

## 9 CONTAINER HANDLING IN THE PORT OF DURBAN, SOUTH AFRICA

### 9.1 Introduction

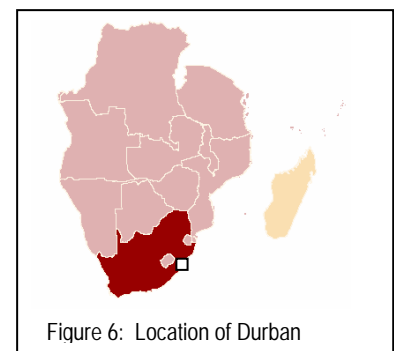
#### 9.1.1 Overview

This report presents a case study on public participation in an integrated environmental management process on the subject of container handling facilities in South Africa's Port of Durban. The Port underwent a major planning process in the mid- to late-1990s as it faced up to the challenge of major growth in demand for its services as South Africa's premier port.

This case study is based on a review of project literature as well as interviews with a cross section of stakeholders involved in the process. It provides a description of the project and an overview of its policy and legislative context, a description of the environmental assessment and public participation process and an analysis of key aspects of the public participation process. Details of the references consulted and interviews are included in the final references section.

#### 9.1.2 Project Description

This project was a four phased development to extend the container handling facilities in the Port of Durban, KwaZulu Natal, South Africa. Growth in container traffic over the two decades prior to the mid 1990s exceeded the design capacity of the existing terminals. As a result, facilities needed to be upgraded to accommodate this growth as well as to facilitate better efficiency in container handling. The national port authority, at that time known as Portnet, was concerned that continued growth would exceed available container handling capacity.



Aerial view of the entrance to the Bay of Durban and the port

There were arguments that opposed this project since the Bay of Durban had many ecologically sensitive areas. The development of the Port left only small remnants of the original mangroves and sandbanks. Even though this was the case, the Bay remained a functioning ecosystem, which played a crucial role as a nursery ground for juvenile fish.

The port industry is the largest component of the economy of the Durban Metropolitan Area (now eThekweni) and its contribution to the economy of South Africa is also substantial. Durban is a major metropolitan centre on the

eastern seaboard of South Africa. It contains a highly diversified economy with significant reserves of financial and human capital. As a developed city within a developing country context, it carries all the contradictory hallmarks associated with such centres, including marked disparities between social classes, such as a large body of marginalised, poor and unemployed

on the urban periphery together with a significant capital owning and middle classes at the core of the city. It has extensive services, transport linkages and communication infrastructure, and is well connected globally. Civil society is well organised and mobilised around a range of social and development projects. National, provincial and local government is also well organised with access to significant resources.

Portnet appointed independent consultants to investigate the problem of container handling in the Port of Durban. An Integrated Environmental Management (IEM) approach was followed to promote an open and participatory process.

### **9.1.3 Process and Procedural Context**

The Integrated Environmental Management (IEM) process was conducted prior to the promulgation of South Africa's current environmental impact assessment regulations. The main objective of IEM is to resolve or mitigate any negative impacts and to enhance positive impacts associated with development alternatives.

The key principles of IEM that were adopted in this study were:

- Independent co-ordination of the process;
- All stakeholders, including the development proponent, to be treated equally;
- An open and participatory process whereby all stakeholders to be meaningfully involved;
- Collaborative problem solving and consensus building;
- Respect for individual rights and democratic principles;
- A clear articulation of the motivation or need for additional container terminal facilities;
- Due consideration of alternative solutions, including the "no-go" option;
- An effort to mitigate negative impacts and enhance positive impacts of proposals;
- An effort to ensure that social benefits outweigh social costs;
- Informed decision making;
- Accountability for information on which decisions are made; and,
- Compliance with these principles throughout planning, decision making, implementation and de-commissioning.

The principles and broad approach to integrated environmental management adopted for this process were drawn from the policy guide on the approach published by the national Department of Environmental Affairs and Tourism.

