

**THE POLITICS OF THE PRIVATISATION OF
PUBLIC SPACE: THE SUBSISTENCE FISHERS OF
DURBAN, KWAZULU-NATAL**

AMANDA DRAY

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DECLARATION

Submitted in fulfilment of the requirements for the degree of Masters of Social Science in the School of Environmental Sciences, University of KwaZulu-Natal, Howard College Campus.

The experimental work described in this dissertation was carried out in the School of Environmental Sciences, University of KwaZulu-Natal, Howard College Campus, from January 2006 to December 2008, under the supervision of Professor Dianne Scott.

I declare that this dissertation is my own unaided work. All citations, references and borrowed ideas have been duly acknowledged. It is being submitted for the degree of Masters of Social Science in the Faculty of Humanities, Development and Social Sciences, University of KwaZulu-Natal, Durban, South Africa. None of the present work has been submitted previously, for any degree or examination in any other University.

Student name

Date

ABSTRACT

In today's globalised world, countries including South Africa, are pursuing neoliberal economic policies which have many negative effects on ordinary citizens. One such effect is the privatisation of public space which is an important resource for all citizens. This thesis sets out to examine the privatisation of public space along the Durban coast and the subsequent loss of fishing sites for local subsistence fishers. The thesis draws on literature that is critical of contemporary processes of neoliberal governance. The research approach is a qualitative approach where data collection is predominantly through oral evidence. In-depth interviews were conducted with fishers and other stakeholders. Participatory observation was also used to gather data through the attendance of meetings, protests and workshops that pertain to the fishers. The thesis shows how these fishers are being excluded from using public resources along the coast and thereby prevented from making a living. Most of the spaces that have been privatised are being transformed into upmarket developments or used to further trade through the expansion of the Durban Harbour. In addition, the thesis reveals that the fishers are losing a way of life, and experiencing a loss of identity and a communal subsistence economy. The fishers have become 'invisible' to the state, and to the authorities. Current marine legislation does not recognise this group of fishers as subsistence fishers. In response, the fishers have established the KwaZulu-Natal Subsistence Fishermen's Forum in order to mobilise against the broader processes of exclusion and marginalisation resulting from neoliberal pro-growth development policies. Their strategies include protest, deliberation with the state, and striking alliances with other social movements in a broader process of anti-globalisation struggle.

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LIST OF ABBREVIATIONS

CBD	Central Business District
CCTV	Closed Circuit Television
DEAT	Department of Environmental Affairs and Tourism
EIA	Environmental Impact Assessment
EKZNW	Ezemvelo KwaZulu-Natal Wildlife
GEAR	Growth, Employment and Redistribution
ICC	International Convention Centre
IDP	Integrated Development Plan
IMF	International Monetary Fund
KZN	KwaZulu-Natal
KZNSFF	KwaZulu-Natal Subsistence Fishermen's Forum
MCM	Marine and Coastal Management
MLRA	Marine Living Resources Act
NGO	Non-Governmental Organisation
NPA	National Ports Authority
RDP	Reconstruction and Development Programme
RSA	Republic of South Africa
SANPAD	South Africa-Netherlands Research Programme on Alternatives in Development
SCH	Small Craft Harbour
SDCEA	South Durban Community Environmental Alliance
SFTG	Subsistence Fisheries Task Groups
SIA	Social Impact Assessment
TNPA	Transnet National Ports Authority
UKZN	University of KwaZulu-Natal

CHAPTER ONE

INTRODUCTION

1.1 Introduction

Since the demise of the apartheid regime in 1994, South Africa has been labelled as ‘the rainbow nation’ and its Constitution has been described as being the most liberal in the world. This constitution represents all citizens of South Africa and gives them equal rights without an emphasis on difference in terms of race. However, marginalisation and injustice still exists in South Africa today. The poor are not defended, the rich are getting wealthier, and the gap between the rich and poor is widening. The equal, democratic society that was promised has not materialised in a way that it benefits the poor and marginalised (Ballard *et al.*, 2006a). Instead of adopting policies to uplift these groups, neoliberal policies such as the Growth Employment and Redistribution (GEAR) policy have been implemented in order for South Africa to compete and integrate itself in the global economy that it had previously been excluded from under the apartheid regime (Habib & Padayachee, 2000).

The integration into the global economy has improved productivity and return on investment for South Africa, but has also led to an increase in retrenchments, and job losses that have forced many into the informal economy (Ballard *et al.*, 2006a). Those that have benefited from the reintegration have tended to be a small group of skilled black professionals, the black elite, due to black economic empowerment policies and affirmative action, but on the whole the largest group of poor people still remains the black population and thus one can question what has actually become better for this group since apartheid as many have become worse off (Ballard *et al.*, 2006a).

Social groups have become fed up with promises from government for services such as housing, employment, health care and education, as these promises have not come to fruition (Ballard *et al.*, 2006b). South Africa has worked on its image to attract investment both locally and internationally and has sought recognition on the global stage. The needs of the average citizen of South Africa have been sidelined for the needs of the international community (Robinson, 2008).

The demise of the nation state and the promotion of a neoliberal agenda have resulted in cities competing in global markets (Clark, 2003). The opening up of markets has led to international companies investing in South Africa and has led to many local companies and whole industrial sectors suffering the consequences of companies that have the resources to produce goods at lower prices. These companies have taken over various markets and led to the downfall of many local initiatives, projects and businesses.

Because of the decrease in the power of the nation state, cities now have a responsibility to supply their citizens with a safe environment to live and work in, and to provide the services that citizens require, however these cities are being managed like businesses in order to move higher up in the global hierarchy of cities and often the citizens needs are secondary to the position or status of the city on the global scale (Thrift, 1999).

Public spaces fall into the ‘services’ that are needed by citizens. They provide a space for free speech and for organic interactions between people to take place. They are “enchanted” spaces where people of different backgrounds can interact freely (Watson, 2006: 159). They can serve as sites from which the public can demonstrate against the functioning of cities and thus they are sites where democracy is played out (Mitchell, 1995). They are also work spaces where poor people can operate small businesses or reap resources.

Public spaces are thus extremely valuable to society but are not protected for the value they supply to citizens and have become closed, privatised and monitored spaces which has led to the question being asked by theorists such as Sorkin (1992) and Mitchell (1995): is this the end of public space?

Local people that have used public spaces for generations and others that make use of them on an everyday basis are in danger of losing these spaces that they place value on. Public spaces are being developed to attract foreign investment and are being privatised with increased surveillance and security. The move to a more secure and ordered city has led to the exclusion of the poor and marginalised from public spaces. Is it just for one section of the population to be excluded from using a space because they are poor? (Mitchell, 2003). Are they not citizens with rights to access space?

It is in this context that this study examines a group of poor subsistence fishers who have used the Durban coastline to fish as a source of livelihood for many generations. Due to economic factors, security issues and tourism development, a range of public spaces in the city, that have been used by these fishers for generations, are being privatised. The driving forces behind this have been the adoption of a neoliberalism agenda by national and local government and a desire for Durban to feature as a competitive city on the global scale in order to attract investment.

1.2 Research rationale

Globally, and in Durban, especially in the urban areas, progressively more public space is being made private, and people, especially of low income and marginalised groups, are being excluded from using these spaces (Mitchell, 2001). One such group are the subsistence fishers of Durban, who have slowly been excluded from fishing at what once were public spaces, and thus prevented from earning a living to provide for their families. They have subsequently mobilised and formed the KwaZulu-Natal Subsistence Fishermen's Forum (KZNSFF¹).

Urban development policies have affected the rights of many citizens as cities make more agreements and alliances with business in their pursuit to become world class and globally competitive. The trend is for cities worldwide to support economic development projects, such as luxury apartment complexes, waterfronts and casinos, often at the expense of basic needs and services for local citizens (Nel *et al.*, 2003). The voice of the public needs to be heard with regards to such developments and their rights acknowledged in order for the city to fully represent its citizens and function effectively and in a just manner. There is a substantial body of urban literature presenting the 'pro-growth' vs 'pro-poor' debate in the context of the developing world (Nel *et al.*, 2003).

Thus this study is important in highlighting the process of privatisation of public spaces for 'pro-growth' development in cities and along strategic coastal zones and the associated problems that accompany this privatisation. Nel *et al.* (2003) propose that South African municipalities have two imperatives: a) to stimulate economic growth through mega projects, and b) to provide for basic needs of the people. It is in the context of the dominance of 'pro-growth' development that subsistence fishers are struggling against development processes that

¹ The formal abbreviation as in the KwaZulu-Natal Subsistence Fishermen Constitution is KZNSF, but for the purposes of this study the abbreviation KZNSFF is being used to account for the organisation being a forum.

are removing their rights to fish in public fishing sites. This case study is of a poor marginalised group of fishers who rely on fishing to subsist or to support existing low incomes. Some of Mitchell's (2001) work has focused on the exclusion of the homeless from public spaces in postmodern cities. These developed cities have formulated policies which rid public spaces of homeless people in particular and replace them with safe spaces for the 'responsible citizens' and tourists. Social justice and the rights of the homeless are not considered. Is the same process occurring in South Africa as a newly democratising, developing society?

This study acknowledges that although South Africa is a democratic country, certain groups of people are still marginalised according to their class. Neoliberal development plans to promote the country's growth are having negative effects on these citizens. This study will thus help to bring to the fore the injustices that everyday people are experiencing in the 'new South Africa' in the pursuit of economic policies that serve to integrate South Africa into the global economy.

1.3 Aim, objectives and proposition

The aim of this study is to investigate the exclusion of subsistence fishers from public space in Durban, KwaZulu-Natal. This research will be focused specifically on the various public spaces along the Durban coastline that have been appropriated by the subsistence fishers to fish.

In order to achieve this aim a number of objectives are formulated to help to guide the research:

1. To describe the historical and current use and value of public spaces to the subsistence fishers.
2. To examine how the privatisation of public space has impacted on the social, cultural and economic aspects of their lives.
3. To understand the politics involved in the marginalisation of fishers from public spaces.
4. To determine the coping strategies adopted by these fishers to deal with this exclusion.

It is proposed here that the subsistence fishers of the Durban coastline are being progressively displaced from public space resulting in the loss of economic, cultural, and social benefits derived from these spaces and their subsequent politicisation.

1.4 Structure of thesis

The structure of this thesis is as follows. The introduction chapter introduces the problem that the subsistence fishers are experiencing and provides the rationale for the study. The second chapter is a literature review. There is a growing literature on public space, democracy and citizenship that provides insight into the process of privatisation and the resultant environmental politics as users of such spaces struggle to maintain their rights (Mitchell, 1995, 2003). Such understanding will be contextualised within the broader literature related to neoliberalism (Harvey, 2006). This chapter helps to guide the research and establishes a conceptual framework.

The third chapter places the research in the South African context and provides background legislation and information for the study. It explores the neoliberal economic policy of South Africa, and describes the study area that the research is placed in. A history of the fishing community in Durban is described. The different pieces of legislation that apply to the study, such as the Marine Living Resources Act (No. 18 of 1998) (MLRA) and the draft policies for the allocation and management of rights to subsistence fishermen are described.

The fourth chapter on methodology describes the methodologies used in the study and the situatedness of the research. A qualitative methodology is adopted where oral evidence is the main source of data collection. The results of the research are divided up into two chapters, Chapter 5 and Chapter 6, in line with the objectives of the study. Chapter 5 explores the value that the fishers place on public spaces in terms of their historical and current use, and describes the impacts that the privatisation of public fishing spaces would have on the social, cultural and economic aspects of their lives. Chapter 6 explores the politics involved in the privatisation process and the coping strategies that the fishers have adopted in response to this privatisation. Finally, the seventh chapter provides a conclusion to the study and provides some recommendations.

1.5 Conclusion

This chapter provides an introduction and rationale for this study. This thesis will explore the privatisation of public spaces in South Africa and focus on the case of the subsistence fishers in Durban. This piece of work aims to demonstrate the marginalisation that groups face in South Africa and highlight the problem that many cities around the world are facing. The following chapter will establish the study in a theoretical framework.

CHAPTER TWO

THEORETICAL FRAMEWORK

2.1 Introduction

This chapter aims to review a body of literature to help understand the exclusion of subsistence fishers from public space in Durban. This study is set in an urban context and thus the literature will reflect this context. In order to understand the local process of exclusion that the fishers are experiencing from public space it is necessary to examine global processes that may be influencing this exclusion. Neoliberal capitalism is the dominant economic structure which influences urban development policies of cities around the world and has provided the impetus behind the privatisation of public spaces worldwide (Smith & Low, 2006).

The literature review provides an understanding of the value of public space to a city and its citizens both in the ancient world as well as in the democratic, postmodern society. In addition, the connection between people and place is explored. The importance of place to human identity and sense of belonging is explored through the concepts of 'place attachment' and 'place memory'. The distinction between place and space as well as private and public are described in order to locate the concept of public space in a broader body of geographical theory. This theory will provide a framework for understanding the historical and contemporary attachment of the fishers to the public fishing sites that they frequent.

The different meanings of public space are explored and the theories of the privatisation of these spaces and the effects on citizenship described (Stacheli & Thompson, 1997). Many cities are gentrifying selected prime areas mainly for tourism and to encourage foreign investment. These 'upmarket' sites which cater for the middle and upper classes are displacing many low-income local people that do not fit into the image of a world class city based on consumerism that many are trying to emulate. This has implications for issues of justice, citizenship and democracy in cities and raises the question whether these 21st century cities are truly democratic.

Section 2.2 presents literature on the broader processes of neoliberal capitalism. Section 2.3 provides an overview of theories related to space and place. Theory on the public sphere,

citizenship and democracy is reviewed in Section 2.4 while 2.5 reviews literature on the different conceptualisations of public space. Section 2.6 rounds up the review with literature on the privatisation of public space in the contemporary city.

2.2 Neoliberal capitalism

The issue of the privatisation of public spaces, and what this means for the fishers of Durban in South Africa, cannot be understood in isolation but as part of a globalised economy that has penetrated all parts of the world today. This section provides a brief overview of neoliberal capitalism which is influencing and driving local economic and social processes around the world.

Free-market capitalism is the driving force behind globalisation where the world has become known as a “global village” as places and people have become more interconnected than ever before (Brecher *et al.*, 2000: ix). With the decline of the nation state, cities have become more influential and directly compete with one another globally across states and within states (Cowen & Bunce, 2006). This movement of globalisation has promised inclusion of all nations into a global economy that makes all people better off than they were previously. However, in practice this has not been the case. Many people, especially from poor groups have become even more marginalised while the richer have become wealthier (Brecher *et al.*, 2000). This is indeed evident in South Africa and in the city of Durban where poverty and unemployment levels are on the increase. Many assign the cause of this unequal society to the ideology of neoliberalism.

Neoliberalism as described by Harvey (2006) is a movement that has, since the mid 1970’s, rapidly advanced to become dominant in the world system of today. It has come to influence all regions of the globe and no place on the globe can actually state its independence therefrom. The main idea that neoliberalism puts forward is the thought that through the opening up of markets and the allowance of free trade, human well-being will be maximised (the “trickle down” effect) (Harvey, 2006; Mayo, 2005). The state keeps its interference in the markets to a minimum and creates institutions that facilitate this trade. This way of viewing the world has been impressed upon the world by institutions such as the World Bank and International Monetary Fund (IMF), as being the only way to view the world (Pryke, 1999).

Neoliberalism is based on the idea of promoting freedom for the individual and private sector and the free operation of markets in order to maximise individual happiness and promote economic growth (Pryke, 1999). By adopting this approach the state benefits by governing less. Many economic functions and services are privatised and through this privatisation states aim to make national economies more competitive. The welfare of citizens is left up to them and they are expected to behave in an ‘entrepreneurial’ and ‘responsible’ manner (Leitner, *et al.*, 2007; Thrift, 1999). Cities have thus become the “chief agents of economic change in the global economy” and have become run like businesses in order to be competitive in the global economy (Thrift, 1999: 305).

Thus what has occurred is a redistribution of power, assets and income from the poor or vulnerable countries to the rich, first world countries and from the lower to the upper more affluent class in society (Harvey, 2006). Therefore this ideology of neoliberalism “masquerades under the...pretension of universal democratic rights fused with the particular interests of an assertive and nationally rooted yet fundamentally transnational capitalist class” (Smith & Low, 2006: 15). Neoliberalism has therefore resulted in ‘rights’ being established but resources being redistributed to the richer countries in the world resulting in an even more unequal world where the poorer countries and classes are being marginalised. Harvey describes this redistribution as the process of “accumulation by dispossession” (Harvey, 2006).

Gillian Hart (2006) adds that the notion of accumulation by dispossession is effective in realising the effects of a neoliberal economy. But understandings of “specific histories, memories [and] meanings of dispossession” need to be added to this (Hart, 2006: 988). In other words the specific context needs to be understood in relation to this notion of accumulation by dispossession. Dispossession is a concept that needs to be understood in historical as well as in geographical terms and the interconnectedness of the concept needs to be recognised. This research seeks to provide an empirical case study of accumulation by dispossession.

Accumulation by dispossession is a concept that is thus influenced by the paradigm of globalisation where there is a high level of inter-connectedness between places and people. Although this can be advantageous, it has resulted in many people being placed in even worse positions than they were before they were ‘connected’ with the world. The gap between the

rich and the poor is growing and this can be described through the notion that Harvey (2006) coined as ‘accumulation by dispossession’ (Harvey, 2006). Through this process communal resources are transferred from local communities into the hands of global private traders and ultimately to states, which make agreements on trade. This domination of resources has resulted in the term the ‘new imperialism’, developed by David Harvey, which demonstrates how whole nations have become more marginalised and how others have become wealthier and more powerful (Coe *et al.*, 2007). The privatisation of public spaces in cities can be thought of as a ‘resource’ that has been transferred from ordinary citizens to private companies who use these spaces for the accumulation of profits from activities that they undertake in these spaces. This is particularly so in the case of the fishers who extract marine resources through their use of public fishing spaces.

Accumulation by dispossession has caused much opposition which has led to the formation of many different social movements against this process (Harvey, 2006). Brecher *et al.* (2000) comment on ‘globalisation from below’ where people at grassroots level are joining up with other groups around the world to put forward their needs and interests at a global level. This globalisation from below is in powerful opposition to the oppressive globalisation that has been imposed from above. Otero (2004) states that it is not enough for a liberal democracy to oppose global neoliberalism alone but that social movements must come together and mobilise civil society in order for the state to be reformed. In this way human development and the protection of the natural environment are promoted. The thesis examines the way in which the fishers in Durban have mobilised against the privatisation of public fishing spaces.

The global processes described above all impact on local processes all over the world. Very few places have been unable to avoid these processes or survive in isolation. Likewise the study of the fishers of Durban and their access to spaces cannot be studied in isolation. Neoliberal capitalism has influenced the pro-growth economic policies made in the city of Durban (Nel, *et al.*, 2003), which has led to the privatisation of public spaces that are used by the fishers to maintain their livelihoods.

As cities around the world advance and redevelop to keep up with other cities, public space has become a “battlefield”, according to Mitchell & Staeheli (2006: 144), where the conflicting rights of the homeless, the poor, the developers, tourists and the middle-upper class residents are being fought out. All these groups are fighting for the rights to use the

cities spaces and thus the question raised by Lefebvre (cited in Mitchell & Staeheli, 2006): ‘who has the right to the city?’ This is a question that is being lived out in the public spaces of the city. Through redevelopment and gentrification initiatives, city governments go into business with private companies to develop regions or districts for the attraction of the tourist and the elite of the city. With redevelopment and gentrification comes increased investment and a ‘cleaning up’ of the streets. However, with this ‘improvement’ comes displacement of people, exclusion, the creation of ‘pseudo-public spaces’ and privatisation of spaces (Mitchell & Staeheli, 2006). Mirafteb & Wills (2005: 202) describe this ideology of neoliberalism as hypocritical, as it is “an ideology that claims to equalise through the promotion of formal political and civil rights yet, through its privatisation of life spaces, criminalises citizens based on their consumption abilities”. Mitchell & Staeheli (2006) have focused on the homeless who are extremely vulnerable as they have no private place to retreat to, and when the public spaces they have appropriated are redeveloped, they are displaced from their homes in public space, which they have privatised because of their desperate circumstances.

There needs to be a recognition for the city as it is, the ‘ordinary city’, where the city is valued for its unique characteristics and is valued as a whole (Amin & Graham, 1997). The ‘ordinary city’ approach to understanding cities can help to address economic growth and inequality in cities (Robinson, 2008) as such cities would not be pursuing their position on the hierarchy to the detriment of its citizens. In relation to public spaces, Watson (2006) takes the approach of looking at public spaces as unique individual spaces. No two are alike and each should be valued for their ‘enchanted’ nature. The concepts of space and place will now be defined and the value that people place on material spaces explored.

2.3 Space and place

To understand the concept of public space, it is necessary to review the concepts of space and place. In human geography there is a wide body of literature on space and place. According to Madanipour (2001), space can be described as an area that is open and intangible. Place, however, is an area to which people attach meaning to. As Yi-fu Tuan (1977) states in his book entitled *Space and Place, The Perspective of Experience*, when a space is given meaning it is regarded as a *place*. Tuan (1977: 6) states that “what begins as undifferentiated space becomes place as we get to know it better and endow it with value”. Thus spaces can be

transformed into places as people use, appropriate or assign value to an area (Altman & Zube, 1989). These places are nurturing and provide one with care, and a sense of self and identity. Place is a permanent structure and thus gives reassurance to people in a world that is constantly changing (Crang, 1998). As Crang (1998: 103) states “places provide an anchor of shared experiences between people and continuity over time” and thus are important in the formation of communities which enables people to define who they are. Crang (1998: 103) states that places “have a past and a future that binds people together round them” and this is vitally important for people’s belonging to a place. The theory of place is important for this research as the fishing sites that the fishers use are places to which they attach meaning and where they have established a sense of self and identity over time.

Low and Altman cited in Hayden, (1995: 16) define “place attachment” as an attachment of a similar nature to that of a child to a parent. This place attachment can have different dimensions to it, such as social, material and ideological as the people take part in a particular community. The attachment that people assign to a place is thus a strong attachment or bond that is not easily destroyed. Even if a person is removed from a place, the memory that the person has of that place will always attach him/her to that place. Thus place attachment can be defined as a bond that people establish with a specific area that they feel safe and comfortable in and thus prefer to remain there (Hernandez *et al.*, 2007). An interrelated term “place identity” is different from place attachment and is defined as part of a person’s personal identity which contributes to their sense of belonging (Hernandez *et al.*, 2007). Thus an individual can have an attachment to a place but does not necessarily have to feel that the place is part of their identity. However, Hernandez *et al.* (2007) state that place attachment can develop into place identity after a period of time.

Carl Sauer (cited in Hayden, 1995) focused on the study of the evolution of places in understanding the character of a place. A place is a powerful source of memory and is useful as it connects memories together in complex ways. A person’s experience of an urban landscape is a mesh between the person’s sense of place and the politics of the space (Hayden, 1995). Thus these two factors play an important role in the understanding of an urban landscape.

“Place memory”, a concept developed by Edward S. Casey (cited in Hayden, 1995: 46), explores the contribution of a particular place to the memory of a person’s experiences. He

states that “memory is naturally place-oriented or at least place-supported”. Thus, the memory of experiences is greatly dependent on place. Places help people to remember their past experiences, and a visit to a place can help to trigger off memories from years before:

“Place memory encapsulates the human ability to connect with both the built and natural environments that are entwined in the cultural landscape. It is the key to the power of historic places to help citizens define their public pasts: places trigger memories for insiders, who have shared a common past, and at the same time places often can represent shared pasts to outsiders who might be interested in knowing about them in the present” (Hayden, 1995: 46).

Each person therefore develops an attachment to a particular place that is essentially different from how the next person feels about that particular place. In essence they have a relationship to the place, a “sense of place” (Derr, 2002: 125). Crang (1998: 102) states that “people do not simply locate themselves, they define themselves through a sense of place.” A place is thus more than just a physical location as it has meaning. This sense of place is vitally important in the construction of an individual’s identity as landscapes frame cultural and natural practices, which form part of the individual’s memory (Derr, 2002). Knez (2005) states that the concepts discussed above relating to attachment and identity to place evolve over time and are influenced by many factors such as social and psychological elements, which are woven together in a complex manner.

These concepts are useful in understanding how the fishers value and relate to their fishing spaces. For the fishers, the ‘spaces’ they use have become ‘places’ to which they experience a ‘place attachment’ and a ‘place identity’ which has evolved over time into a strong bond with the spaces.

As the spaces that the fishers use are public spaces, it is important to review the definition of a public space and what it means for society. In order to address this, the framework will first look at the definitions of the public sphere and citizenship in a democratic society.

2.4 The public sphere, citizenship and democracy

The subsistence fishers of Durban are slowly being excluded from using the spaces that they have freely used for the last century in Durban. In effect they are being excluded from the

spaces where they have been able to represent themselves to the public and display their citizenry. As public spaces are ideally open to all members of the public, with the closure of these spaces to the fishers their citizenship, or their rights to the city, are being challenged. This section will attempt to discuss the important links between the public sphere, the material public space, democracy and citizenship. As Staeheli & Thompson (1997: 29-30) state “(p)ublic space is conceptuali(s)ed as a setting for debate, the exercise of rights as citizens, and a place where people of diverse backgrounds can meet as a community”.

2.4.1 The public sphere

To say that something is public implies that it is available to all members of a society. As Young (2000: 168) states, “(a)n event, building, outdoor space, or form of discussion is public just in so far as it is open to anyone.” Young (2000) discusses three important aspects of publicity, of which the first refers to any physical space or fora that everyone has access to. The second sense of publicity refers to a kind of relationship that is formed between the people frequenting these spaces or fora, and the third refers to the form of expression or action that is public. All of which make up what is called the public sphere, a “universal, abstract realm in which democracy occurs” (Mitchell, 1995: 117). The public sphere serves as the “primary connector between people and power” (Young, 2000: 173). It is in this sphere where discussions regarding the public are made and decisions made regarding the welfare of the public.

The ancient Greek agora was the site of the first public meetings where the ideology of democracy was first played out (Hartley, 1992). As Hartley (1992: 29-30) states, the Greek agora was

“the place of citizenship, an open space where public affairs and legal disputes were conducted, and it was also a marketplace, a place of pleasurable jostling, where citizens’ bodies, words, actions and produce were all literally on mutual display, and where judgements, decisions and bargains were made.”

However, this ideal public space was not a place where all members of a society could interact. These spaces which we are keen to emulate, were in fact exclusive spaces reserved for the elite of the society, which in ancient Greece were those people that were male, free and Greek. The term citizen was not inclusive of women, slaves or foreigners and thus they were excluded from the agora and likewise the public realm (Hartley, 1992). They were not included as part of ‘the public’ and if the roots of the word public are explored, one discovers

that the “word ‘public’ is derived from the Greek word for adult male” (Hartley, 1992: 35). Therefore the agora were spaces that were inclusive of ‘the public’ and provided a forum where the concerns of the public could be raised and discussed, but this was not an inclusive public. It was a public that was very much exclusive in nature. There has been much literature written on the contemporary crisis of public spaces declining, and the longing for a return to the public spaces of old, such as the Greek agora (Iveson, 2007; Mitchell, 1995). As Robbins (1993: viii) states “(p)ublicness, we are told again and again, is a quality that we once had but have now lost, and that we must somehow achieve.” However, when one looks at the agora more deeply, ‘the public’ that were represented was a small elite group of people. Robbins (1993: viii) states “(f)or whom was the city once more public than now?” Therefore, there should not be a return to the public spaces that once were, but there should be a striving for public spaces that truly represent the people of the society, where ‘multiple publics’ can represent themselves, interact with others freely and be acknowledged.

2.4.2 ‘The public’ versus ‘multiple publics’

Jürgen Habermas’ notion of the ‘bourgeois public sphere’ is a normative definition that is often used as a benchmark of the ideal public sphere (Crawford, 1995; Fraser, 1990). This model was developed in the early modern European period around the time of the development of nation-states (Crawford, 1995). Habermas describes the bourgeois public sphere as a sphere that is separate from the state and a site where citizens can discuss and debate about common affairs, it is “an institutionalised arena of discursive interaction” (Fraser, 1990: 57). The public sphere is not for the buying and selling of goods, but is a site for the interaction between citizens where discourses can be produced that can be critical of the state (Fraser, 1990). Habermas views the public sphere as a space of democracy where all citizens have rights to use the space and where all public discourse and debate takes place in the interests of the common good (Crawford, 1995). Public opinion is formed in this sphere and this opinion is the basis of the formation of law and public policy (Young, 2000).

However, like the Greek agora, the ‘bourgeois public sphere’ was an exclusive space where women and workers were excluded. Women were excluded as their interests were seen as private, part of the domestic sphere, whilst workers were excluded as their interests were seen as economic and as self-interests, not part of the common interest for all (Crawford, 1995). Nancy Fraser (1990) values Habermas’ notion of the public sphere, but criticises the unified public that Habermas promotes, and the disregard for marginalised groups in society. Fraser

(1990) argues for recognition of ‘multiple publics’ in societies where there are structural inequalities, as it is better to have a few competing publics than one overarching public sphere. In this way the people who are weaker or marginalised can be represented and their voices not drowned out by the dominant voices (Young, 2000). Fraser focuses on subordinated social groups such as women, homosexuals, workers and people of colour, which she names “subaltern counter-publics” (Fraser, 1990: 67). These groups form their own discursive arenas where issues can be raised and discussed, and counterdiscourses arise (Fraser, 1990; Young, 2000). These publics provide these groups with a chance to formulate an opinion on an issue away from the dominant discourses. They also provide the space where ideas and arguments can be developed on certain issues that affect the wider public, and these ideas are often used to implement change at the legal level, such as women having the right to vote (Young, 2000). Fraser (1990) states that the notion of ‘multiple publics’ promotes the ideal of democracy by including those groups that are usually ignored or suppressed.

