community engagement in planning processes in the Durban BoP. This research concluded that community engagement processes deployed in the Durban BoP are restrictive to community and affords more authority to corporate business community and government. The system of governance used in the Durban BoP uses representative participation. Hence, community engagement initiatives deployed are top-down in approach imposing and not bottom up where community can voice their

concerns and brainstorm suitable solutions. The research methodology (qualitative inquiry) used in this research, and the three analytical tools (Document Analysis, Thematic Analysis and Policy Analysis) enabled the researcher to answer the main research question.

Community participation plays an integral role in ensuring a democracy in democratic system. However, community participation and democracy are complex phenomenon. These two phenomena encompass scale, procedure, substantive issues, and structures that inform them.

The intention of the study was to identify the perceptions that the sampled stakeholders held regarding the concept of community participation. In addition, the research wanted to assess whether there are differences in perception, and how these differences influence certain interests. The research study found that all the sampled organizations hold a relatively similar view of community participation. However, the difference lies in the position that the organization holds in the society. Secondly, the study found that a hybrid democratic system lives a grey area when it comes to participation where communities vote their rights to fully participate away to Ward Councillors, mayors, premiers, and president's. However, this is an issue when people elected in power do not hold similar interests to the interests of the people they purport to represent. The fundamental issue in South Africa stems from the analogy that our politics are informed mostly by race. People vote for parties that represent the interests related to the colour of their skin regardless of whether the political party hold similar interests to them. That consideration that takes secondary seat. Hence, South Africa is a republic where unfortunately the majority rules in a democratic situation. The Durban BoP presents a case where a community's interest lies with preserving and saving a way of life within a sustainable living environment which is safe. This right is enshrined in the national Constitution. It requires that the polluting operations at the Port conform to the environmental rights contained in that founding document by reducing pollution and operating within a sustainability model. However, national politics dictate economic expansion in the area because this area is of strategic importance.

The study found the government institutions are incapable of addressing efficiently and effectively community participation initiatives associated with direct democracy as stipulated in the Constitution of South Africa. It is recommended that to address this deficit the government revisit the ward level functions. They need to invest in developing skills, providing resources and infrastructure, training in the use of software and reinforcing legitimacy which necessary to operate effectively. This is seen as catalyst that has the potential to ensure effective and efficient community participation in the Back of Port and elsewhere in the eThekweni Metropolitan Municipality.

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