#### **The following additional legislation was consulted:**

Durban Town Planning Scheme;  
Sea Shore Act (21 of 1953);  
Coastal zone management strategy;  
Maritime Zones Act (15 of 1994); and,  
Interim Constitution of the Republic of South Africa ( 200 of 1993).

## 9.2 Integrated Environmental Management Process

The objectives of the Integrated Environmental Management process were to:

- Develop an understanding of the problems associated with container handling in the Port of Durban;
- Develop and assess a range of solutions to the problem; and,
- Identify a preferred and sustainable course of action that had the broadest possible support of stakeholders.

The public participation aspect of the process aimed to:

- Ensure that all relevant stakeholders were involved in the process;
- Ensure that stakeholders had the necessary capacity to substantially participate in the process;
- Facilitate a process that would allow stakeholders to participate in successive stages of the process so as to develop a constructive response to the problem;
- Conduct the process with a close consideration of the needs for extensive and accessible communication, as well as creative participation techniques; and,
- Achieve as much agreement as possible among the involved stakeholders.

The Integrated Environmental Management process was an exercise which moved through a series of stages combining extensive technical study with a significant process of public participation. The stages of activity are described below.

### 9.2.1 Process Initiation

The proponent of development, Portnet, initially invited consultants to submit tenders to conduct an environmental impact assessment on a site-specific container terminal development proposal in the Port of Durban. This proposal was based on the findings of an internal planning process that did not involve external stakeholders. At the time there was also a lack of:

- a clearly articulated motivation for the nature and extent of development being proposed;
- evidence that adequate consideration had been given to alternative options; and,
- a clear understanding of how the proposed development would affect the relationship between Durban Bay and the adjacent City.

Portnet was convinced by the study team, made up of representatives of Watermeyer Prestedge Retief and Zille Shandler Associates, (the leading team members subsequently formed Common Ground Consulting which completed the process) of the need to adopt a full integrated environmental management approach. In the initial stage of activity, agreement was reached with Portnet and identified interested and affected parties on the study brief. The involvement of external stakeholders in this process was through an initial public meeting and subsequent workshop.

A set of stakeholders was identified with a focus being on those immediately affected by the possible development of new container facilities in the Port of Durban. A variety of mechanisms were used in the identification of stakeholders, including:

- Networking with stakeholder groups;

- Drawing on the expertise and existing databases of local consultants;
- Advertising in the local media with a call for participants;
- Recording participant details at events organised as part of the process; and,
- Maintaining an ongoing database of contacts.

The group of stakeholders identified was diverse representing port management, business, labour, government, navy, community and non-governmental organisation interests. The challenge to the process was to ensure that the approach implemented allowed for the full and adequate involvement of key stakeholders. Initial energy went into meeting individually with a broad array of stakeholders in order to establish channels of communication, build trust and confidence in the team undertaking the work, to identify concerns, and to establish process requirements of the diverse groups.

### **9.2.2 Establishing the Nature of the Problem and Determining a Vision**

Various background studies were undertaken and information documents prepared in an accessible format to enable the substantial participation of stakeholders. These included documents on the integrated environmental management process, as well as general descriptions of container handling, port functions, and the nature of the problem.

The background documents enabled the project team to reach agreement with Portnet and other stakeholders on the nature of the container handling problem. The rationale for focussing on reaching agreement on the nature of the problem was to allow for an open attitude to solutions to the problem. A narrow exploration of the problem would give rise to a limited set of solutions. The project team explicitly sought an open approach regarding the problem and solutions to it.

In addition to reaching agreement on the nature of the problem needing to be addressed, all stakeholders participated in an exercise of determining a vision for the future of the Bay and Port of Durban. The vision statement served as the basis for developing criteria which were applied later in the exercise in the review of possible solutions.