Young (2000) sees the importance of both Habermas’ view of a single public and Fraser’s argument of recognition and nurturing of subaltern counter-publics, or multiple publics. Young states that democratic process should in fact encourage and enable multiple publics to organise themselves which will encourage debate and result in a more democratic society. However, Young (2000) also warns against these multiple publics developing individually into separatist enclaves with no connections to each other to help solve problems that cross groups or affect others. Therefore Young (2000) suggests that there be a single public sphere through which many diverse sub-publics engage in discussion to promote a more inclusive society.

“Inclusiveness in democratic processes, then, suggests that there must be a single public sphere, a process of interaction and exchange through which diverse sub-publics argue, influence one another, and influence policies and actions of state and economic institutions. The public is open in the sense that its diverse elements are porous to one another, as well as in the sense of its stage being exposed to the views of anyone” (Young, 2000: 172-173).

Therefore, it is crucial in a democratic society for there to be a public sphere that is open to all groups and inclusive of all discourses on an issue. Because there are so many different groups that make up ‘the public’, the idea of deliberative democracy has been promoted. This involves meeting with different groups openly in order to come to an agreement on a particular issue. As Young (1990: 119) states:

“(t)o promote a politics of inclusion, then, participatory democrats must promote the ideal of a heterogeneous public, in which persons stand forth with their differences acknowledged and respected, though perhaps not completely understood, by others.”

However, in many cases participation of multiple publics through deliberation is merely a formality and those in powerful positions tend to control the meetings agendas and outcomes, drowning out the subaltern voices in the process (Young, 2001). As Fraser (1990: 64) warns “deliberation can serve as a mask for domination.” Many subaltern groups therefore resort to protest and activism to get their views across and many resist attending formal meetings which they view as biased and controlled (Young, 2001). Therefore in democratic societies there should be an acknowledgment of different groups and an enabling environment created where discussion can be made that includes the views of all groups independent of their size or power. However, this is often difficult to achieve. These concepts related to ‘the public sphere’ provide a framework for understanding the existence of ‘spaces’ where fishers as part of a ‘heterogeneous public’ can voice their views about their access to public spaces. In this study, the KwaZulu-Natal Fishermen’s Forum is such a ‘public’ where counterdiscourses have been produced.

2.4.3 Citizenship

In order to be able to take part in discussions of the city, and derive benefits from the city, one has to be classified as a *citizen*. The Greek word for citizen, *polites*, is derived from the word for the city, the *polis* (Hartley, 1992). The words clearly have a connection and thus citizenship has been linked to the city since ancient Greek times (Dagger, 1981). According to a legal definition, citizenship is something that the state confers on a person, and is either gained through birth in a particular country or through a process of naturalisation (Staeheli & Thompson, 1997). It is a concept that has its roots in exclusion, where to be a citizen in ancient Greece meant that one enjoyed certain privileges and rights, as well as held duties, that were unavailable to groups such as women, foreigners and children. Citizens held superior positions and were thus able to participate in the political community (Dagger, 1981). As Dagger (1981: 716) states, “(i)n the ancient world the rights and duties of the citizen were always exclusive in nature, designed to distinguish the citizen as somehow superior to others.” Therefore, citizenship has been a means for states to exclude people from participating in the political community and enjoying the benefits that it provides. This definition of citizenship is referred to as “statist citizenship” and assumes that the state can be the only source of legitimating citizenship rights (Miraftab & Wills, 2005: 201). However,

new definitions of citizenship have arisen out of an attempt to include those that have been excluded from the political community in the past.

One of the new definitions that has arisen is ‘insurgent citizenship’ or citizenship from below (Holston, 1999: 165). This kind of citizenship is “active, engaged and grounded in civil society” (Miraftab & Wills, 2005: 201). It is not conferred by the state but is taken by the public, the people on the ground, who claim their rights (Holston, 1999). In this way, the practice of citizenship is no longer confined to spaces where people are invited to participate, but has been extended to enable citizens to create their own spaces of citizenship (Miraftab & Wills, 2005). Miraftab (2004) has distinguished between these two spaces of citizenship; ‘invited spaces of citizenship’ occur where the state invites certain people such as NGO’s and grassroots organisations to participate in a space, whilst ‘invented spaces of citizenship’ are spaces occupied by the same groups but in a manner that is confrontational to the status quo with the aim of enforcing larger societal change. These new invented spaces of citizenship help to increase the public sphere and make marginalised groups visible to society in order for them to be treated as citizens with their associated rights (Miraftab, 2004). Insurgent citizenship is a strategy that is employed by the marginalised in order to hold officials accountable to their rights as citizens (Miraftab & Wills, 2005). Therefore the definition of citizenship is becoming more inclusive as people strive to be acknowledged in the political community and fight for their rights to access resources, as well as their rights to the city.

However, a moral definition does overlay the above definitions of citizenship, where “(c)itizenship is a standing conferred on people capable of acting responsibly in the political community or polity” (Staeheli & Thompson, 1997: 30). If an individual or a group is not deemed as being responsible, their citizenship can be denied or removed. This is often seen in public spaces, where the rights of some citizens are given preference over the rights of other citizens who are seen as ‘irresponsible’ or ‘dangerous’ (Staeheli & Thompson, 1997). But how does one define who is a responsible citizen? And who has the right to exclude someone they think is irresponsible?

To be included in ‘the public’ and be part of the citizenry is thus not a ‘given’. Definitions of the public and the citizen are exclusive in origin and are still exclusive in today’s neoliberal society. Marginalised groups have had to struggle and fight to get their voices heard as part of

the public and the citizenry. The spaces where they have fought for this acknowledgment are in the public spaces of cities.

2.4.4 Public spaces in the city

Because the public sphere does not have to be a physical space, there has been a shift in the materiality of the public sphere. More and more decisions regarding the public take place today in private spaces, such as conference rooms and parliament buildings. With the development of communications and the internet, many have argued that electronic spaces are replacing the material public spaces in the city. Much discursive public activity takes place on television and radio shows as well as on internet discussion pages (Mitchell, 1995). However, the value that material public spaces provide in the city should not be underestimated. As Mitchell (2005: 85) states, public spaces provide the “material basis for the public sphere”. Mitchell (1995) discusses the importance of material public space in providing a space for all groups of people in a society to locate themselves and be visible to other members of the society. These sites are extremely important for the marginalised and the poor, who are often not represented in public debate. In these spaces they can be represented and recognised as being citizens of the city (Mitchell, 1995). As Hodgetts *et al.* (2008) state “(f)or homeless people to inhabit prime public space successfully, even when they go largely unnoticed, is to become citizens”. Freeman (2008) discusses the importance of beaches as public spaces in Rio de Janeiro, a third world city like Durban, as spaces where the elite are forced to recognise the existence of the poor in the city.

Public space is an actual material space on the ground and its concreteness is important as it provides a space where alternative social movements can arise and contest issues, and definitions, of citizenship and democracy (Mitchell, 1995). Public space “constitutes an actual site, a place, a ground within and from which political activity flows” (Mitchell, 1995: 117). Marginalised groups claim their rights as citizens by physically taking or appropriating public spaces. As Smith & Low (2006: 16) state, “(p)olitical movements are always about place and asserting the right, against the state, to mass in public space”. Their presence in these spaces legitimates them within ‘the public’ as they become visible to the society around them (Freeman, 2008; Mitchell, 1995). If the public sphere of debate was confined to the electronic world, the poor and marginalised who cannot afford to access this sphere, would be excluded. The material public spaces of the city thus provide a space for the ‘subaltern counterpublics’ to be seen by ‘the public’, and for their views to be aired (Mitchell, 1995).

As Mitchell (1995: 124) states “...there has never been a revolution conducted exclusively in electronic space. Revolutions entail a taking to the streets and a taking of public space. They require the creation of disorder in places formerly marked by order.” Social movements use public spaces to expose injustices that are occurring in society, and thus cause disorder in a society which is often frowned upon. Public spaces provide the sites for the beginnings of revolutions and therefore many look at these free open spaces as dangerous because of the potential that disorder may be created and democracy threatened (Mitchell, 1995). As a result of this fear, there has been a move to ‘tame space’ by enclosing public space in order to keep it safe and in order. However, this has led to the exclusion of those members in society that are different (Mitchell, 1995). As McDowell (1999: 131) questions “surely we all agree that tolerance is preferable to reactive and fearful exclusion, and that celebration of the diverse cultures of cities is preferable to suspicion and rejection of anything we find strange or uncomfortable?”

Section 2.4 provides a review of the literature on the public sphere which provides an understanding of the importance of public spaces for expanding citizenship and democracy. The concept of heterogeneous publics (Fraser, 1990) indicates that there are many different groups in society all of whom should be equally respected and part of democratic decision-making. The literature argues that material public spaces provide actual concrete places where publics can make themselves visible, and present their views and concerns.

2.5 Conceptualisations of public space

This section describes the ways that public space is conceptualised which in turn influences the struggle over public space. The two dominant opposing conceptualisations of public space are; public space as open and free, and public space as ordered and controlled. This section differs from Section 2.4 as it provides concepts that relate directly to physical public spaces that become appropriated.

“Public space is not just a contested concept in political theory and general discourse; it also is continually contested over and for in the spaces of the city” (Mitchell, 1996: 155). Carr *et al.* (1992: 3) define public space as “... the stage upon which the drama of communal life unfolds.” It is where people of a community can freely interact with each other and therefore

is a space which is open to contestation and conflict, or “drama” as Carr *et al.* (1992: 3) call it. As there are many different users in the city, with different demands for public space, these spaces are inundated with people all trying to use the spaces for their own purposes and gain. Therefore there often tends to be a struggle over material public space, and Mitchell (1995) states that these “struggles over public space are struggles over opposing ideologies, over the ways in which members of society conceptualise public space” (Mitchell, 1995: 125). Conflict often occurs in these public spaces because of the different ways that public space is conceptualised or valued and therefore it is important to look at the different ways that public space is conceptualised in order to understand the causes of this contestation over public space (Mitchell, 1995).

Mitchell (1995) uses Lefebvre’s (1991) concepts of space to define the different ways of conceptualising public space. Mitchell (1995) states that public space is either conceptualised as a place of unmediated political interaction, likening it to Lefebvre’s concept of representational space (everyday space); or as a place of order, controlled recreation and spectacle, using Lefebvre’s concept of representations of space (abstract space). These conceptualisations shall now be reviewed and later applied in the analysis of the empirical data.

Public space conceptualised as *representational space*, is when public space is seen as a space that is appropriated and lived in. It is a space of interaction which is unconstrained and where social movements can arise (Mitchell, 1995). This view of public space is held by marginalised groups and social movements. This is the space of everyday life where ordinary people carry out their daily activities. These can be exemplified by the public fishing sites where fishers fish for a living, engage in social practices and attach memories.

Public space conceptualised as a *representation of space*, is where public space is viewed as a place of order and spectacle, which is planned and controlled. This can be exemplified by the national plans for the development of the Port of Durban, or the abstract plans for a proposed Small Craft Harbour at Vetch’s Beach. Here, it is argued, public space must be made safe for the ‘responsible citizen’, and anything that threatens this order must be removed (Mitchell, 1995). This view of public space is usually adopted by business and by the state when they come into partnership with business in public-private partnerships in a neoliberal economy. Mitchell (1995) adds that public spaces can also be *spaces for representation*, where political

movements appropriate space in order to be seen and recognised as part of ‘the public’; this is usually the view held by activists. Bridge & Watson (2002) comment on this distinction made by Lefebvre (1991) in his book entitled *The Production of Space*: “Representations of space (through planning and architecture) seek to designate the use of space, whereas representational space is space that is appropriated by daily uses that in some cases can resist or adapt representations of space” (Bridge & Watson, 2002: 337). Mitchell states (1995: 115) that “(p)ublic space is the product of competing ideas about what constitutes that space- order and control or free, and perhaps dangerous, interaction- and who constitutes ‘the public’”. Spaces of representation are never complete and are continually challenged and ruptured by the everyday activities of resistance or insurgent (illegal) activities. These ideas shall be further explored in the following section.

2.5.1 Public space that is open and free

In addition to the concepts of place and space (See Section 2.3) there is another body of literature which seeks to understand the value of ‘public space’, which is space that is available to all citizens. Public space that is open and free, is where interactions between different people can occur (Madanipour, 2003; Watson, 2006). It is the site where a public culture occurs (Zukin, 1995) and a belonging or identity to a place can be developed (Ruddick, 1996; Watson, 2006). More practically public space can be a site of livelihood (Brown, 2006b) as well as a living space for the homeless who have no private space to call home (Mitchell & Staeheli, 2006). However, because of its openness, public space is subject to goals of different actors which can result in spaces that are not inclusive or safe for all its citizens.

Public space is a space where people in the city of different cultures are able to mix and interact, or “rub along” each other (Watson, 2006: 2). According to Madanipour (2003), it is where a feeling of ‘togetherness’ can be created where people feel part of a place or their city. It is a space where strangers can meet and interact in an open environment (Watson, 2006). Meeting in a public space can contribute to society’s feelings of wholeness and is said to be important for the health of society. In these spaces tolerance of differences is practised and awareness of others realised (Madanipour, 2003; Watson, 2006). Public spaces are sites of potential encounters with people of different cultures which makes them exciting to be a part of and experience (Watson, 2006). As Jacobs (1965: 47) states “the sight of people

attracts...people”, and “life attracts life” (Jacobs, 1965: 362). Public spaces should therefore be celebrated for the diversity of people that use them (Watson, 2006).

A sense of community is developed in public spaces and identities formed (Minton, 2006; Ruddick, 1996). These spaces of diversity are thus formed through the meeting of strangers at first, which often develop into a community of people who come to use the space daily. The openness of public space also allows for a public culture to develop in the city (Zukin, 1995). Public spaces display the social life of the city to those that live in the city as well as to visitors to the city, conveying the nature and culture of the city (Zukin, 1995). Public culture is produced by social encounters that occur on the streets and other public spaces in the city. It constantly changes due to the different activities and different people that lay claim to the spaces (Zukin, 1995). Public spaces in cities are usually spaces of diverse and rich culture; qualities which make up a functioning city inclusive of all its citizens.

A more practical outcome of open public space is that these spaces cater for people to earn a livelihood. This is often overlooked, especially in the developed world, but is of great value to the poor in the developing world (Brown, 2006b). There has not been a great deal written on the importance that public spaces serve as sites of livelihood for the poor in urban settings but the value there from should not be underestimated (Brown, 2006a). Public spaces are used by the poor and the homeless to earn a living through informal activities such as begging, street trading and refuse collecting and therefore they are an important resource in reducing poverty in countries where unemployment is high (Brown, 2006a). To these people, public space provides a source of livelihood and for some they provide a space to live. Public spaces are therefore work spaces as well as living spaces for these marginalised groups (Crawford, 1995). In this way, the public spaces of the city become ‘private’ spaces for the homeless, where private activities such as sleeping and bathing occur (Mitchell & Staeheli, 2006). If these public spaces were not open to these groups, they would have no place to earn a living and no place to stay, and would be pushed out of the city.

2.5.2 Public space that is ordered and controlled

The above discussion leads on to a review of literature that describes public spaces as orderly and controlled spaces. Although much has been written on the value of public spaces as sites of interaction and representation, the opposing view, that public space should be a site of

spectacle and order, is what is often promoted in the postmodern city of today (Mitchell, 1995).

One of the ways that cities promote order is through the use of culture. Cities often use the notion of 'culture' in areas of redevelopment and gentrification in order to attract people into the city centres. However, this is often a misrepresentation of local culture and is a reproduced culture purely for the tourist consumer (Zukin, 1995). Businesses with access to money and resources often shape these new physical spaces through the aestheticisation of the urban landscape, with disregard of the authentic local people and cultures (Zukin, 1995). This leads to Zukin's question of 'whose culture?' and 'whose city?' it really is (Zukin, 1995). City governments in public-private partnerships privatise public spaces in the city to create new consumer spaces with increased surveillance and security for the elite and the exclusion of the poor and marginalised groups (Zukin, 1995). As a result, public space becomes treated as a mere commodity and its democratic values become discarded (Madanipour, 2003).

There is much literature to show that in general the postmodern city is ridding the streets and public spaces of the homeless and the poor to provide safe sterile space for the elite of society (Hodgetts *et al.*, 2008; Mitchell, 1995; Zukin, 1995).

Mitchell (1995, 2001) has explored the life of the homeless in American public spaces extensively, and uses the term "broken windows" (Mitchell, 2001: 70) to describe how city governments treat the homeless, almost like an indicator of urban blight. Crawford (1995) likewise explores the example of the homeless and street traders in America who are displaced out of areas that are going through gentrification and redevelopment. A more recent paper by Hodgetts *et al.* (2008) explores the life of the homeless in New Zealand and their association with the public library. In New Zealand, like America, the homeless are excluded from shopping malls and public places such as libraries in order to make these spaces safer for "housed citizens" (Hodgetts, *et al.*, 2008: 933).

These critical conceptualisations of public space in the city illustrate how in a contemporary neoliberal context, the openness of public space is viewed at in a negative light by municipal government, where these spaces are seen as spaces of danger, where strangers are viewed as criminals and where the diversity of the city is not celebrated (McDowell, 1999). This view results in urban policies that are developed to bring about more ordered and controlled public

space, where people that are ‘responsible’ are allowed to use a public space safely without ‘the other’ disrupting their ‘experience’.

Public spaces are planned and controlled with surveillance such as closed-circuit television systems (CCTV) cameras and private police patrols. In these spaces every movement is observed and the behaviour of the citizen is scripted (Mitchell, 2003). ‘Festive spaces’ are created that encourage consumption and feed into the global capitalist system, whilst ‘dead spaces’ also result due to the perceived need for control and surveillance (Mitchell, 1995).

The aim of planners is to control a space so that it becomes a homogenous space of consumption, and as Mitchell (1995: 119) states “controlled diversity is more profitable than unconstrained social differences.” This accords with Lefebvre’s notion of abstract representation of space (1991). ‘Disneyfication’ results in the production of spaces, where every interaction is planned and the environment is modelled on performance and profits. As Mitchell (1995: 119) reiterates, “(d)esigned-and-contrived diversity creates marketable landscapes, as opposed to uncontrolled social interaction which creates places that may threaten exchange value.” Thus this idea of public space as ordered and as spectacle is good for profits of businesses and of the city, but is it beneficial to the citizens? And are these public spaces that are controlled really ‘public’ spaces for all citizens? Or are they “privatised” public spaces (Banerjee, 2001: 12)?

According to Watson (2006) there are two ways that public space has been theorised: optimistically, where public spaces pose as democratic places with endless possibilities of encountering people; and from a critical perspective, where public space is viewed as an exclusive space which limits interactions due to the possibility of danger and crime. The writers that take this stance focus on public spaces that are constructed and ‘unnatural’, such as theme parks and shopping malls. They take on the view that in these public spaces, the exclusion of certain groups occur and what results are sterile privatised spaces (Watson, 2006). These writers mourn the ‘loss of public space’ and focus on how public spaces have become like fortresses where the homeless and protesters are monitored (Watson, 2006). These ideas shall be explored in the next section on the privatisation of public spaces.

2.6 The privatisation of public space

This section reviews the literature on the privatisation of public space. The different ways in which people conceptualise public space influences how they think public space should be used or developed. Those with the view that public space should be a place of order and control press for a privatisation of public spaces. According to Knox & Pinch (2006) public space in the postmodern city of today, is “(a) space that is owned by the state or local government and in theory is accessible to all citizens but which in reality may be policed to exclude some sections of society” (Knox & Pinch, 2006: 329). This exclusion is evident in the public spaces, or the ‘pseudo-public’ spaces, of today. ‘Pseudo-public spaces’ are those spaces that appear to be open to all members of the public but are privately owned and controlled through security and surveillance therefore excluding some members deemed ‘irresponsible’. ‘Pseudo-private spaces’ are another form of exclusive space, where a space is publicly owned but appears to be private and thereby restricting access (Mitchell & Staeheli, 2006). An example could be streets that are owned by the state but that are patrolled by private security companies (Mitchell & Staeheli, 2006), or it could be through the erection of boom-gates by private security companies controlling access into suburban roads. This is common in South Africa (Landman, 2004).

In the global neoliberal society there has been a move to privatise many resources of the state as the state loses power and the private sector becomes more powerful. In this shift, public spaces are becoming privatised; either sold off to private entities for development or are being controlled through private companies through public-private partnerships. These spaces of the city become exclusive spaces generated for the elite consumer society and for the tourist. Two of the six restructurings of the postmodern city, discussed by Soja (2001) can be related to this privatisation of public space in the city, namely, the ‘carceral city’, and the ‘simcity’. As Mitchell (1995: 119) states, “(c)orporate and state planners have created environments that are based on desires for security rather than interaction, for entertainment rather than ... politics.” The public spaces of modernity were valued as places for political engagement and trade which ensured a functioning democratic public. Today, however, there has been a separation between politics and commerce and the result has been the “constriction of public space” (Mitchell, 1995: 119).

2.6.1 The ‘securitisation’ of space

There is a growing literature over the past couple of decades, focusing on the insecurity in the city and the privatisation of public spaces as a response (Davis, 2006; Soja, 2001). Focusing on American cities, some writers have theorised the ‘end of public space’ (Sorkin, 1992, Mitchell, 1995). One of the main driving forces behind the shrinking of public spaces and their associated privatisation is due to reasons of security and fear in the city. This relates to Soja’s (2001) theme of the ‘carceral’ city. He describes the city as needing to be controlled through increased policing and surveillance in order to keep out the dangers of daily urban life. Mike Davis (1998, 2006) who has focused on the American city of Los Angeles calls it the ‘ecology of fear’ that has gripped postmodern cities, where people have become obsessed with security. Much of the literature describes the emergence of ‘safe spaces’ such as shopping malls, private restaurants located in public spaces, and new waterfront developments. For the purposes of this thesis, some of the fishing spaces used by the fishers in Durban are being privatised for commercial purposes as consumer spaces, while others, such as the privatisation of the Port precinct, is being privatised for security reasons and more indirectly to facilitate a ‘safe space’ for global trade.

The proliferation of shopping malls, gated communities, private security companies, and CCTV monitored streets, has resulted in the city becoming ‘fortress- like’ (Davis, 1992). As Davis states, this has a negative effect on the city’s open public spaces: “(t)he universal and ineluctable consequence of this crusade to secure the city is the destruction of accessible public space” (Davis, 2006: 226). “Perceptions of a lack of safety” have thus influenced the privatisation of the urban public realm (Tiesdell & Oc, 1998: 640).

Public space is seen as “a place of risk, uncertainty [and] incompleteness” and thus people retreat to the private realm (Bickford, 2000: 357). They retreat behind their walls, gates and fences where they feel safe and secure. They retreat to the safe and comfortable spaces of the shopping mall away from the elements, pollution, informal traders and the homeless (McLaughlin & Muncie, 1999). They retreat to the planned, themed districts developed by part state and part business (Zukin, 1995).

The mall “promises a safe, privati(s)ed, highly controlled version of the crowded street, free from contamination and ...disorder” (McLaughlin & Muncie, 1999: 123), which is attractive to the elite consumer. These spaces may imitate the public street, but they maintain a private

atmosphere in which exclusivity and ordered control is part of the charm (McLaughlin & Muncie, 1999: 124). These 'pseudo-public' spaces seem to be open to all but are monitored by CCTV cameras and private security guards. People that do not have money to spend in shopping malls are excluded and those that are deemed as suspicious can be removed (Goss, 1993; McLaughlin & Muncie, 1999). As Wilson (1995: 158) states "(t)hose without the passport of money are simply an absence". In South Africa, the 'racially-mixed middle class' now shop together away from the poor of society and confine themselves to other 'pseudo-public' spaces such as clubs, schools and coffee shops (Beall *et al.*, 2002). Many consumers are attracted to the reality that these spaces are not truly 'public' because of the associated dangers that they associate with the term 'public' and embrace the fact that these spaces are exclusive (Aurigi & Graham, 1997).

Gated communities have formed across the landscapes of cities around the world, where people have retreated into large communities with walls, security and resources inside. A growing separation of people that are different has resulted and people of middle-upper class have retreated behind the walls of these communities to protect themselves from the crime in the city (McLaughlin & Muncie, 1999). Gated communities are not the development of 'communities' inside but the formation of enclaves which "do not just respond to difference and fear, but actually deepen segregation and reinforce fear by excluding difference and limiting social mixing, thus increasing paranoia and mistrust between groups." (Lemanski, 2004: 108). As Caldeira (2000) states, walls reproduce segregation and intolerance. Social polarisation is enhanced as people of different classes live lives totally separate from each other and the people inside these walls develop a fear of people outside these walls (the 'other') (McLaughlin & Muncie, 1999).

Private security companies have come to dominate postmodern cities where the perception of crime has escalated. The 'panoptic city' is what may result, where public spaces are monitored and the public are under constant surveillance through CCTV and police presence. This idea of the 'panopticon' originated as an idea from Jeremy Bentham, a philosopher in the late eighteenth century as a way to keep a constant watch on prisoners. However, it is now being extended to develop ways of keeping watch over public spaces and whole cities (McLaughlin & Muncie, 1999; Tiesdell & Oc, 1998). The citizens every move and transaction is recorded, through CCTV cameras on the streets and in malls, through transactions made by

credit cards, and through access controlled gates to office blocks and homes (McLaughlin & Muncie, 1999).

Through his study of Los Angeles, Davis (2006: 227) states that public space and the streets are becoming more “desolate and dangerous” as areas become more insular and separate from each other. Davis terms this process as the “South Africani(s)ation” of spatial relations in Los Angeles, referring to the segregation of South Africa by law under the Apartheid regime (Davis, 2006: 227). With the growing gap between the rich and poor in the postmodern city (Soja, 2001), people begin to live their lives separate from each other, outside of a community, and separate from nature. With the result being a fear of those who are different from themselves.

When people fear those who are different or fear the unknown this can limit their ability to live with those who are different (Watson, 2006). A common trend in society today is for people of the same culture to place themselves in close proximity to each other and live in villages of the same people. Thus no mixing of different cultures takes place in public space either as whole worlds are created where a community can sustain itself without venturing out, into public space, i.e. in the gated communities discussed previously (Watson, 2006).

Fear of the unknown and segregation has a long history in South Africa and even after the demise of apartheid, still exists today. Ashley Dawson (2006) writes about the transformation of public spaces in South Africa since the demise of apartheid and states that division has not in fact decreased and that races are still separated. Crime has risen in the country and division has been exacerbated due to the discourse of fear that has manifested. This “geography of fear” (Dawson, 2006: 125) or a “fear-of-crime rhetoric” (Lemanski, 2004), has kept races in the ‘new South Africa’ apart and has prevented them from interacting in a natural setting (Dawson, 2006). As Dawson states (2006: 132) “...South African society is saturated not simply with violence, but with the pervasive fear of violence.” This fear of crime has led to the prolific rise of the private security industry with the number of private security forces outnumbering those in the public sector (Dawson, 2006). It has also led to the fortification of houses by all groups and the retreat of the wealthy to gated communities and a change in lifestyle through restricted movement and limited social interaction (Lemanski, 2004). Businesses and white residents have fled the inner-cities to the suburbs and edge cities leaving the inner-cities to become degraded and slum-like (Lemanski, 2004; Michel & Scott, 2005).

Dawson (2006: 133) names this phenomenon of gated communities a “privatised laager system” resembling the old defensive laager system used many centuries ago by the Afrikaners when they explored African territory. This system prevents cosmopolitanism, equality and interaction amongst the citizens and thus a successful urban culture cannot be developed. As public spaces become privatised there are fewer spaces for interaction between the wealthy and the poor. The wealthy gather together away from the public sphere, whilst the poor are dependent on the inefficient and overburdened public forces to supply security and order in the public sphere (Dawson, 2006).

This discourse of crime is causing the fragmentation of space as access to public space for some in South Africa is yet again denied. Poor communities are still seen as ‘peripheral’ in both a physical sense and social sense and are cut off from accessing certain spaces in the new South African cities. This leads to alienation and may in fact exacerbate the violence in the country (Dawson, 2006). Thus in the ‘new South Africa’, access to spaces is still controlled and interaction between races, and classes, prevented due to the prevalence of the discourse of crime and subsequent privatisation of spaces. Lemanski (2004: 101) calls it a “new apartheid” that in her view bears remarkable similarities to the old system of segregation.

Landman (2004) gives her vision on what the city of Johannesburg could resemble in twenty years time, and states that:

“(n)o longer are public spaces shared by all urban residents. It is only those who are excluded from the gated-city that are left to live their lives in this derelict and dangerous maze [sic.] of misery. The city has been taken over by a collection of private micro-governments ... and the poor and other undesirables are left the victims of a system of enclosed fortresses for the privileged” (Landman, 2004: 11).

This is indeed what could happen in the next twenty years as the remaining public spaces in the city become run down due to lack of government spending in the public sphere focusing rather on themed parks and business districts to cater for the wealthy and the tourist. As Lemanski (2004: 107) states, “(i)ronically, strategies to increase safety (by privati(s)ing space) actually increase the dangerousness of remaining public space by abandoning it to those excluded from the privati(s)ed world.”

As public spaces are replaced by private spaces and pseudo-public spaces, what results is increasing segregation and public space that is unsafe for all (Lemanski, 2004). Driving this privatisation is a fear of crime and a fear of ‘the other’, or a fear of difference, and therefore a

conceptualisation that public space must be ordered and planned has ensued. This does not auger well for democratic nations and as Caldeira (2000) states this fear perpetuates inequality. “The new urban morphologies of fear give new forms to inequality, keep groups apart, and inscribe a new sociability that runs against the ideals of the modern public and its democratic freedoms” (Caldeira, 2000: 335). The following section will discuss another factor driving the privatisation of space, the promotion of ‘consumer spaces’.