### **9.2.3 Exploring Possible Options**

Once agreement was reached on the nature of the container-handling problem, an exercise of exploring possible options for dealing with the problem was initiated. Various background studies were undertaken aimed at informing this process. These required:

- Understanding the interrelationship between the Bay and the City;
- Understanding the natural functioning of the Bay; and,
- The development of criteria for assessing the options.

Based on a critical evaluation of Portnet's motivation for additional container handling facilities, and a recognition of the substantial economic and social benefits to be realised by the City and Province from such facilities, stakeholders agreed that a "do nothing" option was not a desirable course of action. The challenge was to find a way of accommodating the container growth while promoting the City-Bay interface, multi-functional use of the Bay, and maintaining the Bay's vital ecological role. A set of options were consequently identified by the stakeholders in workshop sessions.

#### **9.2.4 Evaluation of Options**

An exercise followed in which the project team and stakeholders worked interactively in determining the possible consequences of the options identified. This process drew on the preparation of materials which clearly communicated the options to stakeholders as well as their possible consequences. Materials included large scale posters, and documentation setting out a matrix of options and criteria.

During this stage of the exercise it became possible to start narrowing down the set of options under investigation. This gave rise to debate among stakeholders, including the proponent, regarding the final decision making process. Stakeholders accepted that Portnet and the board of its holding company, Transnet, would have ultimate decision making powers. It was felt, however, that the positive collaborative process undertaken would be diminished if its outcome would merely be a report setting out options and consequences for the consideration of the proponent. The sense of collective involvement thus developed led to an agreement that a committee of stakeholders should be established to advise the decision makers on preferred options for implementation. Portnet accepted this and consequently a Local Advisory Committee (LAC) was convened. The composition, terms of reference and operating procedures of the LAC, which included representatives of all the key stakeholder constituencies, was the product a negotiated process involving all interested and affected parties.

#### **9.2.5 Decision Process**

A decision document was prepared which consolidated the key findings of the integrated environmental management process. The primary purposes of this document was to provide the Local Advisory Committee (LAC) with a basis for it to select a preferred option, or set of options, for resolving the container handling problem. This set the stage for a process of deliberation, negotiation, and further study.

The LAC reached agreement on preferred options for dealing with the container handling problems. In a detailed assessment of these proposals, Portnet identified certain constraints which were not apparent during the earlier stages of the integrated environmental management process which rendered certain options unfeasible. Portnet subsequently submitted a revised development proposal for consideration by the LAC.

The project team was requested by the LAC to convene specialist task teams to identify and assess specific concerns associated with the revised proposals. The purpose of these focussed inputs was to supplement the work already completed. The task team research led to the LAC revising its recommendations.

Consequently in June 1998, Portnet decided in principle to implement phases One and Two of the proposed development proposal subject to the outcome of a detailed impact assessment.

#### **9.2.6 Overview of Techniques Used**

From the above, it is evident that a very wide range of techniques were employed in this process, including:

- Individual meetings and consultations;
- Correspondence;

- Briefing sessions;
- Workshops;
- Public meetings;
- Open house events;
- A visioning exercise;
- Popular communication methods such as accessibly drafted summaries and posters;
- A dedicated mass media communications strategy;
- A dedicated negotiation forum in the form of the Local Advisory Committee; and,
- Formal public comment and correspondence.

## **9.3 Case Analysis**

### **9.3.1 Facilitated Problem Solving**

The key principle informing the approach to this project was to seek a collaborative solution to the container-handling problem faced in the port. The process had the explicit intention of not only considering the implications of the various development options, but more significantly to find an agreement on a preferred option with the stakeholder groups. The professional team played the role of facilitators of the exercise.

The methodology of generating a collectively held vision for the port, scoping possible solutions for the problem under investigation, the exploration of the consequences of the respective options, and the ultimate selection of a preferred solution reinforced the notion of it being a shared, collaborative process of problem-solving. This process was distinctive in that ultimately all of the participants in it were jointly responsible for determining the outcome.

### **9.3.2 A Vision Driven Approach**

An important aspect of the process was the visioning exercise on the future of Durban Bay. The stakeholders participated in this exercise, which had a number of important aims, including promoting dialogue about different perspectives amongst them: guiding the identification of possible solutions to the problem at hand; and, providing a basis for developing criteria to evaluate the different solutions.

The last point, namely the development of criteria for evaluating options, was significant. It allowed the stakeholders involved in the process to be at the core of the evaluation of the options under investigation.

The vision-making process also served to build relationships that lasted throughout the process, and in some cases have sustained since the conclusion of the exercise. The shared vision and the associated relationships built around the process of creating it, provided the basis for negotiating the final outcome to the process. It was a critical mechanism of evaluation and resolution. While not all stakeholders may have been fully satisfied with all aspects of the outcome, those that had reservations found it easier to accept trade-offs because the process was rooted in a commonly shared vision.

### 9.3.3 Stakeholders

A wide range of stakeholders was involved in the process. A large database of contacts was established and maintained throughout the course of the exercise. There are differences of opinion as to the advisability of such a broad base of stakeholder involvement in the process. Certain participants felt that there were too many stakeholders, leading to the process requiring more time to complete than would otherwise be the case. Their view was that it may have been preferable to have a smaller and more focused set of stakeholders. Others were not of this view, and argued that it was to the benefit of the process that there was as broad a base of stakeholders involved. They were of the view that this contributed to a broader consensus in the outcome.

The nature of the issues raised by stakeholders during the course of the process ranged from the ecological, to economic development and labour matters, and logistical and operational concerns regarding container handling. A significant concern raised by key participants was that the process tended to be dominated by stakeholders with ecological interests at the core of their concern. This had the effect of over-stressing the ecological agenda within the process. One respondent said that this meant that “the environmental issues overshadowed other issues and not enough alternatives were discussed early on in the process. Although ultimately alternatives were found, it took longer than it should have. Perhaps at the time, the lack of environmental legislation to back their calls meant they had to shout louder”. Another respondent who expressed a similar concern, said, however, that the project documentation reported on issues in a balanced manner thus enabling a fair reflection of the issues under debate.

A core characteristic of the process was the fact that all stakeholder groups were treated with equal respect. This manifested itself in the professional team neither placing itself above interested and affected parties as a group of specialist advisors, nor did it treat any single stakeholder as being of greater significance than any other. The proponent of development was treated equally to others involved in the process.

A significant concern in this process, as in many others, was the varying capacity of stakeholders to be involved in the process. Capacity problems included practical constraints preventing stakeholders from attending meetings, such as constraints of time, transport and finances to cover costs. It extended significantly to real limitations amongst stakeholders regarding their knowledge on substantive issues in the process. The process was facilitated in a way that acknowledged and sought to address these concerns. Meetings and activities were arranged so that they were conducted at centrally accessible venues, and at times that were suitable to most participants. The time of events usually straddled the end of the working day and the early evening.

Significant resources were invested in providing background information on issues associated with the investigation. These were written in popularly accessible language, so that all stakeholders could have a common base of understanding of issues. Background documentation was not restricted to a single background document and subsequent drafts of scoping and assessment reports. Background briefings on key issues and contextual information were also produced for the use of stakeholders.

A participant from the business sector was of the view that the process was a significant capacity-building exercise both for the environmental lobby and for business. He felt that business did not prepare enough for each meeting and so were “overpowered” by the stronger environmental lobby. As a result of the process, business has become much better prepared

and aware of the processes involved in environmental assessments. He stressed that capacity building for the full range of stakeholder groups was pivotal as those not as well organised or with the same access to information should not be overshadowed by those more mobilised.

The process saw a high level of mobilisation amongst stakeholder groups. According to a key participant in the process, this allowed the process to “push” the proponents of development to be open about a range of possible outcomes. The process was structured in a way that allowed for this.