2.6.2 The ‘consumerisation’ of space

In addition to the ‘securitisation of space’, another factor influencing the privatisation of space in the city has been the ‘consumerisation of space’ (Wilson, 1995: 157). An understanding of the ‘consumerisation’ of space is necessary to understand the underlying structural forces that are driving the privatisation of space. Spaces such as airports, shopping malls, and waterfronts are all designed with consumption in mind, and pose as places of leisure and entertainment, not just function (Wilson, 1995). These spaces often simulate real life settings such as public street life or carnival type atmospheres. Soja (2001) defines this as one of the characteristics of the postmodern city, the ‘simcity’. Soja (2001: 45) states that there has been a restructuring of the “urban imaginary”, where “confusion between the real and the imagined” has occurred. Simulated images, and representations of reality, are perceived as being “materially real in themselves” (Soja, 2001: 45) and are thus actively pursued.

Theme parks have been on the rise in the postmodern city, where whole areas are turned into amusement-type parks, with facilities such as aquariums, fun-rides and shops, all with a theme running through the area (Zukin, 1995). Such an example in Durban, South Africa is the uShaka Marine World, developed at the Point area. It is composed of shops, an aquarium and a waterslide park, designed with a Zulu cultural and marine theme. It provides a commercialised ‘marine experience’ adjacent to the beach where consumers swim, slide and play under the sun. As stated this phenomenon has been termed as the ‘disneyfication’ of space (Zukin, 1995). Although these theme parks seem open to all and high generators of money, they are exclusive spaces, monitored by CCTV cameras and private security companies. They promote cultural hegemony and cause the culture of the city to be watered down into a kind of culture that appeals to tourists (Sorkin, 1992). These private spaces imitate other public spaces. Bridge & Watson (2002: 338) state “(t)his is a sense of public space not emptied-out as a site of surveillance but filled up with commodities and

consumption spectacles in ways that stupify and individuate the urban dweller” (Bridge & Watson, 2002: 338).

Shopping malls, theme parks and waterfronts are not like the public spaces of the city where interaction amongst strangers is possible. These spaces are controlled and themed so that more money can be spent by the elite in an environment conducive for spending (Crawford, 1992). Bridge & Watson (2002) state that this consumerism and spectacle can prevent connections being made between strangers as these commodities distract the consumer “and prevent any kind of human connection between people that might lead towards a richer public realm” (Bridge & Watson, 2002: 338). The desire to control and order the city’s private and public space has resulted in a fortressing of the city. This has resulted in public spaces either being abandoned (dead spaces) as people retreat to the private sphere, or being exclusive where only certain people are permitted to use a space mainly for consumption purposes (festive spaces). Therefore public spaces that are open and organic are under threat.

Marginalised groups have however responded to the privatisation of public spaces through appropriating other spaces that are not being used, or claiming their rights to the city through protest demonstrating their unwillingness to be ignored by the ‘public’ and the state. These ideas are explored in the next section.

2.6.3 Responses to exclusion from public space

The marginalised have responded to the exclusion and privatisation of space by appropriating other spaces such as streets, underneath bridges, and on piers, which have been termed ‘loose spaces’ (Franck & Stevens, 2007). The marginalised make use of what they can find and use abandoned spaces to live or earn a living. As Crawford (1995) states, public spaces are not only the monumental, planned spaces, but are the everyday living spaces of the city such as parking lots and streets appropriated by people. The concept of public space is therefore being redefined with the inclusion of spaces that are on the margins, spaces that are imaginary, symbolic and others that are barely visible (Crawford, 1995; Watson 2006). These spaces are where the marginalised take back their rights along with their citizenship and are termed by James Holston (1999) as ‘spaces of insurgent citizenship’. Here citizenship is not conferred by the state but is appropriated by the people (Holston, 1999). As Smith & Low (2006) state, in response to the closure of public space in neoliberal societies, new movements, events, and technologies create new spaces for public expression. Political responses, both spontaneous

and organised, can remake and retake public space and the public sphere (Smith & Low, 2006). Through protest, public space can also be taken back by groups and their citizenship claimed through protest and social revolutions. These struggles are based on a vision of public space that is meaningful for each group in society (Mitchell, 2003). It is these struggles, however, that promote democracy in the city. In closed and ordered spaces, these struggles are restrained and a fake reality established where the marginalised are excluded. As Mitchell (2003) states, the ordered city produces a city that alienates itself from its residents and criminalises the marginalised and the poor. Public spaces that are open allow for the occurrence of protests and riots, which have disrupted order throughout history and have led to the promotion of democracy and justice (Mitchell, 2003). This ideal cannot happen in a 'secure' and strictly ordered and monitored city. It can only be reached through the struggles of those that value the space and have a vision of public space that is inclusive of all 'publics' (Mitchell, 2003).

Mitchell (2003) states, the struggle over space determines what *sort* of order results and through this reordering through political struggle, the democratic process is promoted. As Jacobs (1965: 25) states, "there is a quality even meaner than outright ugliness or disorder, and this meaner quality is the dishonest mask of pretended order, achieved by ignoring or suppressing the real order that is struggling to exist and be served." This new order must always be dependent on social and economic equality or the move towards these goals (Mitchell, 2003). Public space, thus, is always changing and different orders being established (Freeman, 2008; Mitchell, 2003; Watson, 2006). Thus the rights associated with occupying space are likewise changing and these rights should never be taken for granted. One should never be content with a space that is closed or secured and should strive towards the "utopic possibilities" where the image of a "more just urban order" can be realised (Mitchell, 2003: 236).

The literature reviewed critically argues that it is vital that public spaces remain open so that dialogue can take place between different people with different views. This ensures that people recognise difference in the city and celebrate it rather than separate themselves from it. These public spaces offer a place for the marginalised to be recognised and offer a place of protest for citizens who are not being represented through formal avenues of democracy. According to the literature, cities need to change their planning agendas and value public

spaces as possible spaces of tolerance among people where a city can be created that is inclusive of all 'publics' in its population.

2.7 Conclusion

This chapter has provided a framework for understanding the research problem of the exclusion of subsistence fishers from public space in Durban, KwaZulu-Natal. The bodies of theory described help to frame the research and analyse the data collected. The bodies of theory that are explored in this chapter included the following. The global processes of neoliberal capitalism are reviewed and the detrimental effects of these processes on local places described. The concepts of space and place are defined and the associated meaning with place explored. Space is a physical area on the ground while place is space that is endowed with meaning (Tuan, 1977). The public sphere and the associated concepts of citizenship and democracy are highlighted and the value of public space described. The public sphere is where discussions regarding the public are made, and where citizenship is recognised. A functioning transparent public sphere is a good indicator of a democratic government. Finally, the process of the privatisation of public spaces is described and the effects on the marginalised explored.

This literature has shown that public spaces remain spaces where the marginalised can be represented and the value that lies therein should not be underestimated. These spaces provide meaning to people's lives and give people a sense of belonging through their appropriation. In addition to this public spaces provide a space for the poor to earn a living and are thus extremely valuable to livelihoods especially in poor developing countries where unemployment is high. Public space serves as an expression of the society, and displays the true city where the average person makes themselves known. It is a site of representation as well as protest and shows who has the right to the city. The trend to privatise these spaces for the elite in society is in total disregard of the poor and marginalised and is a violation of their rights as citizens and as human beings.

This literature chapter has attempted to frame the problem of a loss of space for the fishers in Durban in theory. It has presented the argument from the literature that there is indeed a decrease in accessible public spaces worldwide due to the restructuring of the global economy

from a Fordist to a post-Fordist economy, and the subsequent commodification and development of public space as consumer space. The creation of more secure and ordered spaces arises from the emergence of discourses around fear and security in the cities of today. Public spaces are diverse spaces that are struggled over by groups with different visions of the nature of public space. The literature reviewed provides a conceptual framework for understanding the underlying economic causes for the loss of public space; the use and value of public space; the privatisation of public spaces and the subsequent loss of public space to marginal groups; and the struggles over lack of access to public spaces by marginal groups. This framework thus provides the concepts which will be applied to analyse the empirical data collected in this study. The following background chapter places the study in a specific context in South Africa and explores the fishers' history and use of public spaces.

CHAPTER THREE

CONTEXT

3.1 Introduction

This chapter aims to set the context for the study and provide background information of the fishers and their context. A brief overview of South Africa's economy is described in Section 3.2 as this case cannot be studied in isolation from a national context. A description of the city of Durban, its present structure and development is described in Section 3.3 and Section 3.4 in order to locate the research at a local level. In Section 3.5 and Section 3.6 the history of the subsistence fishers and the organisation they have formed in response to various exclusions, the KwaZulu-Natal Subsistence Fishermen's Forum (KZNSFF), is described. Finally, in Section 3.7 the legislation that is relevant to the case study is presented.

3.2 South Africa's economic policy

The fishers in this study reside in South Africa and it is important to describe the economic policy of the country to understand the economic conditions that influence their lives. South Africa was reintegrated into the global economy in 1994 and with this came the adoption of neoliberal policies in order to integrate South Africa into the global economy (Rogerson, 1997). These policies prioritised economic growth over social development and redistribution (Nel *et al.*, 2003).

In 1994 the Reconstruction and Development Programme (RDP) was adopted which was made up of five sections. These included plans for meeting the basic needs of South Africans, developing South Africa's human resources, building the economy, democratising the state and the economy, and implementing of the RDP (Habib & Padayachee, 2000). This national programme was superseded in 1996 by a new macro-economic strategy; GEAR, a neoliberal approach which focused mainly on the economic growth of the country (Habib & Padayachee, 2000). The GEAR strategy aimed at expanding the private sector, improving output, reforming fiscal matters, and encouraging trade and investment (Nel, 2000). GEAR targeted a growth rate of 6.1% and the creation of 409,000 jobs per annum by the year 2000 (Habib & Padayachee, 2000). The GEAR strategy has been described as a local version of the

structural adjustment policies imposed on other developing countries by the World Bank, but in this case the policies have come from within South Africa itself. Globalisation ‘from the inside out’ has been said to occur (Lemon & Rogerson, 2002).

Prior to 1994, South Africa was rated as being one of the most unequal countries in the world, unfortunately not much has changed since then in terms of the gap between the rich and poor in South Africa (Habib & Padayachee, 2000). While a small percentage of elite black professionals have benefited through the restructuring process, most people on the ground have been unaffected by the new economic policies and have been excluded from any economic benefits that the country has experienced. In fact, the implementation of neoliberal policies by the South African government has resulted in increasing unemployment and economic inequality (Habib & Padayachee, 2000). Overall inequality in South Africa has not declined since 1994 and thus for many poor people their situations have become worse (Habib & Padayachee, 2000; Nattrass & Seekings, 2001). Although South Africa has achieved some growth, it is still far below the rates needed to have an impact on the high levels of unemployment and poverty that were carried over from apartheid (Habib & Padayachee, 2000) and the goal of a growth rate of 6.1% by the year 2000 was not achieved. The growth rate achieved in 2000 was 3.1% (Statistics South Africa, 2001). South Africa, along with Brazil, is still rated as having the highest level of unequal distribution of income in the world (Nattrass & Seekings, 2001). The gap between the rich and the poor is rising even after the fall of apartheid. Currently, the growth rate has recovered to 4.9% in 2005 (Lehohla, 02/03/06), and although this is competitive on the global scale, it has not been sufficient to redress past inequalities. Similarly GEAR’s objective of creating over 400 000 jobs per annum has not transpired and to make matters worse since the implementation of GEAR in 1996 more than half a million jobs have been lost in the formal sector (Lemon & Rogerson, 2002). Unemployment in South Africa is estimated to be at 36%² (Lemon & Rogerson, 2002) and economic growth stands at around 4%³. Thus the World Bank is accurate when it states that the two biggest problems in South Africa are its “absence of sustained economic growth and job creation” (Lemon & Rogerson, 2002: 6). There is a high level of poverty in South Africa and the fishers in this study are part of that group that are suffering under the new regime.

² Unemployment was at 23% in September 2007 (Statistics South Africa, 2008a), but this is the official definition which excludes those who are not actively looking for work. The unofficial rate would be much higher.

³ Growth rate stands at 5.1% for the year 2007 (Statistics South Africa, 2008b).

In order to help solve these problems, structural change and economic diversification have been the focus of South Africa's latest policy initiatives. A knowledge and technology based economy has been planned where a stable macro-economic framework as well as intervention by the state are proposed, to address inequalities that result from globalisation. Sectors such as information technology, automotives, clothing, electronics, financial services and tourism have been identified as important economic drivers (Lemon & Rogerson, 2002).

3.3 The city of Durban

The research project is based in the city of Durban and therefore it is necessary to briefly describe the city in which the fishers live. The city of Durban, located in South Africa, can be classified as a city of the developing world which is relatively wealthy with great capacity and infrastructure. The distribution of its resources and provision of services, however, are highly uneven (Freund, 2001). It thus has characteristics of both a city that is linked into the global economy, and those of a city on the periphery, and thus faces problems relating to both kinds of cities (Freund & Padayachee, 2002). Like most cities in South Africa there are large differences between the rich and poor in Durban, due to past factors like colonialism and apartheid and due to the current neoliberal agenda that has been adopted (Nel *et al.*, 2003).

Durban was part of the colony of Natal, under British rule, and in 1910 Natal was declared a South African province (Freund & Padayachee, 2002). In 1994 the province of KwaZulu-Natal was established which consisted of the old Natal province and the former Homeland area of KwaZulu (Graumans, 1999). In the year 2000 the metropolitan area of Durban was extended and a new Metropolitan government was created (Freund & Padayachee, 2002). The municipality was named the eThekweni municipality in 2000 and currently extends from Umkomaas in the south, to Tongaat in the north, and up to Cato Ridge inland, to the west (see Figure 3.1)⁴. This municipality covers an area of 2297 square kilometres and includes seven former council areas and some tribal land (eThekweni Online Website, n.d.).

⁴ In 2000 the wards were restructured to accommodate formerly disadvantaged with advantaged areas, and the municipality was renamed the eThekweni Municipality.

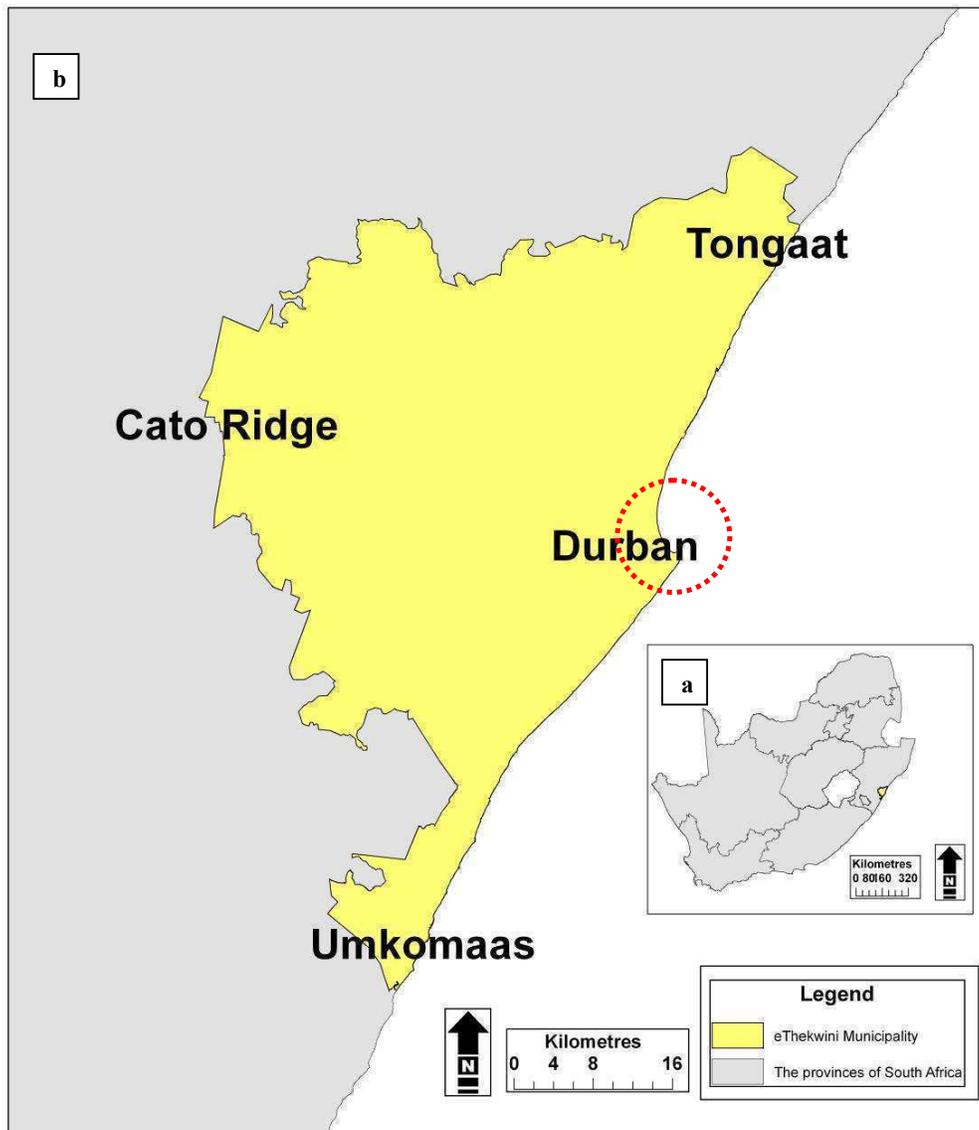


Figure 3.1: (a) The location of the eThekwin Municipality within the province of KwaZulu-Natal, within South Africa; (b) the location of the study area within the eThekwin Municipality

The city of Durban developed purely due to economic factors, and has never been a capital or administrative city (Freund & Padayachee, 2002). Jones (2002) places great emphasis on the port, stating that the establishment and development of the Durban port is the reason that the city of Durban developed in its present location. He is correct when he states that “without Durban harbour this bay would resemble many of the other picturesque but ultimately irrelevant tidal lagoons that proliferate on the KwaZulu-Natal coast” (Jones, 2002: 102). At present, Durban’s port is the most important port in South Africa and is the largest port in Africa (Freund & Padayachee, 2002; Nel *et al.*, 2003).

Today Durban is the second largest industrial city and the second most important population centre in South Africa (Freund & Padayachee, 2002). Its population of over three million (Statistics South Africa, n.d.) is representative of all the racial groups in South Africa with a rich heritage of English, Indian and Zulu cultures (Freund & Padayachee, 2002). The reunification of the divided city of Durban in the year 2000 motivated officials, consultants, councillors and citizens to think about the future of the integrated city and come up with a vision for the city of Durban that incorporated its diversity with its goals of growth and service delivery (Robinson, 2008). The vision that was formed states the following:

“By 2020 the eThekweni Municipality will enjoy the reputation of being Africa’s most caring and liveable city, where all citizens live in harmony. This Vision will be achieved by growing its economy and meeting peoples needs so that all citizens enjoy a high quality of life with equal opportunities, in a city that they are truly proud of” (eThekweni Municipality, 2001: 7).

Durban, along with other post-apartheid cities in South Africa like Johannesburg and Cape Town, however, faces the challenges of a legacy of inequality and disempowerment but at the same time aims to promote economic growth so that it can gain recognition as a global city region (Nel *et al.*, 2003; Pillay, 2004). The post-apartheid cities have thus become sites for redistribution and delivery, as well sites of economic growth (Robinson, 2008). With local governments being assigned more autonomy and power, cities in South Africa are able to market themselves internationally and compete in the global economy (Nel *et al.*, 2003).

In its pursuit to develop into a global city, Durban adopted a pro-growth economic policy with the local state as the facilitator. Partnerships with the private sector to fund a range of developments have been on the rise and this has resulted in a growth in the economic sector

(Nel *et al.*, 2003). The assumption of this approach is that there will be a ‘trickle down’ of benefits to the poor.

The municipality in partnership with many big businesses have funded pro-growth developments such as the development of the Umhlanga Ridge and the Point Waterfront (Nel *et al.*, 2003). Durban has enjoyed the title of being South Africa’s premier tourist destination and up until recently the country’s conference capital with the construction of the International Convention Centre (ICC). In 2002 Durban was rated as one of the top business tourism cities in the world (Nel *et al.*, 2003).

Whilst Durban has emphasised the goal of growth in its economy, its other goal of readdressing the past inequalities and providing services to the poor has been neglected. The ‘pro-growth’ goal often overshadows that of the ‘pro-poor’ goal and there has been much animosity from the public in Durban where millions of rands have been put into large developments when poor people are still feeling the effects of the apartheid regime (Nel *et al.*, 2003). An example of a big development in the city is the city playing host to a few matches in the Soccer World Cup in 2010. This international event has taken precedence over other priorities of the city to aid the poor and enhance the quality of life of all its citizens (Robinson, 2008). As Robinson (2008: 83) states “...the stronger national direction of local policy and the challenges of staging the high-profile Soccer World Cup in 2010 have both shaped local council initiatives undermining, to some extent, these priorities.”

The national dual goal of pro-growth and pro-poor is thus admirable but in practice is often unequal with more emphasis being placed on the pro-growth goal (Nel *et al.*, 2003). The Project Executive for Coastal Management of the eThekweni Municipality agreed and stated that “the emphasis is still on the growth side. I don’t think you could argue anything other than that” (eThekweni Municipality Representative, 12 April 2007). The partnerships formed to implement the large developments have been between the local state and large businesses, with communities playing a marginal role. Thus the relationship between state and business has strengthened and this has resulted in a disregard and marginalisation of the people of the city of Durban (Nel *et al.*, 2003).

However, the dual focus of the city still remains entrenched in the city’s Integrated Development Plan (IDP): to stimulate the economy and address the needs of the poor. The

city claims that this is being done adequately (Nel *et al.*, 2003). Various pro-poor projects such as the development of the residential area of Cato Manor and the informal trading area of Warwick Junction have been implemented in the city; however most of the developments are part of the pro-growth or pro-market goal of the city (Nel *et al.*, 2003). The city of Durban has indeed begun to use this as a strategy or reason for increased development in order to accommodate the influx of tourists during the World Cup and to promote the city as being world class when tourists visit the city of Durban (Robinson, 2008).

Thus, Durban has made an attempt to fit into the global hierarchy of cities that exists and has adapted its policies and developments to help it gain the status it desires. Durban does not however classify as a global or world city and ‘falls off the map’ of influential cities according to this hierarchy (Robinson, 2008). Robinson (2008) calls for the examination of the city of Durban as an ordinary city (Amin & Graham, 1997) where the city is valued for its unique traits and is looked at as a whole where justice and creativity are promoted (Amin & Graham, 1997).

3.4 Study area

3.4.1 Description

Since the aim of the study is to examine the privatisation of public fishing sites, with a focus on the experiences of the fishers that have been excluded from these sites, the study area is the coastline of the city of Durban. There are a number of specific fishing sites within the study which are described here. The focus is mainly on the Durban beachfront and harbour as these are the spaces that are currently under the most threat as public fishing sites (see Figure 3.2).

The harbour has been a place where many people of Durban have fished over the years but has recently been closed off to fishers. Thus most of the subsistence fishers who were interviewed use the piers along the beachfront, as well as the South and North piers at the harbour mouth. In addition to these fishers there is a group of fishers that pump mudprawns / crackershrimps on the sandbanks in the harbour alongside the Esplanade that are used for bait. The Blue Lagoon area to the north, at the entrance of the Mgeni River into the sea is another popular site for fishers but was not focused on as this area is used by mostly recreational and not subsistence fishers (Magnussen, pers. comm., 5 April 2007).



Figure 3.2: Aerial photograph showing the common fishing spots along the Durban coastline

Blue Lagoon is the name given to the Mgeni River's estuary. Today it is a popular space for mostly Indian people to congregate and socialise. Many engage in recreational fishing at this site (Preston-Whyte, 2001).

Sunkist Pier is a pier situated near the country club and is a recent construction that was renovated around 2003. This pier is not commonly used by fishers as it is a wide pier that is not long enough to penetrate the sea far enough when there is an accumulation of sand. This means that only a small portion of the pier is exposed to the sea at a shallow level. However, there are fishers that use this pier as it is less crowded and when the sand is washed away sometimes good fishing is to be had (Magnussen, pers. comm., 5 April 2007).

Snake Park Pier (See Plate 3.1) is a groyne that the fishers commonly use, especially when the piers to the south are closed for surfing events and competitions (Site Visit 3: Beach Piers, 5 April 2007). The groyne does not however provide the amount of marine life as the piers do (Magnussen, pers. comm., 5 April 2007).



Plate 3.1: Snake Park Pier, 8 March 2008

The piers along the Durban beachfront were constructed in the 1980's in an attempt to control beach erosion and provide tourists the space to walk and view the beach and sea from the surf zone (Preston-Whyte, 2001). They replaced the groynes that were put in place to control the

effects of long-shore drift (Grant, 1992). The first pier, Bay Pier (See Plate 3.2), was built in 1985 and separates Bay of Plenty Beach from North Beach. South of this pier is the North Pier which separates North beach from Dairy Beach. The third main pier built in 1990 is the New Pier which separates Dairy Beach from Wedge Beach (Preston-Whyte, 2001).



Plate 3.2: The Bay of Plenty Pier, 1 December 2007

These piers are used by the subsistence fishers as they provide access to deeper waters and thus lead to better catches (Preston-Whyte, 2001). Conflict does however occur between the fishers and the surfers who use the piers as easy pathways to access the waves at backline (Preston-Whyte, 2001). The centre pier, North Beach Pier, does not permit fishing and is used solely as a promenade for tourists.

The Esplanade Sandbanks are a common place for people to catch mudprawns / crackershrimps that are used for bait. These fishers sell this bait to other fishers who do not want to catch their own. These fishers are however harassed by policemen as it is illegal to catch the amount of crackershrimps that they do catch daily (Site Visit 5: Esplanade Sandbanks, 5 April 2007) due to the protection of the species by the MLRA (Act No. 18 of 1998) (Broughton, 06/04/07).

The harbour has been a popular place for fishers of all races over the last century to fish. It is a nursery for fish and has had an abundance of marine life, which has unfortunately been depleted due to pollution and land reclamation within the bay. The access to the harbour has been restricted to the fishers over the last few years but many fishers still use the harbour to fish, sometimes at the detriment of receiving fines and jail sentences.

Vetch's Pier is a pier that was originally proposed by Captain James Vetch that failed at a cost of more than 165 000 pounds (Bender, 1988). It was built in order to help solve the problem of the shifting sandbar at the entrance of the port of Natal but failed. What is left today is the curved rocky pier which now attracts a plethora of marine life and is a popular spot for diving as well as fishing (Scott, 2006). It is a protected area (eThekweni Municipality Representative, 12 April 2007) but fishers do still use this fishing spot at night.

Vetch's Beach is the area where seine netters used to launch their boats from as the waters were calm and safe due to the shelter that Vetch's Pier provides. The seine netters were the first to use the area of Vetch's from the early 1800s (Scott, 2006) and it is still used today by the seine netters as well as other fishers that fish from the shore. Sports clubs established in the 1950's dominate the landscape at present and many water sports users make use of this beach as it is a protected launch site (Scott, 2006).

To the south of these piers lies the entrance to the harbour. The two structures of the North and South Piers make up this entrance and provide suitable areas for fishing as they extend far out to sea and provide access to deeper waters. The North pier, originally named Milne's pier, was constructed in 1894 whilst the 500m long South Pier was constructed in 1893 (Mara, 1986). Both piers provide ample and exciting spots for the fishers of Durban. They provide excellent access to the sea and can accommodate large numbers of fishers (See Plate 3.3 and Plate 3.4).

'Spotters' used to stand on the South Pier to spot shoals of fish coming around the Bluff into the sheltered area of Vetch's Pier (Scott & Criticos, 1988). However, in the last year both these fishing sites have been closed to the fishers due to large construction work taking place for the widening of the harbour mouth (Meyer, 04/11/07).



Plate 3.3: The North Pier; 19 June 2007



Plate 3.4: The South Pier; 19 June 2007

In an advertisement by the National Ports Authority (NPA) in a local newspaper, the reasoning behind the widening of the harbour entrance is to “improve the safety of navigation of vessels calling at the port and to accommodate the future generation of vessels coming into service, which are much larger with a deeper draught” (National Ports Authority, 24/02/07).

The North pier will be moved approximately 100m north and will allow for an increase in channel width from 130m to 220m at its narrowest point. The draught in the channel will also be increased from 12.8m to 17m (Hutson, 2007). The South Pier will not be moved but will undergo construction. The ultimate reason for the widening is so that the port of Durban remains globally competitive with other cities around the world. The project is due to be completed in December 2009 (National Ports Authority, 24/02/07) and is part of the overall programme of upgrading the city for the 2010 Soccer World Cup.

The stretch of beach at Bluff Head (see Plate 3.5) is used by the fishers who fish at the South Pier and those that live in the old 'gun-house' structures in this location. It is a picturesque site that is relatively untouched and its rocky structure contributes to the marine life found there (Site Visit 1: South Pier, 5 April 2007).

These spaces are the popular fishing spots that are used currently by the subsistence fishers of Durban, of which many of these are under threat of being closed off to their use.



Plate 3.5: The beach at Bluff Head; 19 June 2007

3.4.2 Durban's current development of the port by Transnet

The Durban harbour is one of the spaces that the subsistence fishers are being excluded from. It is thus important to describe the Durban harbour in more detail and the development that is

taking place in the port. The Durban harbour is South Africa's most strategic port and is the location for much international trade. Transnet National Ports Authority (TNPA) is a division of Transnet Limited and has control over and manages the port of Durban as well as all of South Africa's other major commercial ports including Port Elizabeth, Richards Bay, East London, Mossel Bay, Cape Town and Saldanha (Transnet National Ports Authority Website, n.d.a). Transnet Limited has undergone much restructuring and has reorganised itself into a company that is focused on freight transport and logistics, with an emphasis on ports, rail and pipeline assets (Transnet Website, n.d.a). The new Transnet Limited is comprised of five sectors: Transnet Freight Rail (formerly Spoornet); Transnet Rail Engineering (formerly Transwerk); TNPA (formerly the National Ports Authority (NPA); Transnet Port Terminals (formerly SAPO); and, Transnet Pipelines (formerly Petronet) (Transnet Website, n.d.a). This large parastatal has sold many of its assets that do not fit into its new focus and has invested R78-billion in the revitalisation and extension of its infrastructure and the maintenance of backlog over the next five years. This includes projects of widening and deepening ports, the construction of a new pipeline and the purchase of new locomotives (Transnet Website, n.d.a).