### **9.3.4 Communications**

A central theme running throughout the process was the extensive, high level of communication between the project team and stakeholders. This took a range of forms including direct personal interactions with individual stakeholders and stakeholder groups, the preparation of a wide range of documents at all stages of the process, the use of poster displays to convey information, and an extensive media liaison strategy.

The process was structured around a series of iterations of specialist study and stakeholder participation. At every stage a determined effort was made to communicate the reports produced by the project team in an accessible and plain manner. This took the form of plain language writing in reports, illustrated summary documents, and appropriate display material. This factor, together with the attention given to the recording and distribution of minutes of all meetings involving stakeholders served to maintain the trust and involvement of stakeholder groups.

The local newspapers were seen as an important vehicle for distributing information and debate about the process and its issues. An effort was made to build a relationship with the journalists involved, who initially incorrectly reported aspects related to the project. Time spent by the project team in meeting with the journalists to explain the background to the project and the issues under investigation had the benefit of improved and accurate reporting that served to support the process. The project team also concluded an agreement with the client about a protocol for media liaison. The protocol set out the terms on which statements could be made about the process, with the independent project team being given the exclusive mandate to make public statements on the environmental impact assessment exercise. This served not only to provide for a single channel of communication on the project, but also to provide an independent and objective base for distributing information to the media.

### **9.3.5 Conflict Management**

The overall approach adopted for this process was one which, as indicated above, sought to promote facilitated problem-solving. It was based on an incremental set of phases of activity that built on agreements on a stage-by-stage basis. This was rooted in a strategic planning concept of successively developing common approaches to an understanding of the problem, a long-term vision, the generation of options, the evaluation of options, the prioritisation of key options and the final selection of a preferred alternative. The incremental nature of this process with its staged pursuit of agreements served to build in a conflict management ethos and method into the environmental assessment process.

Another component of the conflict management dimension of the process was the highly inclusive nature that it succeeded in achieving. The active pursuit of the involvement of all

stakeholder groups, including individuals, meant that all interests and concerns could be articulated within the process and consequently be dealt with within its confines.

The local advisory committee served as a central body in the collaborative process. After the idea of such a committee was mooted, it was appropriated, developed, and implemented by all stakeholders while being facilitated by the project team. In addition to representing the key stakeholders in the exercise, it also served to build trust and working relationships between the parties. It allowed for a deeper debate on key issues than was the case in broader gatherings of stakeholders. The Local Advisory Committee was never intended to displace a broader participatory process, although at times it served as a forum for concentrating and focusing debate in a way not possible in public meetings and workshops.

The Local Advisory Committee also served as a vehicle for reviewing and reflecting on the process. Changes in the process could be made with the endorsement of the Committee without requiring a reversion to public meetings or workshops.

A long-term benefit of the process was the building of trust and constructive working relationships between key stakeholders. This was particularly the case regarding the relationship between the port authority and the local Municipality. Historically there had been a troubled relationship between these parties. The process served to build a constructive relationship and had the consequence of building social capital which was of benefit beyond the environmental assessment process.

### **9.3.6 Consultants**

An important aspect of the process was that the appointment of the core project team, as well as the subsequent appointment of specialists, was subject to the approval of stakeholders. The process was initiated with a discussion about the entire exercise, how it would be structured, how stakeholders would be involved, and who would be conducting it. Stakeholders were given the opportunity to accept or reject the project team. Following their own investigations stakeholders were satisfied with the appointment of the project team. The selection and appointment of specialists followed a similar process later in the course of the exercise.

In the course of this process, there were repeated statements of independence on the part of the team involved. In addition, the proponent was accorded equal status to others in both public and private gatherings. This behaviour on the part of the team served to build the trust of interested and affected parties, and their consequent endorsement and support for the process. This independence was tested when at one point in the process, the project team was forced to intervene against the proponent when a public statement was issued which threatened the course of the exercise.