The Port of Durban is vitally important to Transnet as it is the busiest port in Africa and the largest in terms of container capacity. The port is strategically placed and is the main general cargo and container port in South Africa. It has the largest container terminal in the southern hemisphere and handles 31.4 million tons of cargo, valued at more than R50 billion a year (Transnet National Ports Authority Website, n.d.b). The Port of Durban has been targeted to undergo more development to promote trade. Plans to widen the harbour as described above are not the only plans for the development of the port. Other plans include the resurfacing of Pier 1 and the deepening of the berth, increasing the parking capacity in the car terminal to accommodate 14 000 cars, and the construction of a new cruise terminal at A berth near the Point waterfront (Meyer, 04/11/07, Ramos, 2007). A further development has been the proposal of a waterfront / marina development along the Victoria Embankment between Wilson's wharf and the Bat Centre (Meyer, 04/11/07, Transnet National Ports Authority Website, n.d.c). This has been put forward by the eThekweni municipality and TNPA and has been offered to private companies to tender for the development (Transnet National Ports Authority Website, n.d.c). This waterfront would be inside the port along the Victoria Embankment (A plan of this proposed waterfront can be seen in Appendix A). Transnet has also proposed to expand its container handling facilities in the port of Durban. Since the port

cannot expand seawards, all expansion has to occur within the port. The option that has been proposed is to dig out a basin in the current Bayhead area to accommodate an expansion of container handling to support economic growth of the country and accommodate the growing demand for container facilities (Common Ground, n.d.). This proposal has not been welcomed by many of the residents in the surrounding areas and as part of the Environmental Impact Assessment (EIA) process an attempt is being made to gather all stakeholders' views on the proposed development by Common Ground for the Transnet Company. This area has been made available as the airport that is currently in this vicinity is going to be decommissioned due to the development of a new airport in La Mercy to the north of the city to accommodate larger aeroplanes and handle more air traffic especially for the 2010 World Cup. The new King Shaka Airport forms part of a large trade port to be developed in the eThekweni municipality, the Dube Trade Port (Cooper, 11/07).

All these developments have been proposed in order to increase the economic viability of the Port of Durban and to provide for tourism initiatives. Added to these developments the Port has embarked on the implementation of a stricter set of rules and security measures. New Draft Port Rules and Harbour Master's Written instructions are currently being proposed (Meyer, 04/11/07). If these rules are passed, anyone wanting to enter the port will require a permit or a license to do so, and if the Ports Authority chooses to restrict access to any part of the port they would have the right to do so. Water sport activities would only be permitted in certain areas designated by the Ports Authority, whilst access permits would not be needed to access recreational or 'general public access' areas such as Wilson's Wharf, the yacht clubs and the Bat Centre (Meyer, 04/11/07). These rules have been drawn up with accordance to the National Ports Act (Act 12 of 2005) and have been implemented in order to comply with international security and environmental standards in order for the port to trade with other ports around the world (Comins, 02/11/07). It is proposed that the rules and regulations for ports in South Africa have become outdated and do not meet the standards that the National Ports Act (Act 12 of 2005) requires and therefore the new regulations have been proposed (Meyer, 04/11/07).

The National Ports Act (Act 12 of 2005) came into effect on the 26 November 2006. This act aims to create a "world-class national ports system, which supports economic growth" (Transnet National Ports Authority Website, n.d.d) and Transnet have begun to implement rules and regulations in order to abide by this act and ensure "proper control and management

of safety, security and good order in ports, and the protection of the environment” according to Transnet CEO Khomotso Phihlela (cited in Meyer, 04/11/07).

The National Ports Act (Act 12 of 2005) was implemented in order to abide by a United Nations international agreement, the International Ship and Port Facility Security Code (ISPS), signed by ports all over the world after 9/11 to ensure the safety and security of ports and trade (Transnet National Ports Authority, 2007a).

Unfortunately, due to the above agreements and developments less space is being made available for public use. The only places that will be accessible to the public without permits are those that are deemed ‘recreational’ or ‘general public areas’ that have been constructed such as Wilson’s Wharf (Meyer, 04/11/07). The subsistence fishers have been prohibited from using the North and South piers due to construction but fears are that they will not be allowed to return to this fishing spot when the construction is completed as the new regulations will be in place.

The subsistence fishers are thus being excluded from the Port of Durban due to the development and expansion of the Port and its integration into global networks which require the privatisation of the Port areas for safety reasons. In order to be able to trade with other ports and be competitive, the port must abide by international safety standards that other ports have agreed to.

3.4.3 The Durban Point Development

Another large development affecting the subsistence fishers’ access to fishing sites in Durban is the Durban Point Development. This is one of the large pro-growth initiatives in the city as discussed above and has been described as being “one of South Africa's most significant and exciting property development and investment projects” (Durban Point Waterfront Website, 2007). The development is aimed at bringing in much investment into the region and ‘cleaning up’ and transforming an area of Durban that was “previously run down” into a “multi billion Rand property showcase” (Durban Point Waterfront Website, 2007). The development of the Point area is part of the city’s broader ‘pro-growth’ economic development programme (Nel *et al.*, 2003) and is an example of a private-public partnership where the eThekweni Municipality and private companies have partnered together on the development. It also forms part of the “Golden Triangle” initiative with the Suncoast Casino

and the Golden Mile hotel zone along the beachfront (Nel *et al.*, 2003). Described as “a sought after place to live, work and play” it has been promoted as a development that is essential for the growth of Durban in terms of investment and tourism and as a development that is at world standards (Durban Point Waterfront Website, 2007). Locally, it is a development that has been proposed for a long period of time so that Durban will finally have a waterfront that can compete with the Victoria and Alfred Waterfront in Cape Town (Grant & Scott, 1996). The area has been described as one that has great potential and is a very valuable piece of land. Before the development the land was seen as largely abandoned and vacant and represented “one of the most under-utilised assets within the city” (Durban Point Waterfront Website, 2007). Thus development in this area has been welcomed by the city and businesses as mostly positive spin-offs are foreseen. The proposal of a small craft harbour (SCH) at Vetch’s Beach is a crucial part of the development as it has been an aim of the city to create an “internationally competitive marina facility” that can compete on the world stage and attract investment into the city (Scott, 2006: i). This development however, will take place on Vetch’s Beach and both the beach and Vetch’s Pier will no longer be available as fishing sites.

The first part of the Point Development was the uShaka Marine World theme park. In addition to the poor success of the uShaka development, the Point development as a whole has come under much criticism from the public and the SCH has been identified as having potential impacts on the biophysical and environment including the loss of access to the public space of Vetch’s beach and Vetch’s Pier (Scott, 2006). An EIA commenced in October 2003 (Pravin Amar website, n.d.) the outcome of which is still awaited. The development company has been criticised for failing to listen to the water sport and community groups suggestions and for turning a public asset of Durban to an exclusive space reserved for the rich (Carnie, 26/10/07). It has even been labelled by community representative Des D’sa as an “undisguised attempt to steal the heritage of Durban residents from under their noses” (D’sa cited in Carnie, 26/10/07: 1). Thus this proposal has not been welcomed by the general public and it remains to be seen what the outcome, as well as the response will be to whatever is decided upon. The subsistence fishers have used the area of Vetch’s for over 100 years and the seine netters still launch their boats from this area (Pillay, 2002). The proposed plans for the SCH have not shown any space allocated for the subsistence fishers and the new North Pier has been reserved for a proposed hotel development (Pravin Amar Website, 2007) (See Appendix B for the latest Plan S for the SCH). Grant & Scott (1996) warn that these types of

tourism developments often do not solve the problems that a city has and can lead to further problems of exclusion as those people that do not fit in to the image of the development will be excluded. Likewise they warn that the resulting development will not be supportive of informal activities and small businesses and that the true identity of the city will not be represented.

The plans of the development of the Durban Point have not included the poor and likewise have not included the views and needs of the subsistence fishers. With the closure of the North and South piers for the widening of the harbour entrance and the possible development of a SCH, these areas will most likely not allow for the inclusion of the subsistence fishers of Durban.

3.5 History of the subsistence fisher population and fishing in Durban

There are currently 15 000 subsistence fishers in the eThekweni Municipality (Tolsi, 6-12/07/07), and they are of many race groups and cultures. Most of the fishers that were interviewed in this research come from the areas of Chatsworth, Wentworth, Phoenix and the Durban CBD, and many of them can trace their history back to the indentured labourers that came from India in 1860 (SDCEA Chairperson, 11 December 2006).

During the apartheid era the fishing industry was controlled by and for white South Africans. The only fishers that benefited from the fishing industry were white commercial fishers because racial quotas for catching fish were applied (Nyar, 05/06/07). There were certain spaces that only whites could use and evidence of this can still be seen today if one observes the painted numbers on the South pier that remain today (See Plate 3.6). The pier was divided up into fishing spaces which were numbered and allocated for white and black fishers. The 'spots' where better catches could be had were designated for the white fishers (Magnussen, pers. comm., 5 April 2007).

In the apartheid era, families from all races made it a regular thing to go down to the Durban bay and fish (Mara, 1986). Although public spaces for fishing are not divided up according to race any longer, they are being successively reduced, especially for the subsistence fishers.



Plate 3.6: Picture showing the number system that used to be implemented on South Pier under the apartheid regime to separate the races from using different spots along the pier; 5 April 2007

The fishers claim that commercial fishermen from South Africa and abroad have the resources to fish out to sea, whilst they, the subsistence fishers in Durban fish from the shore. The spaces that they use are in danger of being closed off and thus their livelihoods destroyed. The current legislation and fishing industry still favours the commercial fishermen (Nyar, 05/06/07).

The system of indenture was a practice that existed during the colonial period which involved contracting people from countries such as India and China to go and work on colonial plantations owned by the British and other European countries. The workers signed contracts for a period of five years to work at a fixed wage in a country far from home (Marie, 1986). Natal, a then British colony, required labour for their sugar plantations and at the time the Zulu people had their own land and did not need to work for a wage (Marie, 1986; State Information Office, n.d.). Many unemployed Indian people were attracted to the possibility of working in another land and earning a wage (Marie, 1986). The first group of Indian labourers came to Durban on 16 November 1860 on board the “TRURO”. These labourers were brought to Natal to work mainly on the sugar plantations where cheap labour was in demand (Marie, 1986; Pillay, 2002). After the period of indenture was over, many of the Indians went into hawking, market gardening and fishing to earn a living (Marie, 1986). Many of the fishers in

the Durban region are descendants from the indentured labourers that came from India in the 1800s.

Many of the Indian people stayed in the area of the Point near the Durban harbour and were employed by South African Railways, the harbour, and shipping companies. They stayed in “barracks” which were overcrowded and cramped with very little privacy. However, the Indian people established their cultural identity in the area and made it their home (Pillay, 2002). The seine netters were a group of ex-indentured Indians who had brought their fishing skills with them from India.

Many of the Indians lived on Salisbury Island and started line fishing and in 1870 the first rowing boats were used out to sea (Scott, 1994; Pillay 2002). The fishers used seine nets and thus were termed “seine netters” (Pillay, 2002). They established a shed at Addington beach where their boats could be stored (Scott, 1994). After an outbreak of plague in 1900 the fishing community was moved to Fynnlands, a site on the Bluff that was leased from the South African Railways (Scott, 1994). This was in order for a medical facility to be built there (Scott & Criticos, 1988). Thus Fynnlands became a thriving fishing village and the fishers fished daily as a means to earn a living (Pillay, 2002). Fishing was their only livelihood and they used their skills to their advantage and had control virtually over the whole fresh fish market in Durban (Scott, 1994; Pillay, 2002). The Indian community lived in Fynnlands, the Point and other areas surrounding the harbour and established thriving communities there. After World War Two the city of Durban went through a boom and much industrial development. In order for the city to cope with this increase in development, the area of the Durban harbour needed to be expanded. Fynnlands and Island View were required for the storage of oil in large storage tanks. Thus the land was reclaimed and the people moved to an area called Bayside on the South Western side of the harbour (Scott & Criticos, 1988). In 1950 when the Group Areas Act came into affect, many of these people were moved to Chatsworth. Thus the close knit community of fishers was destroyed when the Group Areas Act was established and they and other Indian residents were forcibly moved to Chatsworth, and other areas far out of town (Pillay, 2002; Scott & Criticos, 1988). The fishing tradition amongst the Indian community slowly decreased and many of the younger people started to work for wages at industrial companies rather than continue with the family trade (Mara, 1986; Scott & Criticos, 1988). With the fall in catch numbers due to pollution, over fishing,

the extension of the South Pier and the sand pumping scheme many people abandoned the trade (Scott & Criticos, 1988).

Today there remains just one old wooden traditional boat that the seine netters use and around ten families depend on this to survive (Workshop 1: SCH SIA Workshop for fishers, 22 April 2006; Scott & Criticos, 1988). (A picture of this boat has been used by KZN tourism in their marketing strategy to advertise for the province, see Appendix C).

Many people of Indian descent still fish today as a source of subsistence or for recreational purposes in Durban and fishing forms part of their history and heritage. The Indian population in Durban today makes up to two-thirds of the total Indian population in South Africa (Freund & Padayachee, 2002) most of whom live in Durban and the North and South coast of Durban in KwaZulu-Natal and is a thriving, growing community of people whose roots to India are still strong.

3.6 KwaZulu-Natal Subsistence Fishermen's Forum (KZNSFF)

The KZNSFF was established in 2005 in response to the increasing closure of spaces to the fishers and serves to represent the fishing community of KwaZulu-Natal. The forum is open to all subsistence fishers living in KwaZulu-Natal and currently represents 5000 Durban fishers (Constitution of KZNSFF, 2005; Tolsi, 6-12/07/07). The forum aims to “present, highlight and improve the social, economic and political interests of all subsistence fishermen in the area” (Constitution of KZNSFF, 2005: 5). The KZNSFF meets twice a month and an AGM is held once every two years. The KZNSFF's aims include: creating awareness amongst the subsistence fishermen on the promotion of peace and stability in the area; attending issues that affect subsistence fishermen and to act as a voice for the group; to serve as a watchdog for the subsistence fishermen; to educate the fishermen on protesting and standing up for their rights; and to raise funds for the carrying out of the aims and objectives of the forum (Constitution of KZNSFF, 2005). The forum is an active organisation as they are often reported on in newspapers and on the radio when an issue affecting fishermen occurs. The forum has a formal constitution and exercises their rights through protests, media reports and responses to various injustices through the legal route. The KZNSFF has strong ties with the South Durban Community Environmental Alliance (SDCEA) and makes use of many of the

resources that the SDCEA provide (SDCEA Chairperson, 11 December 2006). SDCEA is a community based organisation that is funded by Groundwork, a non-profit organisation that promotes environmental justice and development in South Africa (Cock, 2006). The mission of SDCEA as stated in their constitution (Constitution of SDCEA, 2004: 1) is:

“to unite communities to ensure environmental justice is practised in the South Durban region by adding value to the initiatives of individual member community organisations”, and “to create a common strategic organised position by constructive participation in development proposals by all levels of government”

Thus SDCEA became involved with the subsistence fishers as many of the fishers live in the areas within South Durban and SDCEA assisted in setting up a formal organisation to represent them so that their rights could be protected against any environmental injustices.

3.7 Legislation

The following legislation has relevance to the rights of the subsistence fishers of Durban and the problems that they are facing with regards to the privatisation of spaces.

3.7.1 The Constitution of the Republic of South Africa, 1996

The Constitution of the Republic of South Africa (RSA) is among the most respected in the world and was established in South Africa in 1996 after the abolition of apartheid. This foundational legislation aims to:

- a) “Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
- b) Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;
- c) Improve the quality of life of all citizens and free the potential of each person; and
- d) Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations. (RSA, 1996)”

Under the section on citizenship (Section 2a & b) the constitution provides rights and benefits to all South African citizens but at the same time requires that citizens be responsible. The fishers are citizens of South Africa and thus are entitled to all the rights and benefits that citizens have in South Africa.

The Bill of Rights in Chapter 2 of the constitution serves to protect the rights of all people in South Africa. Section 7, 22 and 24 are useful for this study. Section 7 states that the Bill of Rights:

“enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom (RSA, 1996).”

Section 22, the right to freedom of trade, occupation and profession, states the right to choose your profession freely:

“Every citizen has the right to choose their trade, occupation or profession freely. The practice of a trade, occupation or profession may be regulated by law (RSA, 1996)”

Section 24 sets out the environmental rights of all citizens:

“Everyone has the right-

- a) to an environment that is not harmful to their health or well-being; and
- b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measurements 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 (RSA, 1996).”

Thus this Bill of Rights aims to represent and give rights to all South Africans and prides itself in the promotion of morals and values. The fishers of Durban are citizens of South Africa and thus they are represented by this bill. They thus have the right to be treated fairly and with dignity. They have a right to choose what kind of work they do, and they have a right to choose fishing as an occupation choice. They also have a right to an environment that is healthy and protected.

The above rights apply to the fishers as South African citizens, whilst the following relates to the responsibilities of local governments.

In Chapter 7 of the Constitution, Section 152 states the responsibilities of local governments to the local people of the areas that are governed by them. The fishers fall under the municipality of eThekweni and it is the responsibility of the eThekweni Municipality to ensure the provision of services to them, to promote a safe environment for them and to ensure that a democratic government is provided so that they can put forward their concerns at any time and be treated fairly.

3.7.2 The Marine Living Resources Act, 1998 (Act 18 of 1998)

The MLRA of 1998 is very important in defining the act of subsistence fishing. It was the first piece of legislation that recognised subsistence fishing as a formal sector. Prior to this act being established, subsistence fishers did not legally have access to marine resources as they did not fit into the legally prescribed recreational or commercial fishing sectors due to their different methods used to harvest marine resources and the quantities required. Prior to this act the activities of the subsistence fishers were deemed illegal and many fishers were dealt with by legal enforcement. Thus the MLRA aimed at establishing this group as a formal sector (DEAT, 2006a). However, this act has failed to protect the interests of subsistence fishers and still favours the large commercial fishing companies (Nyar, 05/06/07). According to the MLRA (Act No. 18 of 1998) a subsistence fisher is defined as

“a natural person who regularly catches fish for personal consumption or for the consumption of his or her dependants, including one who engages from time to time in the local sale or barter of excess catch, but does not include a person who engages on a substantial scale in the sale of fish on a commercial basis (RSA, 1998).”

The subsistence fishers in this study, however, mostly sell their fish and thus do not fall under the MLRA definition of a subsistence fisher and thus are not fully protected under this act.

The MLRA (Section 19) also requires fishers to obtain rights to fish, and the Minister of Environmental Affairs and Tourism reserves the rights to assign those rights to certain areas, groups and individuals.

“19. (1) The Minister may, in order to achieve the objectives contemplated in section 9(2) of the Constitution, by notice in the Gazette—

- (a) establish areas or zones where subsistence fishers may fish; and
- (b) after consultation with the Forum, declare—
 - (i) a specified community to be a fishing community, from which inhabitants may be declared to be subsistence fishers; or
 - (ii) any other person to be a subsistence fisher; or
 - (iii) any other fishing or related activity or the exercise of any other right in that area or zone to be prohibited” (RSA, 1998).

Thus, although the act aims to give rights to subsistence fishers, the Minister has control of just who qualifies for those rights. Thus the MLRA is an exclusive document that does not provide rights for all subsistence fishers.

The MLRA (1998) definition of a subsistence fisher is limited and excludes many traditional fishers. Thus many fishers are not permitted legal access to the sea and its resources and have been deprived of their rights to practise their traditional livelihoods (Sunde & Pedersen, 2007). Through Subsistence Fisheries Task Groups (SFTG) appointed by the Chief Director of Marine and Coastal Management (MCM) new definitions of subsistence and small-scale commercial fishers were recommended (Branch, *et al.*, 2002). Thus the following policies have been drafted by the Department of Environmental Affairs and Tourism (DEAT) at the end of 2006 in order to minimise the discrimination of the MLRA and provide rights for subsistence fishers. However, these policies have further entrenched the discrimination against fishers (Sunde & Pedersen, 2007).

3.7.3 Draft Policies for the Allocation and Management of: Medium-term Subsistence Fishing Rights; and, for: Medium-term Small-scale Commercial Fishing Rights

The allocation of medium-term subsistence fishing rights aims to establish rights for subsistence fishers by allowing coastal communities formal access to harvesting marine living resources for “food security, basic needs and livelihoods and to alleviate poverty” (DEAT, 2006a: 7), whilst the allocation of medium-term rights in the small-scale fishing sector aims to give opportunities to subsistence fishers who have gained the skills and experience to harvest marine living resources, to operate commercially on a small scale (DEAT, 2006b). The policies focus on marine living resources that are found in the near shore areas that are easily accessible to fishers in coastal communities (DEAT, 2006a; DEAT 2006b). Therefore these policies aim at establishing rights for subsistence fishers and small-scale commercial fishers so that they can harvest marine living resources legally, without suffering persecution, as part of their livelihoods. The main objectives of allocating these rights is to:

- “Provide formal access to the marine living resources to subsistence fishers⁵ and to alleviate poverty
- Grant four (4) year medium-term subsistence fishing rights to persons who can demonstrate their historical and cultural dependency on marine living resources
- Ensure the orderly and sustainable development of fisheries identified for subsistence harvesting, making sure that local coastal communities are the main beneficiaries
- Ensure the environmental sustainability of the resources (DEAT, 2006a: 8).”

The additional objective for the small-scale commercial sector is to:

⁵ These four objectives are the same for both drafts, except for an additional one for the small-scale fishing rights. Therefore, where ‘subsistence fisher’ is quoted, ‘small-scale commercial fisher’ (DEAT, 2006b:8) must also be substituted in.

- “Uplift fishers who have already acquired the necessary skills and experience for fishing on a small commercial scale to generate an income (DEAT, 2006b: 8).”

The rights allocated would be for four years and applicants would undergo a screening process in which the application may be refused (DEAT, 2006a; DEAT, 2006b). Two categories of criteria would be used to determine if the rights could be granted. In both draft policies the same set of exclusionary criteria and criteria used to qualify as a subsistence fisher or small-scale commercial fisher apply.

If a fisher wanted to attain subsistence fishing rights or small-scale commercial fishing rights, he or she would have to first qualify as a subsistence fisher or small-scale commercial fisher. Thus there is a set of criteria that one has to meet if these rights are to be gained. These criteria include the following: a) only individuals can be granted the rights to qualify as a subsistence fisher⁶; b) only South African citizens can apply for the fishing rights and applicants need to be eighteen years old or above; c) an applicant has to show that they are dependent on marine living resources to meet their basic needs; d) preference is given to those applicants that live close to the resources that they apply for; e) preference is given to those that have historically, and culturally, been involved in subsistence fishing, as well as those that were previously disadvantaged; and, f) applicants have to show that they are able to personally exercise the right and harvest the resource on their own (DEAT, 2006a).

These criteria limit the groups that can apply for subsistence fishing rights and small-scale commercial fishing rights and shows that not everyone that applies for fishing rights will be granted those rights. Furthermore, it places certain individuals above others in terms of accessing the rights and many of the fishers interviewed in this research did not fall under these categories.

Both of the above draft policies are an attempt to include those fishers that the MLRA (1998) excludes and have been drafted in an attempt by MCM to develop a policy for the traditional small scale fishing sector in South Africa (Sunde & Pedersen, 2007). However, they have led to further discrimination of traditional fishers and have been criticised by many organisations and communities of fishers of further marginalising poor fishers (Sunde & Pedersen, 2007). As Sunde & Pedersen (2007) state, the poor fishers with minimal resources are limited to

⁶ Again, these criteria are the same for both drafts, so where ‘subsistence fisher’ is used the term ‘small-scale commercial fisher’ can also be substituted (DEAT, 2006b)

catch species that are low in value, while those with access to capital are permitted to harvest species that are high in value.

The definitions within the small-scale fisheries are not inclusive of all subsistence fishers. In addition to this, most fishers in South Africa do not fit into one category such as subsistence, artisanal or small scale commercial. They are a dynamic group and do not necessarily fit into one group and may move from one to the other when resources and catches vary according to the season and availability (Sunde & Pedersen, 2007). Thus the concept of a continuum of small-scale fishers definition has been proposed by work done by Raemaeker *et al.*, in the Eastern Cape (cited in Sunde & Pedersen, 2007). This would allow for the fishers to fish for a “basket of resources” and not limit them in terms of the variety of species that can be harvested according to the group they fall under (Sunde & Pedersen, 2007: 4).

An alternative definition that has been proposed by the Masifundise Development Trust (an organisation representing subsistence fishers in the Cape) is to group all these fishers into a small-scale fisheries group with the following definition:

“(t)he small-scale sector comprises all those who fish for or harvest marine resources on or within the near shore sector, use no or relatively low technological gear and who have traditionally depended on these resources for their livelihoods, ranging from those who harvest primarily for food security and to put food on the table to those who sell their catch in order to sustain their livelihoods. In addition, small-scale fishers are predominantly personally involved in the harvesting of the resource” (Sunde & Pedersen, 2007: 6).

This definition is more inclusive of all fishers at a small-scale level and does not limit a fisher from moving from one group to another along the continuum and thus placing limits on what species can be caught by each group. By grouping all the small-scale groups under one group, fishers are not marginalised or limited by the categories they fall under and future development is not restricted (Sunde & Pedersen, 2007). The subsistence fishers of Durban that were studied, would fit better under this grouping, would thus be properly defined and able to be represented and have legal fishing rights. At present they do not fit under the definition of subsistence or under the small-scale commercial category. Thus, as a group they are not represented, even in the draft legislation above and are thus ‘invisible’ to the state. The licenses that they currently possess are recreational fishing licenses and these do not protect their rights to fish to earn a living. Ezemvelo KwaZulu-Natal Wildlife (EKZNW), the

authority that issues licenses in KwaZulu-Natal, does not include the fishers in Durban under the “subsistence fisher” category (EKZNW Representative, 8 June 2007).

3.7.4 Ezemvelo KwaZulu-Natal Wildlife and fishing licenses

Currently EKZNW together with MCM manages the marine living resources in KwaZulu-Natal. They perform the following functions as a regulator:

- a) “(m)arine Compliance by implementing the Marine Living Resources Act (MLRA)
- b) Marine Awareness by providing information to users on management of the countries marine resources and the laws to ensure sustainable use.
- c) Liaison, with various sectors, to ensure co-management structures are in place to facilitate management of the marine resources.
- d) Administering all the functions to ensure they are done within the legal and policy framework set by Department Of Environmental Affairs and Tourism (DEAT) and also to ensure that proper procedures are adhered to.
- e) Monitoring the management effort being applied and the collecting of selective catch and effort data from fisheries in KwaZulu-Natal” (EKZNW Website, n.d.a).

Thus this authority has the responsibility of monitoring catches and educating the public about marine resources and the environment in KwaZulu-Natal. They also sell licenses for subsistence and recreational fishing. Licenses are required to fish and also for sourcing each kind of bait that is used. A permit is required to harvest any marine living resource and this can be obtained from EKZNW and is valid for a period of one year (EKZNW Website, n.d.b).

The relationship between EKZNW and the group of subsistence fishers in Durban that are studied in this thesis is not functioning well due to a mutual suspicion and a general distrust that perhaps stems from apartheid days when EKZNW (formerly the Natal Parks Board) was controlled by white authorities and when the fishing industry favoured white commercial fishermen over the non-white fishers (Nyar, 05/06/07).

3.8 Conclusion

This chapter provides a context to the study and has placed the subsistence fishers in the context of South African economic policy, Durban’s history and South African legislation. After 1994 South Africa adopted a neoliberal economic approach and has promoted policies such as GEAR which have promoted economic growth. Unfortunately, emphasis on growth has been at the expense of the poor, leading to the gap between the rich and the poor widening

(Habib & Padayachee, 2000). South Africa's unemployment rate and level of poverty have never been higher and social issues such as crime and HIV/AIDS are on the increase.

The city of Durban in its attempt to curb both poverty and ensure economic growth has adopted the dual goal of pro-growth and pro-poor policies. The city has adopted a vision for the city that embraces this dual goal. However, in reality there is an emphasis on the pro-growth side with new multi-million rand developments currently underway. Developments include the uShaka Marine Park, the Point Development, the new La Mercy airport, and the stadium and infrastructure development for the 2010 Soccer World Cup. These developments overshadow the developments for pro-poor development in both magnitude and money spent.

The fishers in this study use the piers along the Durban beachfront as well as those at the harbour mouth. The harbour has also been a place where the fishers have fished for over a century. The fishers have a strong attachment to these fishing spaces as they have used these spots to fish since the 1800s. Many of the fishers are descendents from the indentured labourers that came to Durban from India in the 1800s to work in Durban. Many of them became fishers as they had brought these skills with them from India. The seine netters are a group that use wooden boats and nets to catch fish off the coast. Many of the fishers interviewed are descendents of this group. Thus there is a strong historical attachment to the sites that the fishers use today.

However, the fishing sites are in jeopardy of being closed off to the fishers for pro-growth developments. The privatisation of the harbour by Transnet, the widening of the harbour mouth for economic reasons and the proposed development of a SCH at Vetch's Pier are all affecting the access to the spots that the fishers use. International agreements and policies have also affected the fishers' access to spaces such as the port.

This has caused the fishers to form a Forum in response to the closure of spaces they have experienced. The KZNSFF was established in 2003 and has been fighting on the behalf of the subsistence fishers for access to spaces and for their rights on other important issues. They are affiliated with SDCEA and are able to access resources through this NGO.

However, due to current legislation, the subsistence fishers are not represented under the official legal definition of subsistence fishing, and therefore not protected under the MLRA.

They are classified as recreational fishers and are not included in the definition of subsistence fishers under the MLRA, as they are not ‘traditional’ and many of them sell the fish they catch. The new draft policies for the allocation of rights to subsistence fishers and small scale commercial fishers does not provide a definition of subsistence fishers under which all of the fishers in this group fall. Thus this group of fishers are considered ‘illegal’ and many of them are fined and jailed for what they catch.

The nature of the Constitution of South Africa however, protects these fishers and gives them the rights to fish for a living and provide for their families, under the right to freedom of trade, occupation, and profession. Fishing is part of the fishers’ heritage and is their livelihood and is what they are fighting for in their quest to keep spaces open. The following chapter presents the methodology applied in this study.

CHAPTER FOUR

METHODOLOGY

4.1 Introduction

The aim of this study is to investigate the exclusion of subsistence fishers from public space in Durban, KwaZulu-Natal. A qualitative approach is appropriate for understanding the meaning attached to public spaces by the fishers, and is thus adopted. A social constructivist approach is adopted in this research whereby knowledge is co-constructed between the researcher and those that are researched and thus the field itself is “discursively constructed” (Crang, 2003a: 494). This approach is part of the “interpretive turn” that Mottier (2005: 1) describes as qualitative research in which the subjectivity of the researcher is defended.

This chapter aims to outline the methodology that was used to answer the research questions of this study and to substantiate why these were selected. A wide range of methodologies allowed for the corroboration and triangulation of the data. Section 4.2 discusses the nature of qualitative research and its credibility, whilst the data sources, oral and documentary evidence, are described in Section 4.3. Section 4.4 describes the data collection undertaken which consisted of in-depth interviews, participant observation and the collection of documents and texts; which is followed in Section 4.5 by the sampling methods used: purposive and snowballing. A ten year collaboration between Prof. Dianne Scott, in the School of Environmental Science at the University of KwaZulu-Natal (UKZN), and Mr. Des D’sa, the chairperson of SDCEA, a community organisation, assisted in providing access to, and gaining the trust of, the subsistence fishers. A thematic analysis was employed as the method used for the interpretation of the data, and this is described in Section 4.6. Reflection of the positionality of the researcher occurred and this is expanded upon in Section 4.7. Finally Section 4.8 describes some of the practical constraints to fulfilling the aim of the research.

4.2 Qualitative research

The research undertaken for this thesis is of a qualitative nature and involved gathering qualitative data from interviews, conversations and meetings with fishers and other

stakeholders, as well as the observations made through participation in protests, workshops and meetings. There are many different ideas that people have about the world and qualitative research allows for the engagement with different people to ascertain how they assign meaning and are represented in the world (Smith, 2001). Qualitative research aims to interpret multiple meanings and interpretations instead of imposing a dominant interpretation of the world onto society (Winchester, 2005). An advantage of doing qualitative research is that the data obtained is unstructured and has a “multi-dimensional” nature (Robinson, 1998: 411) which can be used in a variety of ways. However, qualitative research is often criticised by natural scientists, who adopt a positivist approach, of being too subjective or biased and unable to be replicated (Dwyer & Limb, 2001). Qualitative research has however, over the years gained respectability and it is within this “interpretive turn” that qualitative researchers have been able to defend their methodologies and the output of their research (Mottier, 2005: 1).

Whilst post positivist approaches recognise the fact that all methods are flawed and that one can never really be ‘objective’, approaches within the new ‘interpretive turn’ in social science view subjectivity as an essential component in the research process (Mottier, 2005). Interpretive approaches, such as hermeneutics, dramaturgical analysis, and discourse theory aim to interpret how meaning is constructed and how people make sense of their everyday lives and surroundings (Mottier, 2005). The qualitative research process is described as “reflexive” as meaning is constructed through the interaction between the researcher and the researched (Mottier, 2005: 3). Furthermore, the researcher is constantly scrutinising the position they hold as the researcher in relation to their subjects (Dowling, 2005).

4.3 Data sources

Oral evidence for this research was obtained from four sources. These were through interviews with subsistence fishers and other stakeholders, participant observation in meetings, workshops and social protests. In addition observations were made during site visits (These are discussed in detail in Sections 4.4.1- 4.4.3).

Documentary data consisted of newspaper articles (see Appendix D), official reports, historical photographs, and videos. In addition, policy and legislation, such as the MLRA (Act

No. 18 of 1998), the new Draft Policy for the Allocation and Management of Medium-term Subsistence Fishing Rights and the UN agreement “The International Ship and Port Security Code” provided further primary documentary data. Community documents also provided important information, i.e. The KZNSFF constitution.

The secondary data sources used in this research consisted of books, journal articles and journal articles accessed online. A comprehensive literature review was undertaken to present the main theories and concepts from these sources that related to the research questions.

4.4 Data collection

There are four main methods for gathering qualitative data (Limb and Dwyer, cited in Crang, 2003a). These include:

1. The in-depth open-ended interview with an individual or with a group
2. The group discussion
3. Participant observation where the researcher becomes one of the group studied
4. The collection of a variety of texts such as photographs, maps and performances

In this research, the main data collection technique used was the sourcing of oral evidence through an in-depth open-ended interview with individual respondents as well as through attending workshops, meetings and protests. During the protests, the researcher did also become one of the group studied and thus a participant observation approach was also employed. In addition to these methods, sense was made of creative texts such as videos, photographs and performances.

A pilot study was undertaken by visiting the different fishing sites in Durban with a knowledgeable fisherman activist Max Magnussen. Informal conversations were held with many fishers at sites in the Durban harbour and on the piers. This assisted in the development of the schedule of questions for the interviews and in learning about the main fishing sites and fishers. The researcher was introduced to many of the subsistence fishers through this process of informal conversations. The informal conversational interview method has no formal structure but is guided by the context within which the interviews are done. In this way the interviewees can talk about the issues they wish to talk about, and provides a greater

understanding of the issues by the respondents (Kitchin & Tate, 2000). Fourteen informal conversational interviews were undertaken at the various site visits and at one of the protests (Table 4.1).

Table 4.1: Informal Conversational Interviews

Date	Informal Interviews		Place
5 April 2007	Respondent 14	Fisherman	South Pier
5 April 2007	Respondent 15	Fisherman	South Pier
5 April 2007	Respondent 16	Fisherman	South Pier
5 April 2007	Respondent 17	Fisherman	Snake Park Pier
5 April 2007	Respondent 18	Fisherwoman	Snake Park Pier
5 April 2007	Respondent 19	Fisherwoman	Snake Park Pier
5 April 2007	Respondent 20	Cracker-pumper, female	Esplanade sandbanks
5 April 2007	Respondent 21	Cracker-pumper, male	Esplanade sandbanks
5 April 2007	Respondent 22	Cracker-pumper, male	Esplanade sandbanks
5 April 2007	Respondent 23	Cracker-pumper, male	Esplanade sandbanks
5 April 2007	Respondent 24	Cracker-pumper, male	Esplanade sandbanks
15 June 2007	Respondent 25	Fisherman	Night Vigil on the South Pier
19 August 2007	Respondent 26	Fisherwoman	Bay of Plenty Pier
19 August 2007	Respondent 27	Fisherman	Bay of Plenty Pier

Other site visits were also made to take photographs and learn more about the study area (Table 4.5 shows the site visits that were undertaken). Numerous meetings (Table 4.2), two workshops (Table 4.3) and four protests (Table 4.4) that the KZNSFF held were attended and minutes taken for them. This was in order to gain the acceptance and trust of the fishers. Twelve qualitative open-ended interviews were then undertaken with fishers at South Pier, and other piers along the beachfront, as these are the fishing spots that are most frequented (Table 4.6). The fishers were chosen through an initial contact person at each site who had been met at the meetings with the subsistence fishers. This person then introduced the researcher to other fishers to be interviewed. In-depth interviews were also done with five important stakeholders identified through a purposive sampling technique.

Photographs were taken of the fishers and their surroundings at the various protests and when interviews were conducted and visits made to the sites. Minutes and observations were recorded at the various meetings, protests and workshops held contributing to the primary

data that was collected. The primary data collection was conducted from April 2006-September 2007.

4.4.1 In-depth interviews

The interview method was chosen as this method helps the researcher to gain access to peoples experiences and the meanings they ascribe to their experiences (Cloke *et al.*, 2004). Each interview was conducted, recorded and transcribed by the researcher. Interviews help the researcher to give insight into the experiences of people and thus this method was chosen over the questionnaire method as more detailed information and causal explanations can be obtained through this method (Cloke *et al.*, 2004).

A questionnaire limits the answers that a respondent can give and forces the respondent to give an answer according to the options given, whereas open-ended questions allow the respondent to answer without restriction (Valentine, 2005). A conversation between the interviewer and respondent can be held and in this way the respondent can describe their experiences in their own words. This makes for the gathering of deeper, richer information and allows for information that the interviewer had not anticipated being brought to the fore (Valentine, 2005).

The emphasis in interviews is on understanding experiences and how people attribute meaning and make sense of things in their lives. Interviews are conversational and each one is unique and is not replicable, as the subjects of the research, human beings, are individuals. This enables the researcher to delve in to the individual's life and discover their thoughts and beliefs in a way that does not exploit the respondent (Cloke *et al.* 2004; Valentine, 2005).

The interview approach offers an opportunity for meaning to be co-constructed by the researcher and the researched and is a key methodology in the "interpretive turn" that is mentioned earlier (Crang, 2003a; Mottier, 2005: 1).

A semi-structured interview format was used in this study where questions were prepared before the interviews but the interviews were not restricted to these questions (see Appendix E). This kind of format enables the interview to be of a flexible nature but also provides a back up if the conversation becomes very thin or if the interview starts to go off the topic (Dunn, 2005). Interviews were set up with stakeholders via email or telephone and with

fishers at the fishing sites with the help of other fishers. A letter of informed consent (see Appendix F) was signed by each participant and it was made clear that each person's anonymity would be ensured and that at any stage the participant could choose not to answer a question (Dowling, 2005).

An attempt was made to record all the interviews done, as this can help the researcher to listen more intently to what the respondent is saying at a later stage and engage in proper conversation with the respondent (Cloke *et al.* 2004; Valentine, 2005). An audio recording of an interview also helps to note down the emotions and inflection in the voice of the respondent (Valentine, 2005). However, many of the recordings did not come out very clear as most of the interviews were conducted outside and wind, the ocean, and other noises interfered with the sound quality. Handwritten notes were taken simultaneously with the recordings in case of poor recording quality. The recordings were transcribed as soon as possible after the interviews in order for no data to be lost and for the interview to be fresh in the researcher's mind (Valentine, 2005).

In order for the group that is researched to accept the researcher and for the researcher to be sensitive to cultural nuances, it is advised that the researcher spend time with the group in relaxed informal settings before conducting intensive interviews (Valentine, 2005). A great deal of time was thus spent with the fishers at formal meetings and workshops that the KZNSFF held. The chairperson of SDCEA often introduced the researcher to the fishers at meetings and informed them of the research that was being undertaken. This aided with the acceptance by the fishers of the interviewer.

In addition to the twelve in-depth interviews done with fishers; five stakeholders including a former resident of Bayhead, representatives from EKZNW, KZNSFF, the eThekweni Municipality, and SDCEA were interviewed. Various attempts were made by email to interview a representative from the TNPA but Jyothi Naidoo, the Acting Manager of Corporate Affairs, refused to be interviewed stating in an email (Naidoo, 16/05/2007), with regards to the research being done, that "your thesis topic does not really relate to the port". Table 4.6 presents the interviews in chronological order that were conducted.

The interview schedule was drawn up using the objectives of the study, the theoretical framework and from observations from the pilot study. The questions for the fishers differed

from the questions that the other stakeholders were asked, as different information was needed from the stakeholders. The interview schedule for the fishers was structured according to the four objectives in the study (See Appendix E for interview schedules). These objectives are: 1. To describe the historical and current use and value of public spaces to the subsistence fishers (Section A); 2. To examine how the privatisation of public space has impacted on the social, cultural and economic aspects of their lives (Section B); 3. To understand the politics involved in the marginalisation of fishers from public spaces (Section C); and 4. To determine the coping strategies adopted by these fishers to deal with this exclusion (Section D).

The interview schedules for the stakeholders were designed specifically with the specific stakeholder in mind. Various issues that were deemed important from attending KZNSFF meetings and workshops guided the structure of the interviews with the stakeholders. For example, an important issue that was discussed was the new draft policy for the allocation of subsistence fishing rights. This was then explored in the interview with the EKZNW representative as EKZNW is the authority that monitors fishing in the province. This set of questions was not used in the interview with the eThekweni Municipality, but questions surrounding the privatisation of public spaces in the municipality were rather raised in this interview. However, in each of these interviews the relationship between the specific stakeholder and the fishers was explored, and the objectives of the study still guided the formation of the questions (See Appendix E).

4.4.2 Participant observation

Participant observation is a method that has been borrowed from the field of anthropology and involves immersing oneself in the research setting and observing the interactions, relationships, actions and events that take place therein in a systematic manner (Robinson, 1998). This method involves spending a considerable amount of time with the group that is being researched and involves recording down the observations of daily life experiences (Robinson, 1998). Various forms of participant observation can be employed ranging from ‘total participation’; to ‘part researcher’, ‘part participant’; to ‘total researcher’. Adopting a ‘total researcher’ approach can be dangerous as the researcher becomes detached from the group they are observing and may miss out on important information or be denied access to information as they are perceived as an ‘outsider’. On the other hand the adoption of a ‘total participation’ approach where the researcher’s role is hidden can be unethical as the privacy of those that are researched is invaded (Robinson, 1998). Thus the option that is mostly

chosen is ‘part researcher’, ‘part participant’, where the researcher has to have the role of both insider and outsider. This is not easy as one has to be close to the group studied in order to understand their behaviours and nuances but at the same time distance oneself from the group in order to compose a conceptual understanding of their world (Smith, cited in Robinson, 1998).

Participant observation took place in three different contexts; meetings, workshops and protests. Six meetings were attended by the researcher (See Table 4.2), through the invitation of the SDCEA chairperson, Des D’sa. The minutes of these meetings were recorded by the researcher and given to the KZNSFF. At some of the meetings the researcher did get involved in discussions and added her perspective on the matter at hand. One of the meetings that was attended was organised by the Department of Environmental Affairs and Tourism (DEAT) to gather comments on the draft legislation for the allocation of rights for subsistence fishers (February 2007). A meeting was held with the SDCEA chairperson and a few of the KZNSFF representatives (April 2007). Three of the six meetings were organised by the KZNSFF and were held at a church in the Chatsworth area (June to August 2007). These meetings were well attended. These meetings were centred on the closure of the South Pier at the time, and were used to mobilise the fishers into action against this closure. The final meeting was with the lawyers working on the legal case for the fishers against the TNPA (September 2007).

Table 4.2: Meetings Attended

Date	Organised by	Reason for meeting	Venue
13 February 2007	DEAT - Sandile Sibiya	Public participation to gather comments on the draft legislation for the rights of subsistence fishers	NSRI
20 April 2007	Des D’sa	Meeting with some of the KZNSFF representatives to discuss the way forward with regard to a meeting with the TNPA	SDCEA offices
12 June 2007	Des D’sa and KZNSFF	Meeting with the KZNSFF to discuss the way forward with regard to the closure of South Pier	Church in Chatsworth
19 June 2007	KZNSFF	Meeting to report back on the advances in the media made and discuss the way forward and the upcoming SANPAD conference	Church in Chatsworth

21 August 2007	KZNSFF	Meeting to discuss the legal case and to report back on a meeting held with Logie Naidoo	Church in Chatsworth
13 September 2007	Lawyers	Meeting to discuss the legal case against the closure of the South Pier to the subsistence fishers	Lawyers offices in Durban CBD

Two workshops were attended by the researcher (See Table 4.3), the first of which was a workshop for the Social Impact Assessment (SIA) on the proposed SCH in Durban along Vetch's Beach. The workshop was held to discuss the proposed SCH with the fishers and to capture their views on the initiative. This workshop was held at UKZN, and the researcher was assigned to take the minutes of the workshop facilitated by Prof. Dianne Scott. It was at this meeting where the researcher was first introduced to this group of fishers, and where the initial idea for the study arose. The plight of the fishers interested the researcher, and a chance to document the fishers' stories had begun. The political nature of the research was something that attracted the researcher, and the voices of the fishers that were heard that day created an idea to get them heard at higher levels. The second workshop that the researcher attended was a workshop organised by SDCEA to discuss the new draft legislation for the allocation of rights for subsistence fishers with the fishers and to get their views captured and sent to the DEAT. The researcher captured the views of the fishers at the workshop and this was sent to the DEAT as an official comment by the KZNSFF through SDCEA.

Table 4.3: Workshops Attended

Date	Organised by	Reason for workshop	Venue
22 April 2006	The SIA team working on the SIA for the SCH	Workshop with fishers to discuss the proposed Small craft harbour at Vetch's Pier	University of KwaZulu-Natal, Howard College campus
13 December 2006	Des D'sa – Chairperson of SDCEA	Workshop with the subsistence fishers to discuss the draft legislation for the rights for subsistence fishers	Diakonia

When the fishers engaged in protests, the researcher participated in the protests as part of the group, as the researcher supported the views and cause of the fishers. Four protests were attended by the researcher, through the invitation of SDCEA and the KZNSFF. These protests were held to highlight the plight of the fishers and to get their views across to relevant

authorities who had not responded to written complaints made by the KZNSFF. The protests were documented by the researcher and photographs taken which were sent to SDCEA who passed them on to the KZNSFF. These photographs were used for fundraising and awareness initiatives (See Table 4.4 for a list of protests that were attended by the researcher).

Table 4.4: Protests Attended

Date	Organised by	Reason for protest	Venue
29 May 2007	Des D'sa and KZNSFF	Proposed closure of the South Pier	Protest march from the yacht club along the Victoria Embankment to the TNPA offices
15 June 2007	KZNSFF	Closure of South Pier	Night Vigil on the South Pier
26 June 2007	KZNSFF and other community organisations	Poverty in Durban not being addressed by local government- opportunity to get views across at SANPAD poverty conference. Attempt to speak to Logie Naidoo and pose questions directly to him.	Protest at SANPAD poverty conference, Elangeni Hotel, Durban.
26 September 2007	SDCEA	Transnet as an authority were not listening to the voices of the fishers and the residents of Fynnlands	Protest outside ICC. Attempt to speak to Maria Ramos and ask questions directly to her with regards to the closure of fishing spaces under their control and the recent fires experienced at Island View.

Thus at certain times the researcher undertook this participant observation method where the researcher was part of the meeting, workshop or protest group but at the same time the role of the researcher was made known to the fishers, that of to gather information for research purposes.

4.4.3 Documents and 'texts'

Texts that can be analysed are grouped into three categories: documentary sources, creative texts and landscape sources (Winchester, 2005). Documentary data collected can include maps, planning documents and newspapers (Winchester, 2005). As the topic researched was one that was dynamic, there were various newspaper articles throughout the research period

documenting the subsistence fishers' actions and plight. These were collected by the researcher (See Appendix D and list of newspaper articles in Reference List). Creative texts include poems, books, film and music (Winchester, 2005). The main data sources used here included an important popular book on the memoirs of a fisherman (Mara, 1986) and a documentary on the seine-netters (Scott & Criticos, 1988).

Landscape sources look at analysing specific landscapes be they on a micro or macro level. There has been an increase in the use of this kind of analysis in geography and these texts are useful as they can often show the contexts that influence people's actions and the way they ascribe meaning to places (Winchester, 2005). Since this thesis examines the public spaces used for fishing, site visits to these locations were important to contextualise the oral data collected in the interviews (See Table 4.5).

Table 4.5: Site Visits

Date	Place	Informal Interviews
5 April 2007	South Pier	Respondent 14, Respondent 15, Respondent 16
	Snake Park Pier	Respondent 17, Respondent 18, Respondent 19
	Beach Piers	
	The Durban Harbour	
	Esplanade Sandbanks	Respondent 20, Respondent 21, Respondent 22, Respondent 23, Respondent 24
19 June 2007	South Pier	
3 July 2007	Beach Piers	
19 August 2007	Bay of Plenty Pier	Respondent 26, Respondent 27

Thus in this study a variety of documents and texts were collected and used in the analysis process. Documentary sources included maps of the Durban Bay area, newspaper articles on the fishers, and policies that affected them such as the MLRA (No.18 of 1998). Many creative texts such as old photographs, new photographs, and films of the fishers were used. The landscapes themselves provided important texts that were interpreted by the researcher.

4.5 Sampling

Two sampling methods were used in this study; purposive sampling, and snowballing. The aim of this study is to investigate the exclusion of subsistence fishers from public space in Durban, and therefore a purposive sampling technique was used to identify important stakeholders involved. A purposive sampling technique is a non-probability method which enables the researcher to identify important people or experts in the field, specifically for the research, instead of selecting a random sample of the population (Sheskin, 1985). A purposive sampling method was therefore used in this study to identify the officials and representatives from SDCEA, EKZNW, the eThekweni Municipality and the TNPA (See Table 4.6 for a list of stakeholders).

The stakeholders were identified through attending various meetings with the fishers and recording those stakeholders who were involved in the various issues that the fishers were contesting. Representatives of the landowners of some of the fishing sites and regulators of fishing were further selected. Also, thought was put into the ownership of the land that the fishers were using, therefore the state and the Ports Authority were thus chosen as important stakeholders. EKZNW was selected as a stakeholder as this organisation is the authority that regulates the fishing industry in KwaZulu-Natal and allocates fishing licenses and fines. SDCEA was chosen as this environmental civil society organisation had assisted the fishers with the formation of the KZNSFF.

The other sampling method chosen was a snowballing technique. This method involves gaining a respondent through a referral from another respondent and results in a “chain of interviewees” being established (Cloke *et al.*, 2004: 156; Sheskin, 1985). This pattern of sampling is useful when there are only a few initial contacts. This method helps in the development of trust between the researcher and respondent and allows the researcher to find respondents of particular backgrounds or experiences more easily (Valentine, 2005).

Thus in this study, the snowballing technique aided in the establishment of trust between the researcher and respondent, i.e., the fishers. The researcher was introduced to the chairperson of the SDCEA, Des D’sa, by the researcher’s supervisor Prof. Dianne Scott. A membership list of subsistence fishers belonging to the KZNSFF was then obtained from the chairperson of SDCEA who has links to the KZNSFF. This list helped the researcher to contact initial

fishers. In addition to the list, fishers were introduced to the researcher at different meetings and these fishers in turn introduced the researcher to other fishers. SDCEA also referred the researcher to meetings at which issues related to fishing would be discussed. The sites where the fishers were interviewed were chosen through a snowballing sampling method and through the knowledge gained from fishers and at the meetings of popular subsistence fishing spots.

Table 4.6: Interviews conducted

Date	Respondent	Organisation	Place
11 December 2006	SDCEA Chairperson	South Durban Community Environmental Alliance	SDCEA offices, Wentworth
3 April 2007	KZNSFF Representative	KwaZulu-Natal Subsistence Fishermen's Forum	University of KwaZulu-Natal, Howard College Campus
12 April 2007	eThekwini Municipality Representative	Project Executive: Coastal Catchment Policy, Management and Coordination	eThekwini Municipality offices, Rm 501, 166 Old Fort Road
8 June 2007	EKZNW Representative	Ezemvelo KwaZulu-Natal Wildlife	Kranskloof Nature Reserve
15 June 2007	Respondent 1	Fisherman	South Pier
19 June 2007	Respondent 2	Fisherman	South Pier
	Respondent 3	Fisherman	South Pier
	Respondent 4	Fisherman	South Pier
	Respondent 5	Fisherman	South Pier
3 July 2007	Respondent 6	Fisherman	Snake Park Pier
	Respondent 7	Fisherman	Snake Park Pier
	Respondent 8	Fisherman	Snake Park Pier
	Respondent 9	Fisherman	Snake Park Pier
	Respondent 10	Fisherman	Snake Park Pier
19 August 2007	Respondent 11	Fisherman	Bay of Plenty Pier
	Respondent 12	Fisherwoman	Bay of Plenty Pier
18 September 2007	Respondent 13	Resident of the old Bayhead area. Currently a subsistence farmer	Market gardens adjacent to the Durban International Airport

4.6 Data interpretation

The qualitative data collected was interpreted using a method of thematic interpretation. A set of thematic categories were developed from the literature, the objectives, and the primary data (Kitchin and Tate, 2000). Each interview was conducted, recorded and transcribed by the researcher after which common themes were identified from the transcribed interviews. Dey's approach to interpreting qualitative data was applied (cited in Kitchin & Tate, 2000). This involves a description of the data, classification of the data, and connecting concepts across categories. This method is useful as it helps to describe and in turn interpret, understand and tease out relationships found in the data collected (cited in Kitchin & Tate, 2000).

Dey's approach is also known as the "omelette" approach as analysis of data cannot take place without first 'breaking down' the data and then 'combining it' just as an omelette cannot be made without breaking the egg and then beating the contents together (Kitchin & Tate, 2000: 230). The process is illustrated in the Figure 4.1. Description, classification and connection are all vitally important to the analysis process and although classification follows description and connection follows classification, the figure shows that the process is iterative as the researcher can go back to the other stages of analysis and change the route to the next step. The process of data interpretation is therefore not a fixed progression (Kitchin & Tate, 2000).

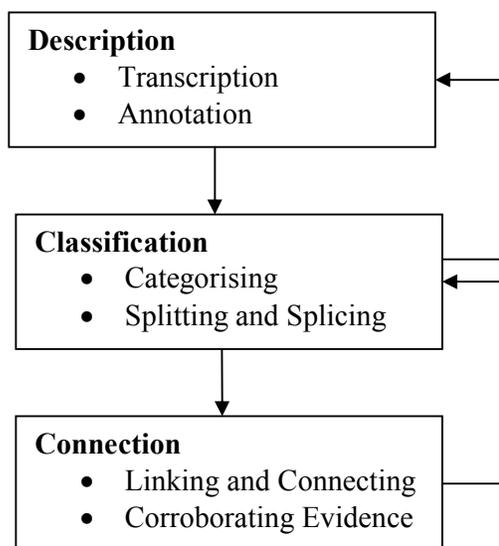


Figure 4.1: Description, Classification and Connection of Data (Dey, cited in Kitchin & Tate, 2000: 235).

The first stage of data interpretation, description, involves the portrayal of data in an accessible way for later interpretation. Transcribing of the data into legible format is the first step and should be done as soon as possible after the completion of an interview. Annotation of the transcribed material involves writing notes on the side of the transcribed material and asking questions about the responses to aid the classification later on (Kitchin & Tate, 2000).

The second stage of data interpretation is the classification stage where different codes are allocated to the data in a first attempt at interpreting and making sense of the data. This stage involves breaking up the data and placing it in different categories, each of which has a code. Splitting and splicing is an important step in this stage. Splitting involves breaking up the categories into further sub-categories in order to start working out the relationships between data collected. Splicing on the other hand involves the joining of data categories which are related. This helps with the integration of categories and understanding how different themes relate to each other. Thus this stage involves the identification of classes of data (Kitchin & Tate, 2000).

The third stage according to Dey (in Kitchin & Tate, 2000) is the connection stage where relationships and associations between the classes or categories that were identified in the previous stage, are identified and understood. Interactions between the classes are searched for in order for a better understanding and meaning to be grasped (Kitchin & Tate, 2000).

In this study, the above approach to interpretation was followed. Firstly, the objectives of the study were referred to in order to structure the data collected into broad themes. The data collected was in the form of voice files, hand written notes, newspaper articles and other documentary and textual material. The interviews and notes were then typed up (the description stage) as soon as possible after the interviews or meetings so that they were legible and detailed (Crang, 2005). The interviews were then read over and notes made on the side of the transcribed material, this is known as “open coding” (Crang, 2005: 222) and is useful in generating ideas when reading through the text (the classification stage). After this the transcribed pieces were reread and this time important segments highlighted with coloured pens and fit into categories (Crang, 2005).

The categories developed can be classified under the objectives as the interview questions were structured around the objectives. The categories were thus developed empirically as well

as from the theory developed in the theoretical framework. One such theoretical category was under the second objective, where a loss of ‘place memory’ was used as a category. The concept of ‘place memory’ was developed in the theoretical framework. The quotations from the respondents and other sources were then cut and pasted from the transcribed material and placed under this category. Coding interviewed material helps with the systematic and thorough analysis of transcripts and enables the researcher to defend the conclusions that they arrive at, especially when researchers are relatively inexperienced (Jackson, 2001). The coding process also prevents the researcher from just jumping to conclusions and basing their findings on one or two quotations out of context (Jackson, 2001). The categories chosen are, as Crang (2005) states, not what another researcher would probably come up with and are chosen according to what literature has been read and the empirical data that has been collected. What this process does help with is the organisation of data so that interesting relationships can be teased out (Crang, 2005).

After this process of categorisation the different categories were interrogated for common relationships and connections (the connection stage). For example, the first objective, to describe the historical and current use and value of public space to the fishers, was broken up into two different headings underneath which different categories were established (See Table 4.7 below). One of the connections made was that the lifestyles and safe social environments that these fishers enjoy today can be attributed to the rich history that they have in the tradition of fishing in community in the Durban Bay area.

Table 4.7: Categories related to objective one

Objective 1: To describe the historical and current use and value of public spaces to the subsistence fishers	
The historical use and value	The current use and value
Family trade and tradition	Livelihood
Living near the Durban Bay	Social bonds among fishers
Access to the sea	Lifestyle and spiritual fulfilment
Removals	

When doing research we “construct interpretations of interpretations”, that is we try and understand the meaning of cultural texts through the writing of our own texts. This is called

“double hermeneutics” and was coined by Giddens (Mottier, 2005: 5). The interpretations that the researcher presents cannot, however, ever be final as meaning will change over time as humans and their actions and expressions change. Likewise, the researcher and her worldviews are changing all the time, but it is still necessary to go back to those worldviews in order to achieve understanding (Mottier, 2005).