### **9.3.7 Costs**

A significant basis for the extensive stakeholder engagement process associated with this environmental assessment process was the large budget allowed for it. The costs of the exercise were high and may be difficult to replicate in many such exercises. The long-term value of the expense incurred, while not having been formally evaluated, would suggest that significant benefit was derived and justified the costs involved.

## **9.4 Conclusions and Lessons Learned**

The major challenge confronted in this process was to integrate a process of participatory planning with an environmental assessment exercise through the vehicle of the integrated environmental management process. It meant that stakeholders needed to be taken through an extensive process of problem definition, solution generation, assessment and selection of a single course of action. This required the use of diverse techniques which both built the capacity of stakeholder to participate and also promoted and ensured their participation.

The process consequently led to a broad consensus on a preferred course of action which met with the approval of most stakeholder groups. It was a good example of an exercise in developing a sustainable solution to a challenging urban problem within a large metropolitan area. It served thereby to build social capital and sustainable relationships.

### **9.4.1 Benefits to Stakeholder Groups**

The primary benefits for stakeholders arising from this process are those associated with the depth of participation that the process offered. More specifically:

- The process gave stakeholders the opportunity to engage in a deep debate regarding the issues, and also to have a fundamental influence on decision making;
- The processes provided stakeholders with an opportunity to collaborate in finding a solution to the problem of container handling in the Port of Durban, rather than being merely consulted in the process;
- It allowed stakeholders to develop a deep knowledge of the issues at hand, and to build their capacity regarding both substantive and process issues; and,
- It promoted the development of constructive long term relationships between stakeholders which sustained beyond the process in question.

### **9.4.2 Lessons about Techniques Used**

The Port of Durban Container Handling process provides several lessons about techniques used in such processes, including:

- There is great value in constructing the process around a series of staged and incremental steps. This allows for a collective knowledge, understanding and commitment to be built by all stakeholders, while at the same time working towards finding a solution through an environmental assessment process.
- The process was structured so as to allow deep debate on issues. This meant that issues were thoroughly examined to the satisfaction of stakeholders;
- The structured process of negotiating a final outcome allows for agreement to be reached through an environmental assessment process;
- The use of a diversity of events and activities enables broad participation from a wide range of groups;
- The development of a dedicated and creative media strategy creates a supportive environment for the environmental assessment process in the mass media;
- Value is derived through drafting and presenting information in an accessible form for stakeholders; and,
- The participatory development of a collective vision by all stakeholders can be used as a basis for building dialogue and a mutually agreed framework for assessment.

### 9.4.3 General Lessons

The Durban Port process highlights a number of lessons that contributed to its success, including:

- Organise events, activities and communication around the needs of stakeholders
- Respect the interests, views and needs of stakeholders to ensure meaningful input to the EA;
- Treat all stakeholder interests equally and don't overemphasize a particular group;
- A large budget provides scope for innovative, creative and broad based processes
- Stakeholder involvement in the selection of the process consultants enhances the credibility of the process;
- Close co-operation in the project team between public participation practitioners and environmental assessment practitioners can enhance a process;
- Treating environmental assessment as a process of facilitated problem solving allows for conflict management to be at the core of the participation methodology; and,
- The establishment of a forum representative of all stakeholders can facilitate a consensus-based outcome to the EA process.

## 9.5 List of Interviewees

(in alphabetical order)

Barnett, Keith  
eThekweni Municipality  
Durban, South Africa  
10 August 2004

Steyn, A  
UASA  
Durban, South Africa  
10 August 2004

Bilse, D  
Portnet  
Durban, South Africa  
10 August 2004

Wotherspoon, T  
Durban Chamber  
Durban, South Africa  
16 August 200

Grobler, P  
Transport Chairman - Durban Chamber  
Durban, South Africa  
17 August 2004

Roberts, Debra  
eThekweni Municipality  
Durban, South Africa  
10 August 2004

Souter, B  
Wildlife Society  
Durban, South Africa  
12 August 2004