4.7 Critical reflections

In this section of the chapter it is acknowledged that social research needs to be reflexive; that the position of the researcher needs to be acknowledged and scrutinised (Dowling, 2005). Thus what follows are a few of my thoughts and those of other geographers doing research in the social field and the difficulties, criticisms and moral dilemmas that we are faced with when doing social research that involves people and their real lives. The issues discussed here are the possibility of value-free research, the positionality of the researcher, and the ethics of research.

It bothered me when everyday people that I spoke to about my research started to ask me “are you neutral?” and “have you been able to distance yourself from the fishers in order to remain objective?” I struggled to try and defend my position and realised that I was not “neutral”. As Cloke *et al.* (2004: 364) state “human geographical research can never be viewed as value-free” and should be viewed rather as a social process. Subjectivity in fact, according to Heidegger and Gadamer (cited in Mottier, 2005), is able to access truth and knowledge “*through*, not *despite*, its anchorage in the world”. Thus this anchorage in the world is viewed as a positive characteristic of research and can aid the research done. This subjectivity was consequently embraced by the researcher.

Knowledge in social research is co-constructed by the researcher and the researched and both influence and affect each other. Added to this are the changing worldviews and disciplinary perspectives of both the researcher and the researched over time and their multiple identities (Cloke *et al.*, 2004). As Cloke *et al.* (2004: 368) state “the researcher strives to balance distance and closeness” and this is very difficult to do. Whether the researcher is an ‘insider’ or an ‘outsider’ in the process affects the outcome of the research. The researcher’s position however is not fixed and can put the researcher in a vulnerable position (Cloke *et al.*, 2004).

Visser (2001: 237) explores the 'insider-outsider' binary and states that this binary presents "instability and contradiction". A researcher can often find himself / herself in the situation of being both an insider and an outsider, and because of political changes in a country could find themselves in an outsider position where before they would have been regarded as an insider. Therefore these attributes are not fixed and are dependent on the positionality of the researcher in that particular political and temporal context (Visser, 2001). Visser (2001) states that researchers, especially in South Africa, need to re-evaluate their positions within the changing political context, and highlight the situatedness of their research.

Rose (1997) states that reflexivity requires the researcher to look inward at his/her identity as well as to look outward at the relationship between the researcher and researched. As Rose (1997) states, power and knowledge are linked and thus this produces concern for intimidation, excluding people or not representing them properly. But as Rose (1997) adds, although these concerns cannot be solved they need to be stated, acknowledged, and worked on.

The preconceived ideas and prejudices that a researcher brings into a research project are normally criticised, especially by positivists, and seen as barriers to obtaining 'the truth' that should be done away with. However, the 'traditional meanings' that the researcher brings in to a research project are in fact vital for understanding and interpretation to take place, without which the tools needed to interpret the text would be absent (Gadamer in Mottier, 2005: 5). However, one should never claim to fully know or understand the position that the research subjects hold in research and should adopt a more modest approach (Rose, 1997).

In any social research, relations of power between the researcher and researched are going to exist as both occupy different positions (Dowling, 2005). The relationship between the two can be a reciprocal relationship where both the researcher and researched are in similar social positions and experience equal benefits and costs from the research. But in most cases, the power relations are unequal, either in favour of the researcher, a potentially exploitative relationship, or in favour of the researched, an asymmetrical relationship (Dowling, 2005). Action research proposes that the researched can be involved from the outset in the research design to overcome power relations, but this is often not possible and was not undertaken in this research project. Thus, what can be done is to adopt a mode of reflexive thinking that keeps on questioning the researcher's position so that advantage is not taken of the people that

are researched and they are acknowledged, valued and respected. Likewise the research process is reflected upon constantly and appropriate changes made where necessary. This is what we call being “critically reflexive” (Dowling, 2005: 24). This reflective approach has been adopted here.

I entered this research project as a young white female that has had the privilege of attending a university and acquiring knowledge. This research involved people that have not had tertiary education and the group was mainly Indian and male. Madge (in Rose, 1997: 308) states that it is important to “consider the role of the (multiple) ‘self’” and thus I had to consider my position in the research as this could potentially affect the data that I collected. My situation as a researcher also needed to be made known. However, as an individual, my position in the research changed at different times from activist, to researcher, to interviewer, to member of the KZNSFF and I reflected on how these positions could each have potentially affected the data that I collected and any interpretation of it. In addition to this I was conducting the study in South Africa, which has a very new democracy. I therefore had to acknowledge my position as a white person who had previously enjoyed privileges under the apartheid regime, and recognise that some of the respondents may not welcome me when conducting this research because of the political history of South Africa (Visser, 2001). On the whole I felt accepted by the fishers, and I think that this was due to the trust connections that had been established, through people such as Des D’sa and Max Magnussen, whom the fishers trusted.

I was attracted to the topic of research because of my personal view on the eradication of injustice and supported the view of this community of fishers in fighting for their rights. In my action through attending meetings, workshops and protest marches, I presented myself as one who identified with the causes and plight of the fishing community. This was acknowledged and I was welcomed to these events. Therefore my position as a researcher was embraced by the KZNSFF and its members. The next issue that I needed to reflect on was the ethics of the research that I was undertaking.

Ethics and morals are involved in any research process and it is important to think about who one is researching and why and what effect the research will have on the researched. As Cloke *et al.* (1994: 375) state, we need to be sensitive to whom we are researching, we need to have “a sense of the other and a sense for the other” so that we research the people but we also feel

for them. Cloke *et al.* (1994: 375) add that research in the field of geography needs to be moral and has the potential to “contribute to a more just and equal society” and should go beyond mapping and describing things. “If we can unite a sense of the other with a sense for the other it becomes possible to do research with people and for people rather than just on people” (Cloke *et al.*, 1994: 375). This statement fit into exactly how I felt in my research I did not just want to do research on the fishers, I wanted to help them as well by working ‘with them and for them’.

As Smith states (2001) the choice to do qualitative research is based on the importance that the researcher places on the views that are gathered from the ‘layman’ on everyday life experiences. Qualitative methods challenge the top-down approach of how knowledge is constructed in the world and places the emphasis on constructing knowledge from the bottom up. Thus through the use of qualitative methods, the knowledge that marginalised peoples possess, is recognised. But added to this is a sense of responsibility, to represent them honestly and fairly (Massey, 2003).

However, at many times I felt unethical taking information from the fishers and sitting in on their meetings. On many occasions some of the fishers thought I was from the newspapers, especially when I had a notebook and pen in hand or a camera, and may have told me things trusting that they would be in the papers. Thus I had to continually tell the fishers that I was not a reporter and was merely doing a study from the University. A mandatory letter of informed consent was drawn up by the researcher (see Appendix F), and an ethics form filled out by the researcher in accordance with the rules of the Faculty of Humanities at UKZN. Each respondent was required to sign the letter of consent prior to the interview. Some of the respondents were suspicious of this form, while others were nonchalant about it. The ethics form enabled the researcher to consider many of the ethical challenges that could arise in the field when conducting the research.

However, many challenges arose whilst in the field and were not considered prior to the research process. One such challenge was whether or not photographs could be taken of the fishers themselves and whether or not the researcher could use them in the thesis document. What was decided upon was that the researcher would ask if a photograph could be taken and used for thesis purposes. If the respondent felt uneasy about it, a photograph was not taken. Again, the research was aided through the contacts between the School of Environmental

Sciences and SDCEA, and through the introduction to fishers through Max Magnussen. A trust was experienced that might have not developed if the researcher had independently undertaken the research fieldwork.

This research, although adding to a field of knowledge, was not able to create much social change and like so many other bodies of research at Masters level in the geography field failed to institute any change. Like Kitchen and Hubbard (in Pain, 2003: 649) state “it seems that many social and cultural geographers are happy to survey (and ‘map’) the exclusionary landscape, but rarely do much to change that landscape.” Although I did not do much, it was something that plagued me; I was not able to be “happy” with it. There were many times when I sat back and thought “what good is this research doing?”, and “am I in any way helping these fishers to access spaces and to fight for what they believe in?”

Pain (2003) states that this is an issue for many geographers. Previously the assumption has been that activism and academia are two separate entities, but in reality activism exists on a continuum and is part of the academy in some way. The divisions between theory and activism likewise need to be dissolved and the link between activism and teaching strengthened so that activism becomes part of social research and teaching. Thus this approach can actually strengthen rather than weaken the research. The activism approach has been welcomed in academia as it enables research to be significant beyond academia circles (Lees, 1999).

On reflection I realised that I was seen as a source of support by SDCEA and the KZNSFF, as I was called upon to take minutes at the KZNSFF meetings and assist with the gathering of information for the legal case against the TNPA. I made myself available to the KZNSFF and therefore a relationship of trust developed. Therefore I was able to contribute to the struggle of this fishing community actively, through the skills that I had acquired at university.

It was thus important for me to acknowledge the position that I had taken in the research and to recognise the worldview that I brought with into the study. As Visser (2001: 238) states, “we should consider the impact of positionality and political-temporal contingency in the research process”, and I have attempted to draw out these preconceptions in this section.

4.8 Practical constraints

Many limitations were experienced during this study. First of which involved the use of a tape-recorder when interviewing. Not everyone did like to have their interviews recorded (Valentine, 2005; Cloke *et al.*, 2004) and I felt a bit uneasy switching the recorder on. Some of the participants seemed to not answer certain controversial questions fully and this stems from perhaps their apprehension of the interviews being recorded and anxiety that they could be aired and that someone would recognise their voices (Dunn, 2005).

Due to the interviews with the fishers being conducted outdoors, the noise of the wind and sea affected the sound quality of the recordings and many were not clearly recorded. Thus notes were taken in conjunction with the recordings and I had to rely on my written notes a great deal more than I had anticipated.

I found that many of the fishers were not able to express themselves well and some of the questions and terms were difficult for them to understand, as many of the fishers have not had that much formal education. Thus I had to constantly rephrase questions and put them in easier to understand terms. This process became easier as I progressed through the interviews and I came to realise that certain questions were not relevant, applicable or too difficult to comprehend. Some of the fishers did get a little irritated if the interview was going on for too long, especially if the fish were 'biting'. Some of the interviews were as long as an hour whilst others barely 20 minutes.

Other limitations that I experienced in this study were that of time constraints, I simply was not able to be everywhere when things were happening and sometimes I did miss out on important events concerning the fishers, such as one incident where the fishers held a mass fishing event on the beach side of the South Pier, by the head of the Bluff, which was disrupted by the police and reported in the media (*Fishermen in stand-off with security guards*, Gerretsen 17/09/07). Likewise I could not interview every fisher that I came across.

Another limitation was the fact that I could not gain an interview from the TNPA. This was necessary to establish their position on the closure of spaces to the fishers in the harbour and along the North and South Piers. Firstly, when contacting the TNPA I was referred on to other people and finally refused by the Acting Director. This meant that I could not get their views

on the subject and I had to rely on what was said by other stakeholders or on what they had said in the newspapers.

The subject matter of the research issue, i.e. the privatisation of public fishing sites, was very dynamic and the political situation which the fishers found themselves in was changing all the time. I had to contend with these changes and adapt my research and questions to relate to what was happening at the time.

With the closure of fishing spaces, I was unable to access the North Pier and do interviews there which would have been an asset to the research, however, many of the fishers that I did interview had fished on this pier and thus I could get their thoughts on the closure of this important site and their experiences on the pier.

As Crang (2003b) states one is never fully happy with the interpretation that one produces and one keeps wanting to go back and review what has been written and make changes, but because of time constraints the researcher has to come to the end of the research even if he /she thinks there are holes in the interpretation. I felt like I could do more interpretation and the political conflict around the loss of fishing sites was still ongoing when I completed the data collection and I started to write up my thesis. Therefore I agree with Massey (2003) who states that a good sense of judgement is needed in order to make informed decisions in the research process as it requires much reflection being situated in an ongoing social process.

4.9 Conclusion

This research aimed to understand the experiences of the subsistence fishers of Durban who have been experiencing a closure of fishing spaces that they have used for over a century. The study was of a qualitative nature which involved collecting oral and documentary evidence. Data was collected through in-depth interviews with subsistence fishers as well as other important stakeholders. In addition to this method, participant observation was employed through the attendance of protests, meetings and workshops that involved the subsistence fishing community in Durban. The other method of data collection that was employed was through the collection of documents and texts, and through the analysis of landscapes as text.

The sampling method used was a combination of two non-probability sampling methods; purposive sampling and snowballing. Purposive sampling was used to identify experts dealing with the issues that were concerning the subsistence fishers of Durban; while snowballing was used to identify subsistence fishers from a few initial contacts. The analysis process was through a systematic thematic analysis, which breaks up the data into categories and codes which are then combined to tease out relationships. Throughout the research, the researcher's position had to be acknowledged and the ethics of the research continually reflected upon. A relationship of trust that was established with the researcher and the fishers through the relationship between SDCEA and UKZN enabled the researcher to gain valuable information from the fishers, and take part in the active struggle of the fishers. The main constraints experienced by the researcher included not being able to acquire an interview with the TNPA authority, and the fast nature of the research which resulted in the fishers on the North Pier not being interviewed due to its closure. The next chapter discusses the results that were found in this study.

CHAPTER FIVE

THE EXCLUSION OF SUBSISTENCE FISHERS FROM PUBLIC SPACE IN DURBAN, KWAZULU-NATAL

5.1 Introduction

The aim of this study is to investigate the exclusion of subsistence fishers from public space in Durban, KwaZulu-Natal. This research is focused specifically on the various public spaces along the Durban coastline that have been appropriated by the subsistence fishers for their fishing activities. The objectives that have helped to guide this research and will be addressed in this chapter are: Firstly, to describe the historical and current use and value of public spaces to the subsistence fishers. Secondly, to examine how the privatisation of public space has impacted on the social, cultural and economic aspects of their lives. Thirdly, to understand the politics involved in the marginalisation of fishers from public spaces. And, fourthly to determine the coping strategies adopted by these fishers to deal with this exclusion.

The case of the subsistence fishers of Durban is an important one as it demonstrates how marginalised people in South Africa are treated under the dominant ideology of neoliberalism. The experiences of the subsistence fishers can be related to other marginalised groups in South Africa. With the increase in the privatisation of public spaces globally, and in South Africa, people with low-incomes and marginalised groups are being excluded from using a range of public spaces to which they have had access for many years. A thematic analysis was employed in the study and thus the results present the range of themes that were interpreted from the data that relate to each objective. The evidence presented was derived from in-depth interviews with 12 fishers and informal conversational interviews with 14 fishers who fish along the coast at various locations between the Bluff headland to the south and the Sunkist Pier to the north (See Figure 3.2). Evidence from in-depth interviews with five other important stakeholders is also presented. In addition to these sources, the minutes and notes taken from site visits, observations, protests, meetings, and workshops also provided sources of primary data.

The results consist of two chapters, Chapters 5 and 6. Under Chapter 5, Section 5.2 presents the historical and current uses and value that public spaces provide to the subsistence fishers

in Durban, whilst Section 5.3 reviews the impacts of the privatisation of public fishing spaces on the social, cultural and economic aspects of the fishers' lives. Chapter 6 will present evidence on the politics involved in this privatisation in Section 6.2, and present the different coping strategies that have been employed by the fishers in order to deal with this exclusion in Section 6.3.

The following section, Section 5.2 presents the information gathered on the use and value that public space offers the fishers. Durban's public fishing sites have provided the fishers with spaces to fish for over a century and the fishers place a great deal of value on them.

5.2 The historical and current use and value of public space to the subsistence fishers of Durban

The first objective of this study is to describe the historical and current use and value of public spaces to the subsistence fishers of Durban. This objective was set up in order to understand what meanings the fishers ascribe to certain public fishing sites in the past and the present. This section will first examine the historical use of fishing sites in Section 5.2.1 and then examine the current use of these sites in Section 5.2.2.

5.2.1 Historical use and value of public spaces to the subsistence fishers

A number of themes are evident in the interviews with the fishers which reflect on the historical value that the public fishing sites along Durban's coastline have for them. The dominant themes are family trade and tradition, memories of living near the Durban bay, access to the spaces that they experienced, and the experience of apartheid removals. The most common spaces that the subsistence fishers remembered using in the past were spaces in the Durban harbour, the North and South Piers at the harbour mouth and the piers along the beachfront. These spaces are used by all races and cultures.

Family trade and tradition

All the fishers interviewed placed an emphasis on the fact that they had been fishing for most of their lives and that fishing had become part of their history and tradition. Each fisher stated that he or she had been fishing for over 20 years, with three of the 12 fishers interviewed having fished for the last 40 years. One fisher had been fishing for more than 50 years

(Respondent 11, 19 August 2007). They cited that their fathers and grandfathers were involved in fishing and that they had learnt the 'art' from them. As a fisher interviewed on the South Pier stated "my grandfather and them, were formerly fishermens, my grandparents and then my father had the trade then I took over the trade from my dad" (Respondent 1, 15 June 2007). Of the 12 respondents, ten fishers said they had learnt to fish from their fathers who had, in turn, learnt from their fathers. Of the other two, one had learnt from her husband (Respondent 12, 19 August 2007) and the other had learnt from his uncle (Respondent 10, 3 July 2007). All the fishers interviewed stated that fishing was part of their family tradition and thus fishing formed part of their history as this activity had been in their families for generations.

The city of Durban is on the east coast of South Africa and has a natural harbour and accessible coastline. Up until the late 1930's the waters of the Indian Ocean were rich in fish species (Mara, 1986) and fishing became a livelihood as well as a pastime for many groups of people from different cultures. As the KZNSFF Representative stated "we would go down on weekends with the family, uncles, aunts, my mom, my grandparents on a Sunday afternoon at T-jetty when you could still go there and fish there quite freely and peacefully" (KZNSFF Representative, 3 April 2007). Fishing was a family tradition for most of the fishers and it was a family event to go and fish. As a fisher from Wentworth stated: "My mothers side, her brothers all used to fish. And from my fathers side as well, the brothers all used to fish from the shore so from small we followed our fathers to the beach. That's how we got into it" (Respondent 2, 19 June 2007). Thus, fishing formed part of many families in the past and was a part of their culture. Fishing was not confined to one particular race group and people of all races in Durban enjoyed fishing. One of the fishers on the South Pier remembered a whaling station that used to run in the Durban Bay and that his father would buy the whale skin for R2 or R5 a tin to use as bait. He said that they would catch so many fish that "you can't carry" (Respondent 25, 15 June 2007). This whale skin used to be thrown into the sea to attract the fish and was termed "masala" (Magnussen, pers. comm., 5 April 2007). Even though fish stocks have decreased over the years, many families still survive on their ability to fish from the shore or from small boats (Scott & Criticos, 1988).

With most of the fishermen interviewed being of Indian descent (nine out of the 12), many of the fishers' forefathers can be traced back to the indentured labourers who came from India to Durban in 1860 to work in South Africa (Marie, 1986). The indentured labourers brought with

them their fishing skills from India and continued with the trade in Durban. As the Chairperson of SDCEA stated

“there’s a wide history facing them... some of their forefathers came in 1860 as part of the ship that came to Durban, the indentured labourers, ... they fished for a living then and they still fishing now and they were taught fishing. Most of them came from southern India, Goa, they were fishing communities and a lot of them are still fishing up to now. So it’s part of their history and culture” (SDCEA Chairperson, 11 December 2006).

However, those fishers that were not of Indian descent still had a family tradition of fishing in Durban that could be traced back to a few generations, and had rich memories of fishing with family members and friends (Respondent 2, 19 June 2007; Respondent 4, 19 June 2007).

Living near the Durban bay

Most of the fishers recalled living close to the Durban Bay and the Indian Ocean when they were younger and made regular visits to the spaces adjacent to the bay and ocean to fish. Although all race groups did fish in the Durban Bay, the large Indian community settled at Fynnlands, Bayhead and in the Clairwood area and surrounding district, were the main group of fishers that engaged in subsistence fishing (Scott, 1994; Scott & Criticos, 1988). A small Indian community living in Fynnlands, adjacent to the harbour, concentrated on fishing for a living and became well known (Pillay, 2002). The community lived there until 1950 when they were forced to move to Bayhead and then Chatsworth to make way for development in the harbour (Scott & Criticos, 1988) (see Chapter 3, Section 3.5). Some of the fishers had recollections of this time as some of them or their parents or friends had resided in the fishing ‘village’ of Fynnlands or in Clairwood. Speaking about his family, one fisher stated that “they lived right here on Bayside, Fynnland” (Respondent 1, 15 June 2007). Another recollected living in close proximity to the harbour and being able to freely access the bay “[I] used to live in Clairwood. That was like my backyard...the harbour. You could walk out of your house and walk into the bay...” (Respondent 3, 19 June 2007). Another elderly fisher recalled fishing from wooden boats as a seine netter: “my first fishing was in the Durban harbour. We had wooden boats” (Respondent 5, 19 June 2007). A 77 year old man who was formerly a resident in the Bayhead area remembered the Fynnlands area clearly as he visited friends who lived there in the 1940’s (Respondent 13, 18 September, 2007). The houses that the fishermen lived in at Fynnlands were “on stilts” due to the high waters from the bay and he saw them “catching fish from the doorway”. He differentiated between the fishers at Fynnlands and those at Bayhead through the use of their fishing equipment. The fishers at Fynnlands had

their own rowing boats whilst the people at Bayhead used netting sacks to catch fish (Respondent 13, 18 September 2007).

One of the fishers stated that his father had worked on the tug Sir William Hoy and fished in the harbour and from the North and South Piers more than 100 years ago (Workshop 1: SCH SIA Workshop for fishers, 22 April 2006). The fisher himself was born on the Point and lived in flats opposite the old prison. He grew up fishing as his father had taught him the skills. He stated that his family still have strong ties with fishing at the Durban harbour.

One of the white fishers interviewed also grew up in the Point area and has a history of fishing in his family as well. He stated, “ja, I lived at point... I lived there almost all my life; I lived in those railway houses” (Respondent 4, 19 June 2007). His father worked for the Railways and Harbour Department which controlled the Point area and provided housing for their labour.

Thus almost all of the fishers interviewed had grown up in Durban, especially in the areas close to the harbour, and had a history of fishing in their families, either as a livelihood or for recreation. Living near the coast, fishing was a source of income and recreation. The evidence shows that fishing spaces, such as the Durban harbour and the South and North Piers, have been very popular for fishing amongst all cultural groups of the city for over a century.

Access to the sea

One of the main influences in determining the fishers' use of various sites was their access to these sites. Prior to the Group Areas Act of 1950 fishers lived at the Point and around the Bay. A fisher remembered how on the South Pier, under the apartheid regime, the pier was divided up into different numbered fishing ‘spots’ according to different races. As an Indian man, he could only fish from the sites numbered 14 and upward (Respondent 25, 15 June 2007). The better ‘spots’ were reserved for the white fishers. And thus a lot of the Indian fishers that fished from the piers had to use fishing spots that were less productive. However, the fishers that belonged to the seine netting group used wooden boats and could go out to sea from Vetch's Beach and Addington Beach to access the fish. They stored their boats at Vetch's Pier (Scott & Criticos, 1988). In the 1930's and 1940's, the seine netting group was made up of three different companies composed of approximately forty boats that operated from Vetch's Pier (Mara, 1986). Today one boat remains at Vetch's Beach.

Historically, therefore, most of the fishers felt that they had good access to the fishing sites around Durban harbour and other spots along the coast, besides those sections of the South Pier reserved for whites. They nostalgically looked back on the old days with fondness with regards to the amount of fish they were able to catch and to the freedom of access to spaces (Respondent 3, 19 June 2007; Respondent 5, 19 June 2007; Respondent 25, 15 June 2007).

The sardine run, experienced during the winter season along the coastline, was a main source of income for the fishers, especially for the seine netters who were able to catch a large amount of fish in their nets (Mara, 1986). According to Mara (1986), however, fish populations decreased from the 1930's and in addition to this, the seine netters experienced restrictions in terms of permission to fish on the South Coast from 1959 due to apartheid legislation and were told that they were seen to make a "nuisance of themselves" (Mara, 1986: 15). However, the seine netters have always been a source of attraction, especially to tourists, and attracted crowds of onlookers when fishing with their nets (Mara, 1986). Described as the "greatest shoal on earth" (eThekweni Online Website, 2005) today, the sardine run still attracts many tourists and KZN Tourism has used this event as a tourist attraction in its marketing campaigns, and advertising for the Zulu Kingdom has used the remaining wooden boat in its advertising (See Appendix C).

Large shoals of shad also used to move past the South Pier on their way to spawn on the North Coast. The 16th of September every year used to be the start of the shad season, and the seine netters used to bring in large catches with the help of 'spotters'. These 'spotters' were fishers who were very good at monitoring shoal movement. One spotter would stand on the South Pier and the other on the North Pier and when a shoal was observed, usually by the fisher at the South Pier, the fisher would whistle to the spotter at the North Pier who would then whistle to the fishers at Vetch's Pier. The fishers would then take their boats out with their nets and usually catch large amounts of shad. An individual net could hold up to 4 000 shad (Mara, 1986). The fishers were very skilled in accessing the shoals of fish and this increased their catches.

Removals

The fishers who lived in Fynnlands and the Point area, were relocated to Bayhead in 1950. Later on this community was then moved to Chatsworth to allow for harbour expansion and

for the development of an industrial zone south of Durban (Scott, 1992; Scott & Criticos, 1988). These plans were to promote economic development in the city of Durban. The close-knit community that was experienced at Fynnlands and then in Bayhead was slowly eroded through the enforcement of the Group Areas Act and economic advancement in the South Durban Basin.

When the fishers lived at the Point and at Fynnlands, they were in close proximity to where their boats were stored at Vetch's Pier. When the group was forcibly removed to Bayhead and Clairwood, they had to travel a greater distance to access their boats and other fishing spots, but fishing sites were however still within a walking distance (Respondent 13, 18 September 2007). The group's relocation to Chatsworth, a suburb inland to the south, made access to the wooden boats and the South Pier even more difficult. However, a train from Chatsworth to West's Station at the South Pier ensured that the fishers were able to have access to the South Piers fishing (Respondent 13, 18 September 2007). An elderly resident of the old Bayhead area remembered that the train that used to run was an old steam train and that it was a good means of transport as it went to the stations of Jacobs, Wentworth, King's, Fynnlands, and West's (Respondent 13, 18 September 2007). A train still runs today from Chatsworth to West's Station, and came under contention in 2004 when the trains to West's station were going to be discontinued (SDCEA Chairperson, 11 December 2006). It is interesting to note that today there are still two trains that run on Sundays to accommodate the fishers (Essop, pers. comm., 19 June 2007).

Thus the fishers have a strong sense of family and tradition when asked about their history and traditions. The fishers had all grown up fishing with their families and had come to enjoy the activity. Fishing was more than a livelihood, but was also a part of their lives and culture. The removals of this community to areas far away from the fishing spaces negatively affected them in terms of access to spaces and in terms of the bonds that were broken between friends. However, many of the fishers continue to fish for a living and use the train to access fishing spots. The fishers have developed a 'place attachment' to the fishing spaces where a bond with the physical spaces has been established and a 'place identity' has developed. A community of fishers has persisted despite the forced removals and this shall now be explored.

5.2.2 Current use and value of public space to the subsistence fishers

This section describes the use and value that the fishers currently ascribe to public spaces. The analysis revealed the themes of livelihood, social bonds and lifestyle in relation to the use and value of the fishing sites. The fishers place a high value on being able to access public spaces to carry out their livelihoods and maintain their lifestyles. Thus today the fishers place a value on being able to use these spaces to fish as a source of income, a social meeting place of relaxation and as a place of great history and memories. For them there is a ‘sense of place’ attached to these fishing sites through which they define themselves (Cragg, 1998).

Livelihood

The access to the public spaces, most importantly, allows the fishers to earn a living and support their families. Eight of the 12 fishers interviewed stated that they fished everyday, and some stated that they even fished every day and every night. “I come in the daytime and if I don’t catch in the day I come back at night” stated a fisher interviewed on the South Pier (Respondent 5, 19 June 2007). The kind of fish that they catch depends on the season, the tides and the wind, of which the fishers have a very good knowledge (KZNSFF Representative, April 2007). One of the fishers gave a comprehensive description of the kinds of fish caught throughout the year (Respondent 1, 15 June 2007). He stated the following:

“From January to March we get Snapper salmons...March to June we get Grunter, Silverbream, we get Carantines. From June we get all the best of the fish...The best of the fish from June. The fish from June is Shad, Killback (Geelbeck) Salmon, Stumpnose, Pompano, Garricks, Brusher, Blacktails, Yellowtails, Porridge Bree” (Respondent 1, 15 June 2007).

The fishers also know which types of fish are good to eat and which are not. As one fisher stated the Stone Bream fish has got bones, “I can’t sell it to you, a child can choke...we make fishcakes from it” (Respondent 5, 19 June 2007).

Fishing has become part of their “everyday lifestyle” (Respondent 3, 19 June 2007) due to the fact that many of the fishers are unemployed and rely on fishing for their livelihoods. Most of the fishers stated that they do sell some of the fish they catch and eat some of it as well. As one fisher stated “I take for selling and we eat a lot of fish... we eat fish three times a week...we eat fish curry, fish and chips, fish breyani...” (Respondent 5, 19 June 2007).

There was an emphasis by most of the fishers on just how much they depend on fishing to survive and support their families. Some fishers are the only breadwinners in their households

and have raised children and sometimes grandchildren on the money they have made from fishing. As one fisher stated “My family is supported from fishing and my grandchildren” (Respondent 6, 3 July 2007). Another fisher emphasised how much his family had depended on his ability to fish “I’ve raised my family on fishing” (Respondent 5, 19 June 2007). A fisher who fishes for crackershrimps, also known as mudprawns, which are types of bait used for fishing, stated that he had supported his two children at school, and a newborn baby, through the money he made from selling the bait to other fishers. Referring to his baby, he stated “I buy him everything he needs from crackers money” (Respondent 22, 5 April 2007).

From the interviews and informal conversations conducted with the fishers it was found that most of the fishers could be classified into one of three groups: the very poor who fish full-time to survive, the part-time fishers, and the working poor. The very poor are homeless and live in shelters, on the piers and in any sheltered structure which they find near the sea. An example is the old gun-house structures on the South Pier (Site Visit 1: South Pier, 5 April 2007). The fishers living here are homeless and fishing is their main source of income and food. A fisher on the Snake Park Pier stated “...at the moment I got no house...I stay on this pier” (Respondent 6, 3 July 2007). These fishers fish for survival (See Plate 5.1 of a subsistence fisher couple that currently live on the Snake Park Pier). These fishers are extremely vulnerable as they do not have permanent shelter and depend on their access to fishing spots to survive.



Plate 5.1: A subsistence fisher couple who live on the Snake Park Pier seen with their belongings; 5 April 2007

The next group are those who fish when they are out of work. These fishers have part time or contract work and fish in season or when they do not have work. As a fisher at South Pier stated “You see I do contract work...it’s only two months...so the rest of the time I fish” (Respondent 2, 19 June 2007).

The third group of fishers are the working poor. These fishers have jobs, such as car guarding, but they use fishing to supplement their incomes as they earn low wages. As one fisher on the Snake Park Pier stated “I’m a security guard, so I don’t fish everyday” (Respondent 10, 3 July 2007).

In terms of the MLRA (No. 18 of 1998) fishers are not legally allowed to sell the fish but most of the fishers stated they have to do so in order to survive and to support their families. Most of the fishers did not agree with the selling of fish as being constructed as illegal and regarded fishing as “an honest living” (Respondent 3, 19 June 2007).

Social bonds among fishers

The fishers rely on the fishing sites to access the resources of the sea. Another value that they place on being able to access these public spaces is the fact that they have become familiar with the spaces and have formed friendships over many decades with other fishers who use these spaces. Fishing everyday, the fishers would meet the same people almost everyday and strong relationships between fishers formed. As one of the fishers interviewed at the Snake Park Pier stated “you know there are the regulars who you see everyday here...you form good friendships” (Respondent 8, 3 July 2007). Because of the regular meeting up of the fishers on an almost daily basis, the fishers get to know each other very well and become like a family, protecting and supporting each other when in need. A female fisher emphasised the safety that she felt by being on the Snake park Pier “we live on the pier...it’s safer than on the street...the other fishermen watch out for us” (Respondent 18, 15 June 2007). Another fisher on the South Pier commented: “it’s a safe place on the pier, you feel welcome...it’s not dangerous” (Respondent 3, 19 June 2007).

The fishers have strong bonds with each other because they receive physical care and protection from each other. In times of need they also give each other financial assistance. When a fisher is not doing so well, another will help out. One fisher highlighted the importance of the support gained from the fishing community, “sometimes we catch,

sometimes we don't... sometimes we get a bad day and others support us..." (Respondent 6, 3 July 2007). One of the fishers interviewed, employed as a teacher, stated that he looked out for the subsistence fishers and had become good friends with them. He stated that he was "very good friends with the guys on the pier" and acknowledged how difficult it was for them "...fishing is their lives... I understand them now...when I bring lunch I bring a bit extra for the guys...I look out for them" (Respondent 7, 3 July 2007). The fishers thus experience a close community in which they feel safe and welcome, and have formed strong friendships with each other over time. One fisher commented on the friendships he had formed and stated that "we see each other daily. If we don't see each other the next day we'll meet" (Respondent 1, 15 June 2007). The camaraderie on the piers was noticeable when walking along the piers as the fishers seemed to know each other well. "We socialise with everybody, everybody knows everybody" stated a fisher interviewed on the South Pier (Respondent 4, 19 June 2007). One animated fisher joked: "I mean we all friends here except for when the fish start running thick, then we fight. Then we fighting for fish. Ha ha..." (Respondent 4, 19 June 2007).

Some of the fishers added that they were also keen to pass on this tradition of fishing to others who were keen to learn, and that the tourists from Johannesburg are often on the piers learning from them. "I teach others how to fish when they come on this pier. The people come from Joburg and I teach them" (Respondent 6, 3 July 2007), stated a fisher who lives on Snake Park Pier. The fishers also notice if someone new or suspicious walks along the pier. A fisher commented on the way that the fishers look after each other and monitor what happens on the piers. He stated that "if we see a new fisherman we tell them no fires allowed. If they do something we call the ports authority..." (Respondent 5, 19 June 2007).

One fisher emphasised the importance of youngsters learning to fish as a pastime that enables them to stay out of trouble was emphasised by Respondent 1: "you can't find anything better than fishing, otherwise you'll get up to mischief" (Respondent 1, 15 June 2007). Many of the fishers occasionally bring their children, especially their sons, with them to fish and learn the trade from them. One fisher explained how his son had been able to pay for a few items for school that he had needed with the money that he had earned from the fish he had sold (Respondent 5, 19 June 2007). Another fisher commented on how fortunate he was to be able to combine two things he loved, his family and his fishing, "family and fishing is good time spent" (Respondent 7, 3 July 2007).

Lifestyle and Spiritual Fulfilment

The third theme related to the current use and value of public fishing sites is that the use of these spaces gives the fishers spiritual fulfilment. As most of the fishers use public spaces everyday to fish, fishing spaces have become part of their everyday lives, experiences and lifestyles. In addition, fishing for most of the fishers has become a stress-reliever and a source of spiritual fulfilment. It is a time when they can be outdoors and experience nature in its serenity. The South Pier at night especially is a public space which is truly ‘enchanting’ (Watson, 2006) and the fishers experience this daily. As one fisher on the South Pier stated, fishing is “part of my soul” (Respondent 16, 5 April 2007). Fishing is a positive source of energy and can help with the release of stress as one fisher commented: “I’ve given up drinking and smoking! It’s a stress reliever for me and that means a lot to me. I can be out here till 2a.m. in the morning fishing...” (Respondent 7, 3 July 2007). The KZNSFF Representative (3 April 2007) described it as a “joyful culture”.

At a workshop held to discuss the impacts of a small craft harbour development at Vetch’s Pier in Durban, a group of subsistence fishers cited their lifestyle as being of utmost importance to them. By being out in the open every day, a healthy lifestyle is enjoyed where the peace and quiet of the natural environment is enjoyed and where it is only “man and the sea” and “man and his rod” (Workshop 1: SCH SIA Workshop for fishers, 22 April 2006). Commenting on his brother who is a fisher that uses the South Pier, the Chairperson of SDCEA (11 December 2006) stated that:

“he’s been fishing for over 30 years on the South Pier so he knows South Pier like his hand, sleeps on South Pier watching the stars... and that’s all under threat... and it’s a beautiful place, you go there its peaceful, its quiet, it’s the only part of south Durban that’s not touched and we need to keep it.”

Therefore the spaces which the fishers use provide them with the means to access and enjoy the natural environment and for many of the fishers their spiritual experiences are enhanced. As Tuan (1996: 445) states certain places have a ‘spirit’ and a ‘personality’ which “command awe” and have unique traits likened to a person’s unique characteristics. In this case many of the spaces that the fishers use, such as the South Pier, are picturesque and almost sacred for some of the fishers. Each fishing spot is unique and contributes to the spiritual fulfilment of the fisher and gives meaning to his or her life. The fishers have therefore, over time, developed a ‘sense of place’ in association with fishing spots, and a deep connection to these

spaces (Tuan, 1996). This sense of place has enabled the fishers to develop an identity and has given them a place in a community (Derr, 2002). Freeman (2008) states that the spaces people inhabit shape who they are and in turn are shaped by the users. For the fishers, these fishing spaces have shaped their lives and their identities are closely related to these spaces. They therefore place high value on being able to access these spaces.

Section 5.2 has described the historical and current use and value that the fishers ascribe to public spaces. Section 5.3 presents the information found on the impacts that the privatisation of public spaces has had on this group of subsistence fishers. The fishers have been detrimentally affected in many ways as this section shall explore.

5.3 The impacts of privatisation of public spaces on the social, cultural and economic aspects of the fishers' lives

The public spaces that the fishers use are very important to them and provide a safe haven in which to earn a living, socialise with their friends, and maintain their cultural values and heritage. Due to the privatisation of public spaces, the fishers are in danger of losing their access to these spaces which will have a significant effect on their daily lives. Theorists, such as Zukin (1995), Madanipour (2003), Watson, (2006), and Brown, (2006b) place value on the openness of public space and state that public spaces are sites of interaction, public culture, and livelihood. This section shall describe those effects of privatisation on the fishers' lives, socially, culturally and economically.

5.3.1 Social impacts

Public spaces are sites where people of different races and cultures can interact and where a sense of togetherness is created in an open environment (Madanipour, 2003; Watson, 2006). As mentioned above in Section 5.2.2 the fishers have formed strong social bonds with other fishers who use the same spaces and a sense of togetherness has formed where differences are tolerated. Open public spaces allow for the meeting of difference and allow for the 'rubbing along' of those who you would not ordinarily meet in a controlled ordered environment (Madanipour, 2003; Watson, 2006). As Watson (2006) states public spaces are exciting as they are sites where different people of different cultures interact and they offer the possibility of meeting other people who are different. This creates a society where differences are

tolerated and respected. The spaces the fishers use are used by a variety of different people of different cultures who have learned to respect one another and learn about each others cultures. This sense of togetherness, and space of enchantment, is in jeopardy of being lost if the spaces that these people use are closed off to the fishers. This section describes the various social impacts that the fishers will experience if the spaces that they currently use are closed off from their access. The impacts are loss of identity, loss of friendships, the criminalisation of fishing, being forced to become criminals, and social outcasts.

Loss of Identity

The spots that the fishers use have become part of their identity, as their ‘place attachment’ to these spaces has developed into ‘place identity’, whereby they find belonging through the use of these spaces (Hernandez *et al.*, 2007). The specific elements of the space and the interactions that occur there determine a person’s place identity (Hernandez *et al.*, 2007). Using the South Pier as an example, the fishers have given colloquial names to specific parts of the pier that only they would know. Names such as “Goodum” and “Numbers” are not written formally on the pier but are known by the fishers (Site Visit 1: South Pier, 5 April 2007; Magnussen, pers. comm., 5 April 2007). The fishers have ‘appropriated’ these spaces and have claimed their identities and citizenship through this appropriation (Crawford, 1995). The fishers’ identity has been connected to place and this can be seen by the friendships that they have formed and how they describe themselves. Most of the fishers’ closest friends are other fishers as they spend so much time together.

Eleven of the 12 fishers interviewed stated that they saw themselves as ‘subsistence fishermen’ belonging to this group of fishers who depend on fishing to survive. Therefore the fishers have formed an identity related to place and if these spaces were to close or prohibit fishing, their personal identities and sense of belonging would be affected. Their ‘place identity’ is a component of their ‘personal identity’ (Hernandez *et al.*, 2007) and if these fishers were denied access to these spaces their identities as individuals would be threatened.

A ‘community identity’ has persisted as the fishers have embraced the trade of fishing and have associated this trade with the people around them and the places in which they have fished (Puddifoot, 1995). The KZNSFF Representative (3 April 2007) described it as a “loosely close-knit community” where certain fishers are closer than others depending on how frequently they fish at the particular spaces, but there is still a community identity among

them due to their common activity of fishing. The fishers have constructed their own identity and this is evident from the name of the forum that they have formed: The KwaZulu-Natal *Subsistence Fishermen's* Forum (KZNSFF).

If the fishers are removed from these spaces, they will have no place from which they can claim their citizenship and their associated rights. They will become invisible to the state and the 'public' (Mitchell, 1995). Their identity as citizens will be threatened as they are not seen as 'responsible' to use these spaces (Staeheli & Thompson, 1997).

Loss of Friendships

If the fishing spaces are closed the fishers will lose the friendships that they have formed. The fishing families have become close because of fishing and share great bonds that go beyond race, culture and creed. All of this is in jeopardy if there is no space for these friendships to be continued (Workshop 1: SCH SIA Workshop for fishers, 22 April 2006). The fishers spend a great deal of time together and often long nights are spent together at the fishing sites. Regularly the fishers arrive with the train at the South Pier at 5 p.m. in the afternoon and return with the train the following morning at 7 a.m. (Site Visit 1: South Pier, 5 April 2007).

Due to the open nature of the fishing spaces, the fishing sites provide a place for friendships to develop among people who are different and a degree of tolerance among people who are different is established. As the KZNSFF Representative (3 April 2007) stated, "...lifelong friendships and acquaintances [are formed]...it's a great leveller...you can be a doctor or a lawyer and this subsistence fisher could be catching more than you..." (KZNSFF Representative, 3 April 2007). Therefore friendships are developed between different cultures and these spaces become places of tolerance and diversity (Watson, 2006).

The social bonds would be lost and their support structure severely threatened if these spaces had to become more controlled or closed off. At the moment they are "socially thick", dynamic spaces where unplanned, spontaneous interactions are possible (Freeman, 2008: 551)⁷. Due to the closing of some fishing spaces, other fishing spaces have subsequently become overcrowded as fishers are confined to certain spots in Durban (Site Visit 8: Bay of

⁷ The close social bonds and social interaction at the fishing sites was observed on the following site visits and protests: Site Visit 1: South Pier, 5 April 2007; Site Visit 2: Snake Park Pier, 5 April 2007; Site Visit 5: Esplanade Sandbanks, 5 April 2007; Site Visit 6: South Pier, 19 June 2007; Site Visit 7: Beach Piers, 3 July 2007; Protest 2: Night Vigil on the South Pier, 15 June 2007).

Plenty Pier, 19 August 2007). This has resulted in some conflict as people are fighting for space to fish to feed their families, threatening the organic community that has developed over the years.

The criminalisation of fishing

By privatisation, normal fishing sites become 'out of bounds' and fishing becomes illegal. Many of the fishers stated that if they were found fishing in spaces that were closed off, such as the harbour, that they would be taken to prison and asked to pay fines. As one fisher who had been caught stated, "if they catch me they send me away...sometimes they take us to Maydon Wharf police station" (Respondent 1, 15 June 2007). Another fisher on the Snake Park Pier added that very little notice is given when spaces are closed temporarily, and they are fined if caught fishing, "they just put up a sign and say you can't fish on this pier and they charge you if you caught. Only after 6 p.m. can you fish" (Respondent 8, 3 July 2007). The fishers thus have to fish at night when there is no police presence. The fishers are not considered socially acceptable and are almost despised by some groups (KZNSFF Representative, 3 April 2007).

Many of the fishers felt that their activities are criminalised and many of them had criminal records for catching too many fish over the bag limit or fishing from closed off spaces. In a letter written to *The Mercury* titled "It's Unjust to Criminalise Subsistence Fishermen" the issue of the criminalisation and arrest of fishers who had been caught catching mudprawns or crackershrimps was raised (D'sa, 12/04/07). The fishers feel a great deal of animosity towards the police and feel that they should be following up on real criminals and not focussing on people trying to make an honest living. As one fisher who had been assaulted by the police commented: "isn't there crime happening in the city there somewhere?" (Respondent 4, 19 June 2007). And another fisher commented that the police "hit people who are making an honest living" (Respondent 16, 5 April 2007). Some fishers even admitted to giving the wrong information when they were arrested by the police. As one fisher at the South Pier stated "we give the wrong name and address, we don't pay fines" (Respondent 1, 15 June 2007). The fishers want to be able to fish for their livelihoods without being treated like criminals. One of the fishers participating in one of the protests against the closure of the South Pier shouted out: "we want to fish for our mullets in peace" (Protest 1: Protest against the closure of South Pier, 29 May 2007).

The reasons for the limited access to the Durban Port is due to the recent international agreement signed by South Africa, whereby in order to be able to trade with other countries, certain security measures have to be employed (Transnet National Ports Authority, 2007a). All ports have to be secured and fishers are not permitted to fish in the harbour. But as the fishers have stated they are not a security risk and by denying them access to the harbour the TNPA are saying that the fishers are ‘terrorists’ (Respondent 1, 15 June 2007). In a discussion relating to this issue one of the fishers commented that it would be easier for a person on a boat to plant a bomb than it would be for a fisherman on foot to do so (Protest 2: Night Vigil on the South Pier, 15 June 2007).

Unfortunately for the fishers, stricter laws are being put into place with regards to fish quotas and spaces are increasingly being closed off to the fishers. Thus, when the fishers do try and catch fish to feed their families, they are treated like criminals and fined or imprisoned.

The subsistence fishers of Durban are not the only marginalised group who feel that they are being victimised and criminalised for making a living. Crawford (1995) explores the example of street traders in Los Angeles, who like the fishers, have appropriated open spaces in order to make a living. Crawford (1995: 6) states that these traders, like the fishers, are informal and their trade supplements their income or supports “only the most marginal of existences”. Street trading is illegal in Los Angeles, and these traders are victimised by the police. However, like the fishers, these vendors maintain that they are not criminals “we are vendors, not criminals”, and that they have the “right to sell on the street” (Crawford, 1995: 7). However, as McDowell (1999: 109) states, “not everybody has *de facto* equal rights in public spaces.” Millstein *et al.* (2003) commenting on the example of the urban poor in South Africa, state that *de jure* rights in the Constitution need to be turned into *de facto* rights, in order for South Africa to be truly democratic.

Therefore this group of fishers is one of many marginalised groups around the world that are trying to earn a living through the appropriation of public spaces, but are ‘criminalised’ for this activity. They are thus excluded from ‘the public’ as they are not permitted to use public spaces for their activities. They have been excluded the ‘rights to space’ and ‘criminalised’ for their activities in these spaces.

Forced to become criminals

Many of the fishers stated that if they were prevented from using these spaces to fish they would have to resort to criminal activities as they had no alternative means of earning an income. As one fisher on South Pier stated “they taking our livelihoods away. I’ve never stolen in my life but it’s gonna make us steal to support our family” (Respondent 3, 19 June 2007).

They also acknowledged that the criminal way of life is not right, but it seems as if the government is forcing them to become criminals by preventing them from earning a living through fishing. On one of the protest marches against the closure of the South Pier one of the fishers shouted out angrily “this is our weapon [his rod], must we sell and buy guns?” (Protest 1: Protest against the closure of the South Pier, 29 May 2007). Many of the fishers that depend totally on fishing will have to find alternative means of earning a living, and with the increase in the rate of unemployment in South Africa, it is unlikely that all of them will find employment. Therefore many might have to turn to criminal activities to support their families, even though they know that it is wrong. As a fisher on the Snake Park Pier stated, “I fish to survive. I don’t want to rob or steal something” (Respondent 6, 3 July 2007).

A representative for the KZNSFF added that the fishers feel victimised by the police and they feel that the real criminals get off freely (KZNSFF Representative, 3 April 2007). And because of this, the representative felt that these fishers might get fed up and disillusioned with the whole system and turn to crime. He stated that the fishermen may end up saying “to hell with the laws of society. They do this to poor innocent fishermen, but the robbers are getting off. We may as well become like that because we being victimised for an innocent honest livelihood” (KZNSFF Representative, 3 April 2007).

Social Outcasts

The fishers have become victimised and denied the rights to fish in public, ‘pseudo-public’, and ‘pseudo-private’ spaces. Spaces owned by Transnet such as the South Pier and Durban Bay that the fishers have used for over a century are now being closed off to them. The beachfront piers and other fishing sites on the beaches that are regarded as public spaces are also denying the fishers’ access. This demonstrates a denial of the fishers as citizens of the city of Durban and results in them being treated as criminals and social outcasts. They are requested to move to make way for development and are displaced from the spaces that they

have historically appropriated. They are not allowed to fish in new areas that are developed, such as the piers at uShaka Beach and Umhlanga Beach, and therefore have no place to carry on with their trade (Site Visit 3: Beach Piers, 5 April 2007). Focusing on the redevelopment of San Diego, Mitchell & Staeheli (2006) write that the homeless and informal traders have been chased away from the areas that they have appropriated to make way for development and restaurants, high society clubs and bars; exclusive spaces. These marginalised groups are not given the ‘right to the city’ and are treated like sub-citizens due to their economic standing. This can be likened to this case study of the subsistence fishers in Durban. Public spaces provide spaces where the homeless and the poor can interact with all kinds of people. They are different from shelters where they interact with people of the same social standing. In public spaces their citizenship as part of a larger community can be recognised (Hodgetts *et al.*, 2008).

The fishers’ social lives will be adversely affected if access to the current fishing spaces is denied. Their identities that have become entwined with the trade of fishing and with the places that they use to fish will be destroyed. They will lose touch with the people that they see everyday and their strong sense of community will suffer. In addition to this, many of the fishers may turn to crime and go back to the ways of living that some of them had in the past. The fishers are not treated as citizens of Durban and through the denial of their rights as citizens they will be treated as social outcasts with no place to earn their trade. As one fisher stated, “where do I go with my license?” (Respondent 3, 19 June 2007).

5.3.2 Cultural impacts

“Public spaces are the primary site of public culture; they are a window into the city’s soul” (Zukin, 1995: 259). Public spaces are spaces where the culture of a city is expressed and indicate the authentic self of the city’s society. As Zukin (1995) states, public spaces help one to conceptualise the nature of the city and to understand the culture of that particular city. The fishing spaces of Durban are part of the culture of the city of Durban. In these spaces the cultures of all fishers are portrayed, displaying Durban as a multicultural city. As cited on a website advertising for the city of Durban: “Durban has a bustle and vibrancy that is missing from most of other cities in South Africa. With a large Indian population, the city presents a multicultural perspective and a totally different look” (Discover our Drakensberg Website, n.d.). In addition, the high numbers of Indian fishers in these spaces provide a taste to the

visitor to Durban of the Indian and the fishing culture. This section describes how the closure of these fishing spaces will result in a loss of heritage and lifestyle.

Loss of Heritage

The general feeling among the fishers was that if their access to the public fishing spaces is lost, their heritage that has developed over the last century would be under threat, and that there is a possibility that it will be destroyed. Most of the fishers are not new to fishing but have learnt the tradition from their forefathers. The knowledge that is passed down from generation to generation is thus under threat from being lost forever. The skills and local knowledge about the tides, wind, seasons and different bait types is something that develops over many years. It cannot be taught overnight and the fishers claim that this knowledge is of great value (Workshop 1: SCH SIA Workshop for fishers, 22 April 2006).

At a protest against the closure of the South Pier, Ashwin Desai, a popular activist, commented on the fact that fishing has been in these families for generations and that it is their right to be able to fish in the harbour as their forefathers did and this must not be taken away from them. Addressing the TNPA, he shouted out “you [the fishers] have fished here for over 100 years”...“they [the TNPA] must go f*** themselves”... “they are creating unemployment” ...“it is our right to fish” (Protest 1: Protest against the closure of South Pier, 29 May 2007).

Loss of lifestyle

Evidence has shown that subsistence fishers claim that they experience a lifestyle that is unique. This lifestyle, they claim, is healthy and fulfilling, and is in danger of being lost. As one fisher at a workshop stated “it is in our blood”, this lifestyle cannot be bought (Workshop 1: SCH SIA Workshop for fishers, 22 April 2006). The impact of the closure of fishing spaces in Durban will be “genocidal” as one fisher at the same workshop stated (Workshop 1: SCH SIA Workshop for fishers, 22 April 2006). The representative for the KZNSFF commented that if the spaces are closed it will lead to a “loss of being, your inner core being that can never be restored” (KZNSFF Representative, 3 April 2007). Another fisher on the South Pier stated, “if they close the pier it’s gonna be a hole into my life” (Protest 2: Night Vigil on the South Pier, 15 June 2007).

The common bond that the fishers of all races share will be jeopardised, and the unique sub-culture destroyed. It is claimed that the dress code, language, fishing techniques and genuine love and respect for the sea amongst the fishers will die out (Workshop 1: SCH SIA Workshop for fishers, 22 April 2006).

Loss of a Place of Memory

The fishers identified that an important cultural loss that would occur with the closure of spaces to the fishers is the loss of a 'place of memory'. The memories that they have of their experiences could be lost as places help one to remember things. Thus their "place memory" (Hayden, 1995: 46) could be affected. Hayden (1995: 46) states that memory is "place-supported" and place memory can help citizens to define their public pasts and shared experiences, and share them with future generations. Memory is greatly dependent on place and visits to places can help with the triggering of memories from many years before. As Hayden (1995: 47) states, "the urban landscape stimulates visual memory." The fishers were interviewed at the fishing sites where they fish and were able to remember various incidents and narratives from their history by looking around them at their surroundings. For example when speaking to a fisher on the South Pier, he remembered the old whaling station that used to function near the South Pier when he was younger. He also observed the numbers on the pier and remembered how he used to be excluded from using certain spots under apartheid because he is Indian (Respondent 25, 15 June 2007; Protest 2: Night Vigil on the South Pier, 15 June 2007). Evidence shows that the fishers felt that if they do not have access to the spaces that they have used to fish in the past, they are likely to lose a lot of important memories and be unable to define their past and pass their stories on to their future generations as effectively. A 'sense of place' has thus developed among the fishers and this is evidenced by their feelings regarding the closure of these spots. As one fisher stated he would be "very heart sore" if the South Pier was closed because "it means everything to me" (Respondent 2, 19 June 2007).

For some of the fishers the spaces have become their private spaces, and for them, closure would mean an even greater loss of place memory and sense of place. A homeless couple on the Snake Park Pier stated that they had raised two children on the particular pier for the last eighteen years, and therefore for them a removal would destroy their sense of place and memories (Respondent 17, 5 April 2007; Respondent 18, 5 April 2007).

If more public spaces are closed off to the fishers, the culture of the fishers of Durban will not have a physical space to be displayed and thus could be lost. The fishers feel a deep sense of loss when asked about the closure of spots such as the South Pier, and feel that their heritage will be destroyed. Likewise, if spaces in Durban that are open to all groups are closed, evidence of a multicultural city will cease to exist.

5.3.3 Economic impacts

Public spaces offer important sites of livelihood where people, especially the poor, can earn a living. The poor or those that are formally unemployed can participate in informal activities in these spaces which can help to reduce poverty in countries such as South Africa where unemployment is high (Brown, 2006a). This section presents the four themes that emerged from the evidence related to the economic impacts of the privatisation of public fishing spaces. They are: survival, homelessness, destruction of a safety net, and an increase in travel costs.

Survival

Most of the subsistence fishers depend on fishing to survive, and fishing forms a significant part of their livelihoods. Although some fishers have jobs, fishing helps them to supplement their incomes and also provides an income for those who are out of work. Those most vulnerable are the fishers who depend solely on fishing and have no alternative sources of income. As one fisher who relies only on fishing stated, “if a man out there is working and he can come to fish, to catch fish to survive also. So even though he’s working its still hard for him. So imagine we that are not working, how difficult is it for us” (Respondent 1, 15 June 2007). Another fisher stated, “the people will be suffering, can’t support their families...” (Respondent 6, 3 July 2007).

Employment is difficult to find in South Africa and many of the fishers were worried that they would be unable to find alternative work. As one of the fishers stated, “my main concern is that how we gonna survive, how are we gonna survive. If there are no jobs for us how we gonna survive” (Respondent 1, 15 June 2007). One fisher on the Snake Park Pier stated that she and her husband are not young and that if they could not fish they would find it very difficult to find a job at their age (Respondent 19, 5 April 2007).

If the spaces are closed off the fishers and their families will have no means of providing for their families and their food security will be destroyed. Commenting on this fact, one of the fishers interviewed at Snake Park Pier said that “my family will be starving. Now we get something at least from selling our fish” (Respondent 8, 3 July 2007). The fishers are surviving at the moment and making ends meet through their fishing. As one fisher mentioned on the South Pier: “it’s a financial issue, if they close the pier down I’m screwed” (Respondent 4, 19 June 2007). Another fisher who relies exclusively on fishing stated, “it’s gonna be a major problem, because we gonna be suffering, you know what I mean. Although we’ll try to survive but we’ll be suffering to survive” (Respondent 1, 15 June 2007).

Homelessness

The evidence shows that one of the economic impacts of the loss of fishing sites will be increased homelessness. If the fishers are unable to access strategic fishing spaces to fish they will not be able to raise enough money to pay rent or be able to afford any kind of shelter. One of the fishers on the Bay of Plenty Pier pointed out that “if we can’t fish we’ll starve and we’ll have no shelter... we won’t be able to pay the rent... like these people here who living on the pier...” (Respondent 12, 19 August 2007). The fishers that live on the piers and in the fishing spaces that are under threat of being closed off, are in even more danger as they have no alternative accommodation and are very poor people. These fishers will have to move as the fishing spaces are developed, become more exclusive and put under surveillance and control, for example the Point area.

A fisher who lives in an old gun-house structure on the South Pier felt threatened that he might be moved out for development as the place where he lives is beautiful and a developer’s dream (Respondent 16, 5 April 2007). His living conditions are appalling, with no running water or electricity, but the structure has provided him with shelter. There are two of these structures standing on the beach at the Bluff headland, alongside the South Pier (See Plate 5.2). One of the fishers described the freak storm that occurred in May 2007 and how the water had filled up the lower level of the structure and he had lost most of his possessions. He had to retreat upstairs where he and his friend waited out the storm (Respondent 16, 5 April 2007). This demonstrates the vulnerability of these fishers, and their desperation to remain at a fishing spot that is so vulnerable to the elements.



Plate 5.2: One of the gun house structures where a number of fishers live; 19 June 2007

‘Loose space’, according to Franck & Stevens (2007: 29) is “space that has been appropriated by citizens to pursue activities not set by a predetermined program”, and “offers locations for activities that have no other place” (Franck & Stevens 2007: 18). These spaces provide for a variety of different people that use the spaces in different ways and therefore they recognise the multiplicity of ‘the public’ (Franck & Stevens, 2007). Spaces that are appropriated by people, which do not have a particular function, are termed ‘leftover spaces’. These spaces can be under bridges, next to train tracks and highways. They are usually publicly owned, oddly shaped and difficult to access; sometimes nameless spaces. However, these spaces can become sites of expression and occupation because of these qualities. Empty parking lots, waterfronts and piers that once had specific functions but have been abandoned also become appropriated by people in the same way and new meanings for these spaces are established (Franck & Stevens, 2007). The homeless, the poor and the outcasts of society usually appropriate these spaces and create new worlds for themselves, establishing identities, and transforming these dead spaces into used spaces (Franck & Stevens, 2007).

The fishers have appropriated these ‘loose spaces’ or ‘leftover spaces’ which were unused and have converted them into spaces which they use to survive. They have claimed the spaces of the piers, and old ruins and have converted them into spaces of life (Franck & Stevens, 2007). The beachfront piers for example were not built to accommodate fishers but were built to

counteract erosion and provide walkways for tourists (Preston-Whyte, 2001). The fishers have ingeniously used them as a means to access deeper waters and use them efficiently (see Plate 5.3). However, the fishers are in danger of losing these spaces that they call home.



Plate 5.3: Photograph showing the efficiency of space used by the fishers on the Bay of Plenty Pier; 19 August 2007

Safety net

For a few of the fishers, fishing provides a ‘safety net’ for when they are out of work or if they had to lose their jobs. As one of the fishers who is a teacher stated on the effects of the closure of spaces: “it frustrates me a lot... we’ll have to take other spots to fish...at the moment it is a hobby for me but if I lose my job it would be a good way to survive” (Respondent 7, 3 July 2007). The KZNSFF Representative stated that he is now employed but 13 years ago he fell into hard times and could not find employment. At this stage of his life he fished for a living and stated that if he did lose his job fishing would provide the means for him to survive.

“Years ago there was two periods in my life when it [fishing] was my living...today I don’t rely on it for my living ...now I’m a spokesperson for those people who have no voice or would like to have a voice. Those days I used to fish every day, for years and all that information I’ve carried with me, its never erased. Fortunately, I have been able to hold down a secure job for the last 13 years” (KZNSFF Representative, 3 April 2007).

Due to the high unemployment rate in South Africa, many people are turning to fishing as a means to earn a living. People of all ages, genders and cultures are starting to fish to feed their families. An example of this was given by one of the regular fishers at the SCH workshop who had seen a vagrant black woman fishing at Vetch's Pier. This was her means of survival and gave her something to eat for the day (Workshop 1: SCH SIA Workshop for fishers, 22 April 2006). Therefore fishing on a subsistence level provides the poor with an opportunity to survive for the day if they cannot earn money and can serve as a back up plan when people are desperate. Some of the fishers barter their fish for other foodstuffs such as tomatoes and onions. As one of the fishers stated "we trade it [fish] for something else and we get something else in return, meat or vegetables." (Respondent 3, 19 June 2007).

Increase in travel costs

Another economic effect of the closure of public fishing spots in Durban will be an increase in travelling costs. The fishers will have to travel either to the North or South coast to access spaces to fish. This adds to the costs involved as the fishers will have to pay extra train fare. One fisher stated, "it's costly to go down to the South coast. The train is not safe." (Respondent 3, 19 June 2007). Therefore travelling far to access spots is not viable for most of the fishers without their own transport. This is indicative of what results when an area is redeveloped. The poor and marginalised are moved away from the resources that they have come to depend on, and therefore become even worse off. Focusing on the homeless, Mitchell & Staeheli (2006) state that redevelopment therefore actually causes homelessness or exacerbates this problem, as the resources that these people have come to rely on are taken from them or they are moved to areas far from resources.

If the fishing spaces are closed off to the fishers it will have a significant effect on their ability to survive and look after their families. The fishers are not just individuals, but have families to feed and children to send to school. The fishers will not be able to survive as alternative employment will be very difficult to find, especially those that are of an older age.

5.4 Conclusion

In conclusion, therefore, the subsistence fishers currently use the public spaces adjacent to the coastline to access resources from the sea. These resources, in the form of marine life, are

either consumed or sold in order to provide for their families. Thus, the fishers' access to these spaces is critical in contributing to their livelihoods. For some of the poorest fishers, the actual space becomes their physical home, and they use the fishing spaces to live and sleep in. In addition to this, the spaces are places where the fishers meet up with their friends and strong bonds have formed between the fishers over the years. A community has developed at these various sites, where the fishers all know each other and protect each other physically and materially. A social support system has formed and fishers feel a sense of community in these spaces. The fishers also use these spaces to teach others about fishing and many of their families are still involved in fishing and the tradition is being passed on, although it is not promoted by some of the fishers as a career for their children (Respondent 5, 19 June 2007). Finally, the fishers also enjoy a healthy lifestyle by being outdoors in nature which contributes to their spiritual lives as well. Thus, over the years although the subsistence fishing trade has undergone many changes, what remains is the sense of community the fishers feel and the fishing traditions that they enjoy and would like to pass on to their children. However, these fishing spaces are under threat, as access to a number of these spaces is being denied and others have been privatised.

Some spaces are already excluding the fishers and the effects have been negative. The social impacts that the fishers have, or may experience, are a loss of identity and a loss of friendships. These fishers have been using these fishing spots for the last century and the connections and friendship that they have formed over the years will be jeopardised. Most of the fishers identified themselves as belonging to the group of 'subsistence fishermen' and they have formed a close community that support each other when times are hard. The trade of fishing has been criminalised, and the fishers are jailed and fined for catching fish without licenses or for catching fish where they are not permitted to do so. For many of these fishers they catch fish to earn a living and provide for their families, and they are being criminalised for doing so. Therefore, some of the fishers have stated that they may be forced to turn to crime as their only source of livelihood.

The spaces that the fishers use are being closed off and privatised. The result is that these fishers are no longer welcome in these areas and are seen as social outcasts, not part of the citizenry of the city of Durban with the associated rights. The cultural impacts of the closure of spaces on the fishers' lives include a loss of heritage, lifestyle and place of memory. The fishers have used these spaces for their trade for over a century and with closure, their

heritage and trade will be affected. They will no longer be able to pass the trade onto their children as they learnt from their fathers. Their lifestyles will be altered significantly, and as many have pointed out, fishing is their lives, so it will have a great effect on their lifestyles. Their places of memory will be taken over by development and this will affect their sense of place and their memories and stories to pass on to their children. The economic impacts experienced by the fishers include survival, homelessness, destruction of a safety net, and an increase in travel costs. The fishers will simply not be able to survive if they do not have access to marine resources via public spaces. A closure of spaces to them will result in many becoming homeless and the destruction of a safety net that has been functioning well. In addition to this travel costs to access other spaces further away will increase, and this will not help with their economic situations.

If more spaces are closed in Durban, there will be no alternative spaces for the fishers to go to and this could result in families becoming destitute, homeless, and placeless as the culture and skills of the Durban fisher will have no place to be displayed. Chapter 6 now turns to explore the politics that has been involved in the privatisation of public spaces and discusses the various role players and conflicts that have occurred over the rights to access the public spaces that the fishers use.

CHAPTER SIX

THE POLITICS OF THE EXCLUSION OF FISHERS FROM PUBLIC SPACE AND THEIR COPING STRATEGIES

6.1 Introduction

This chapter is the second of two results chapters. Chapter 5 examined the historical and current use and value that the subsistence fishers ascribe to public spaces and the impacts of privatisation on the fishers' social, cultural and economic lives. This chapter aims to understand the politics around the exclusion of fishers from public fishing sites and their coping strategies that they have adopted. As public spaces have been cited as spaces of democracy and citizenship, they should represent all citizens (Crawford, 1995). Public spaces are however conceptualised differently and the contemporary dominant conceptualisation of public space is that it should be ordered and secure. This is in opposition to the view that public space is open and free for interaction (Mitchell, 1995; Mitchell, 2001). Therefore there is a struggle over public space resulting in a range of political processes.

6.2 The politics of the marginalisation of fishers from public space

6.2.1 Introduction

The public spaces discussed in this chapter are not planned public spaces such as squares and plazas, but are the unplanned spaces on the margins that have been appropriated by the fishers (Crawford, 1995; Watson, 2006). As Crawford (1995) states these are 'everyday spaces' where the marginalised can claim their identities and where democracy is played out through daily activities. The fishers use these spaces everyday to earn a living, to socialise and to claim their identities. Because of the ongoing privatisation of these spaces, these spaces have become sites of conflict and contestation. Different groups of citizens struggle to gain access to public spaces or to prevent other groups from accessing the spaces. The reconstruction of public spaces is presented via new development discourses and images that do not include marginalised groups. These spaces thereby often become sterile, homogenous and unjust. This section will attempt to unravel the stakeholders and players involved in the struggle to access

public fishing spaces and the issues faced by the fishers. It will also attempt to address just who has the “right to the city”?

6.2.2 Public space as exclusive space

This section will cover the spaces of exclusion and the ways in which the fishers are being excluded from material public space. The fishers who were interviewed all felt to some degree that they were being excluded from public fishing spaces. As most of the fishers had grown up in Durban and had learnt the fishing trade from their fathers, they had experienced a closure of spaces over the last decade due to the privatisation of the harbour and beaches under the neoliberal economy. The fishers were most concerned, at the time of the study, about the closure of the North and South Piers due to the widening of the harbour mouth, the closure of the harbour to fishers, and the restriction of access to the piers along the Durban beachfront. As an elderly fisher stated, “they closing spots from the North Pier to the Umgeni River... there’s no place to go fish now...we got no transport to go far up North or South coast...” (Respondent 11, 19 August 2007).

How are they being excluded?

The fishers are being excluded from public fishing spaces in a variety of ways, one of them being as a result of the privatisation of the port under Transnet. The privatisation of the port has led to many of the most popular fishing spots in Durban being closed off to fishers. Transnet has begun to take strict measures in implementing security in the harbour to keep up with international safety standards set, i.e., the International Ship and Port Facility Security Code (ISPS) (Transnet National Ports Authority, 2007a). There is a high presence of policemen patrolling the harbour (See Plate 6.1) where fishing has now become illegal (Sapa, 28/03/08).

Harassment by the police has become a common experience among the fishers. As one fisher, living in one of the old gun-house structures on the beach by the Bluff head adjacent to the South Pier, stated: “I was harassed here this morning by the cops. I got a gun pointing at my head. Dead serious. By the gun house there. He woke me up! I got a gun pointing at my head. That’s illegal. I know I can charge him. I told him I can charge him. That’s the harassment we getting here now” (Respondent 4, 19 June 2007). The fishers are watched like criminals in the harbour where they are not permitted to fish. If they are caught fishing they are fined. There are a multitude of signs around the harbour excluding the fishers, some of which read:

“Private Property. Trespassers will be prosecuted”, “No Fishing” and “Unauthorised entry prohibited” (See Plates a), b), c), and d) in Appendix G). In addition to the prohibitive signs and the presence of city police, there are private security companies that also monitor the port area, often assisted by dogs (See Plate 6.2).



Plate 6.1: Policemen patrolling the South Pier; 19 June 2007

Commenting on the closure of spaces in the harbour a fisher on the South Pier stated “a lot of places in the harbour that were open for us, now all’s closed, there’s not a place...the last place is South Pier and now they wanna close this place also” (Respondent 3, 19 June 2007). The last remaining sites in the harbour that were being used by the fishers before its closure, were the North and South piers. At the time of the study in mid 2007 the North Pier had just been closed and the South Pier was about to be closed. These piers were closed in order to widen the Durban harbour mouth to accommodate larger ships, with the aim of increasing the capacity of the harbour to accommodate more ships for the economic growth of the city (National Ports Authority, 24/02/07). Most of the fishers knew of the reason behind the closure of the piers, as an elderly fisher stated: “they closed the North Pier, they want to build a bigger harbour... they closed North and South Pier now...” (Respondent 11, 19 August 2007). The fishers were worried that after construction was completed that they would not be allowed access and usage of the North and South Piers, and they requested that if they were to leave the piers, that they be given written permission to access the piers on their completion.



Plate 6.2: The private security guard located along the train tracks on the South side of the port of Durban, before the South Pier; 5 April 2007

However, this request was not granted and construction began in the latter half of 2007. According to a media report the Acting Manager of the TNPA, Jyothi Naidoo, stated that “the reopening of the South Pier for public access would be determined closer to the time”(Premdev, 17/06/07).

Another area that the fishers have been excluded from are the piers along the Durban Beachfront, which are the Bay of Plenty Pier, the North Beach Pier and the New Pier (See Figure 3.2 in Section 3.4). These piers enable the fishers to access deeper waters and are used by a number of fishers. The North Beach Pier prohibits fishing at all times as it is exclusively used as part of the beachfront promenade. However, the usage of these piers is limited due to their closure for beach sporting events. When there is a surfing competition or beach festival, these events take precedence over the fishers’ access to the piers. In almost every holiday period beach festivals are held by the city of Durban, such as the Mr Price Pro, a surfing event, and the Durban Beach Africa festival. As a fisher interviewed on the Snake Park Pier stated, “when the events are here, the beach is closed...only this one pier [Snake Park Pier] is open” (Respondent 8, 3 July 2007). This lack of access constitutes a temporary privatisation of the space. Another fisher stated that in July when these events are taking place, the surfers are surfing for big money “while we starve” (Respondent 19, 5 April 2007). These events prevent the fishers from earning money during those times and while the surfers are surfing

for recreation and income, the fishers are fishing to “earn a basic living” and provide for their families (Respondent 19, 5 April 2007). When one looks at the signs at the entrance to the three main beach piers, it demonstrates that other users’ rights are prioritised above the fishers’ rights (See Plate 6.3).



Plate 6.3: Signs at the entrance to the Bay of Plenty Pier; 19 August 2007

It is interesting to note that the ‘Fishing Permitted’ sign is not a fixture and can be removed when other users occupy the space. To quote from one of the signboards at the entrance to the Bay of Plenty Pier, it states: “no person shall fish in or from any area at any time during which bathing; board sailing or surf riding is permitted or cast any line or net in or into such area” (See Appendix H for a close up of this sign). One of the fisheries department commented on the sign boards saying “look at the sign boards that are put up...gives the surfer more rights than the fisher” (Respondent 27, 19 August 2007). It does indeed seem to give other users preference over the fishers much to the irritation of the fishers who pay licenses to be able to fish, whereas other beach users such as the surfers do not pay anything to use the beach. Another fisher added to this by saying: “I say to the surfer, do you pay a license to surf? I pay to fish” (Respondent 26, 19 August 2007). Due to the closures of these spaces many of the fishers are forced to use the less favourable Snake Park Pier to fish.

The proposed development of a SCH at Vetch's Beach, in 2005, bordering the North Pier and Vetch's Pier is another development that may exclude the fishers and has caused some concern. This area is the original area where many of the fishers' forefathers, who were seine netters, launched their wooden boats. There is still one group of seine netters that operate from this beach using the last remaining wooden boat, and many fishers fish off Vetch's Pier and Vetch's Beach with rod and reel at night time (Workshop 1: SCH SIA Workshop for fishers, 22 April 2006). The fishers were worried that with the proposed development of the SCH they would be denied access to the North Pier, Vetch's Pier and Vetch's Beach and that the development would only be for 'the rich' (Workshop 1: SCH SIA Workshop for fishers, 22 April 2006). The plans of the SCH (See Appendix B) indicate that the base of the North Pier will be developed for private occupation. It is doubtful that the fishers will be permitted access to areas of the North Pier, Vetch's Pier and Vetch's Beach. With CCTV cameras and private security companies patrolling this area day and night, the fishers will be chased away from using these spots. Whilst Neels Brink, the developer of the proposed SCH has stated that there would be public access along a beach promenade, the North Pier would not be open for access to everyone. He stated in a media report, "we need *some* exclusivity. The small craft harbour is going to cost somewhere between R300 million and R500 million. Who is going to pay for it?" (Carnie, 25/01/07).

The proposed development of an upgrade to the Victoria Embankment (See Appendix A for plan of development) is also at the expense of the group of fishers that fish for crackershrimps or mudprawns in the sandbanks in the Port along the Victoria embankment. These fishers use the sandbanks to collect mudprawns which are used for bait. Other fishers purchase these mudprawns from this group who are known as the "crackerpumpers" and this is how they earn a living. At present there are large numbers of policemen patrolling this area and many of these fishers have been fined and jailed for catching and selling these organisms (Broughton, 06/04/07; Site Visit 5: Esplanade Sandbanks, 5 April 2007). The proposal for this development will turn this area into a portside upmarket development with security and CCTV to maintain its exclusivity. This group will not be a welcome in this proposed development. Mitchell & Staeheli (2006) concur that where parts of the city are gentrified for the elite citizens, the homeless and the poor who have used these spaces are displaced. A result of this exclusion from prime public space is an exclusion from the citizenry and the public, where 'multiple publics' are not welcomed (Hodgetts *et al.*, 2008).

Other examples of exclusionary mechanisms mentioned by the fishers are: harassment by EKZNW, the implementation of blue flag beaches, forced removals in the past, the building of the sandpumping scheme, the fencing of the harbour and the proposed discontinuation of trains to the Bluff. The fishers are harassed by EKZNW regularly to inspect their catches and their permits, and feel like they are being treated like criminals (Respondent 4, 19 June 2007; Respondent 5, 19 June 2007). The eThekweni Municipality has been striving for its beaches to gain blue flag status and some of the fishers are concerned that in this endeavour they will probably not allow fishers to fish on these beaches (Respondent 7, 3 July 2007). Removals under apartheid caused many of the fishers to be relocated in townships inland and away from the coast and their access to marine resources. The sandpumping scheme in Durban has covered rocks and marine life which has resulted in a form of exclusion for the fishers (Magnussen, pers. comm., 5 April 2007). The fencing of the harbour prevents fishers from easily accessing spaces in the harbour and has resulted in the exclusion of fishers from these spaces (Workshop 1: SCH SIA Workshop for fishers, 22 April 2006). The proposed discontinuation of trains to ‘West’s’ station would have prevented the fishers from easily accessing the South Pier, if this action had not been protested by the fishers.

Apart from forced removals under apartheid, the rest of the exclusions are a result of government policy or public-private pro-growth developments. These developments have affected the poorest of the poor and the fishers have been amongst those affected.

6.2.3 The social construction of public space

This section explains how public space is alternatively conceptualised by the public and private sector, and the fishers. The reason why the spaces described in the previous section have become exclusive is because of the way that public space is conceptualised. Mitchell (1995) states there are two dominant ways that people conceptualise public spaces. The one way is that public space is a “place of unmediated political interaction”, whereas the other view is that public space is a “place of order, controlled recreation, and spectacle” (Mitchell, 1995: 125). The ordered public space is space that is reserved for ‘responsible’ citizens (Mitchell, 1995; Staeheli & Thompson, 1997) whilst the public space that is open to interaction embraces difference in the city and celebrates it (Young, 1990; Watson, 2006). The previous section illustrates that the eThekweni Municipality, the TNPA and other private developers view public space in the second way as a ‘place of order, controlled recreation and spectacle’. These authorities view and plan public space as ‘abstract space’, or representations

of space (Lefebvre, 1991). Plans that are made by these authorities for redevelopment disregard the importance of these spaces for livelihoods and their social and cultural value. This was demonstrated by a comment made by the Deputy Mayor of Durban, Logie Naidoo, on the closure of the South Pier. He stated in a media report that: “(t)here are alternative piers these fishermen can look at. They don’t have to be persistent about fishing on the South Pier” (Naidoo, cited in Premdev, 17/06/07). This comment shows a complete disregard for the ‘sense of place’ that the South Pier provides the fishers. It shows that the authorities view space in an abstract manner with no thought of people on the ground. It is proposed that for the fishers, these public spaces are places of unmediated interaction where they can earn a livelihood as well as interact freely with other fishers and other visitors. They are everyday spaces, representational spaces that are appropriated by communities (Lefebvre, 1991). With these two opposing conceptualisations of public space a conflict of interests is evident, resulting in political processes.

Space that is ordered and controlled is exclusive space, designed for ‘a public’. Those groups that are not viewed as ‘responsible’ are often singled out and plans made to control the space using police surveillance (Staeheli & Thompson, 1997). The low income and marginalised fishers do not fit into the image of the ‘user’ that is envisaged to be occupying the public spaces of the SCH. The image of these spaces that is being designed is one of order and spectacle, a ‘festive space’ where consumption is encouraged under the global ideology of capitalism (Mitchell, 1995). Therefore profits are the ultimate aim of these developments in public spaces and the spaces are designed with this in mind. A safe, secure environment is planned where consumers would feel comfortable and safe to purchase commodities and services (Mitchell, 1995). Thus the public-private partnerships between the municipality and private business at the Point, the SCH, and in the private use of the beaches and piers are controlling public space and developing it into “safe” consumer spaces where profits can be made and investors are attracted. The Port is similarly being developed into a safe space for the maximisation of economic benefits for the state.

There is a denial by the eThekweni Municipality and the TNPA that the privatisation of public spaces is taking place. As the Project Executive for Coastal Management of the eThekweni Municipality stated: “I don’t think we have actually done any privatisation of public spaces in our metro at this point...” (eThekweni Municipality Representative, 12 April 2007). The

Acting Manager of Corporate Affairs of the TNPA stated in an email⁸ (in which she refused to be interviewed by the researcher), “we are not privatising public spaces within the port” (Naidoo, 16/05/2007). The developers of the SCH state that more ‘public space’ will be created than exists at present after the SCH has been developed (See Appendix I: slides showing the area of public space before and after the proposed SCH development).

The Project Executive for Coastal Management at the eThekweni municipality stated that the city is fighting to keep spaces public: “from a public access point of view the city have said we have encouraged public access and we have fought for public access and a public promenade for the SCH” (eThekweni Municipality Representative, 12 April 2007). This is a common strategy employed by private companies and local governments to turn public spaces into spaces that appear to be public but where access is restricted to people that are ‘good citizens’ or to those that ‘act responsibly’ (Staeheli & Thompson, 1997). These spaces might seem public on the surface but are really ‘pseudo-public’ spaces, highly monitored with CCTV cameras and security where ‘undesirables’ can be removed (Mitchell & Staeheli, 2006). Here, the eThekweni Municipality in partnership with private companies have blurred the boundaries between public and private not in ways that enhance democracy but in ways that have enhanced their own power and gain (Staeheli & Mitchell, 2004).

The TNPA also views the public space around the port as theirs to develop. Under the international agreements that it has signed, the Durban Port has to have severe restrictions and security measures in place (Comins, 02/11/07). This gives them a ‘valid’ reason to exclude fishers from where they have fished for over a century. The reason for this increased security is due to an increased perception that crime is increasing world wide and that since the terror threat of 11th September 2001, there is a need for cities to protect themselves from threats of ‘terrorism’ (Smith & Low, 2006).

Durban has become a “carceral” city (Soja, 2001: 44) as the public spaces of the city are no longer viewed as places of social interaction but as places of fear and danger. Therefore the TNPA has stepped up its security at all its major ports by signing this international agreement and restricting users’ access to its ports⁹.

⁸ The Acting Manager of Corporate Affairs of the TNPA refused to be interviewed (Naidoo, 16/05/2007).

⁹ The TNPA website (2007) states: “The drive to secure ports which are vital nodes of transport logistic chain was brought into sharp focus in the aftermath of the events of 9/11 in the United States of America. Crime and

Under Section 138 of the Draft Port Rules (Transnet National Ports Authority 2007b: 44) it states that “no person may enter a port or a port facility within a port without a valid access permit issued by the Authority”, thereby restricting access to a select group of people with permits, which the port reserves the right to issue. This has resulted in an increase in the fencing off of spaces, prohibitive signage, police presence and the exclusion of Durban’s citizens that use the harbour, including the fishers.

Since the land around the harbour is owned by the TNPA, the new legislation gives it rights by law to restrict access to the area around the Durban Harbour. The TNPA has converted the local space of the Durban Harbour into a global economic space under the neoliberal global system of cities which has detrimentally affected Durban’s people (Robinson, 2008). The fishers are at present fighting a legal case, begun on the 14 June 2007, against the TNPA to gain access to the local spots they have used for the last century (See Appendix J for a lawyers letter addressed to the TNPA).

In exclusive spaces, there is no space for the homeless and the outcasts of society. The homeless and the fishers become ‘invisible’, not only to the public but also to the authorities (Freeman, 2008; Hodgetts *et al.*, 2008; Mitchell, 1995). Mitchell (2001) uses the term ‘broken windows’ to describe the homeless. Like the homeless, the fishers are viewed as an indicator of an area that is in a state of degradation or out of control and like broken windows must be repaired or ‘thrown out’. In this way the area can be cleaned up so that it will appeal to investors. As the Representative of the KZNSFF (3 April 2007) stated, fishers are not ‘dressed up’ when they go and fish. They therefore do not fit the upmarket image that is portrayed in public-private pro-growth developments. He commented, “it’s like we are vermin, cos we dressed untidily” (KZNSFF Representative, 3 April 2007).

In the American city the homeless are also excluded subversively through the construction of slanted benches that one cannot sleep on, and by setting sprinklers to come on in the middle of the night (Davis, 2006; Mitchell, 2001). There has also been an attempt to rid certain areas

terrorism have turned ship and port security into global issues which require global solutions. In the marine sector, the International Maritime Organisation (IMO), part of the United Nations, has created guidelines for maritime security. These guidelines have to contribute to the right conditions for unhindered flows of nautical trade, so that ships and ports are properly prepared for the possibility of terrorist attacks and other forms of crime.”

of fishers in this way through not providing facilities such as bins, toilets and taps for their use. This is especially evident on the South Pier. One fisher on the South Pier reported that there are no facilities on the South Pier, such as toilets, taps or rubbish bins. He added that there was a small pub that used to sell snacks but that had closed a few years back (Respondent 25, 15 June 2007). Access to the South Pier used to be quite good with a ferry as well as a train running to the West's station in the vicinity (Respondent 25, 15 June 2007). The KZNSFF Representative recalled the operation of this ferry: "at those times there was a ferry you could catch every 15 minutes up until midnight" (KZNSFF Representative, 3 April 2007). Unfortunately, the ferry had been stopped and the train was almost discontinued to West's station. Without the protest and petitions by the fishers this train would have been discontinued (SDCEA Chairperson, 11 December 2006). This shows that the TNPA have tried to make the environment inhospitable for the fishers in order to dissuade them from using the South Pier.

The fishers, the KZNSFF and SDCEA view public space in an alternative way. Public space is a space of unmediated political interaction, where 'multiple publics' coexist (Fraser, 1990). These are everyday, lived in, representational spaces (Lefebvre, 1991). In this conceptualisation the fishers are legitimate members of the public (Mitchell, 1995). It is a space where the fishers can interact freely and earn a living. As explored in Section 5.2 the fishers value public space in many ways including as a space of livelihood, social interaction and spiritual fulfilment. As Watson (2006) states public spaces are spaces of 'enchantment' where unique dynamics are found due to the unique nature of interactions in unique places (See Plate 6.4 of the South Pier as an enchanting space). These spaces have shaped the lives and identities of the fishers (Freeman, 2008). Because of these interactions, the fishers do not wish to leave the spaces they use and go somewhere else even if there are alternatives. Therefore their conceptualisation of space is in conflict with that of the TNPA, municipality and developers' view on public space. And because this opposing discourse of public space as exclusive economic space is held by the most powerful of the stakeholders it is unlikely that the fishers' views and claims to public space will be taken into account. They have therefore had to develop strategies in order for their views to be heard and to be taken into account. These strategies are explored later in Section 6.3.



Plate 6.4: A fisher at the ‘enchanted space’ of the South Pier; 5 April 2007

Public space as a space of unmediated interaction is dynamic where different communities, or ‘publics’, are able to connect (Freeman, 2008). In these spaces people of all walks of life are seen and the upper class are reminded of the poverty that exists in their city (Freeman, 2008). Public spaces in this conceptualisation are “messy” spaces of disorder where conflict and division is real, but are spaces that should be preserved as the ‘invisible’ become ‘visible’ and are recognised as part of the citizenry (Freeman, 2008: 551; Mitchell, 1995; Mitchell, 2003).

6.2.4 The social construction of ‘subsistence fishing’

This section examines the social construction of subsistence fishing through the legal definition of their activity and the resulting relationship of this group of fishers with the provincial regulatory body, EKZNW.

The definition of a subsistence fisher, as already defined in Section 3.7.2, according to the MLRA is a person who catches fish regularly for their consumption. It excludes fishers who sell a substantial amount of the fish that they catch (RSA, 1998). The MLRA does not include the group of fishers studied in this research as these fishers sell a large amount of what they catch and most of them do not live in close proximity to the coast. The reason why some of the KZN fishers do not live close to the fishing spaces today is because of apartheid planning and the Group Areas Act (Act No. 41 of 1950). The fishers who had previously lived at the

Point and at Fynnlands were relocated to Bayside and eventually Chatsworth, a designated Indian 'Group Area' in terms of the Group Areas Act (Act No. 41 of 1950) (Scott & Criticos, 1988).

They are also not regarded as 'traditional' fishers. The new draft policies for the Allocation and Management of Medium-term Subsistence Fishing Rights; and, for Medium-term Small-scale Commercial Fishing Rights have been devised in order for the rights of the unrepresented fishers to obtain rights (Sunde & Pedersen, 2007). However, these policies have been criticised for further marginalising poor fishers as it gives more rights to those fishers who have resources (Sunde & Pedersen, 2007). The draft policies also attempt to categorise the fishers into groups, but as Sunde & Pedersen (2007) state, fishers are a dynamic group and may move from subsistence to artisanal to small-scale commercial, depending on the season and availability of fish. Thus they propose a broader definition for all small-scale fishers, which includes people that harvest marine resources with low technology gear and have traditionally depended on these resources. The definition includes fishers that harvest primarily for food security and includes fishers that sell their catch in order to sustain their livelihoods (Sunde & Pedersen, 2007).

This definition is just a proposal and it is doubtful as to whether this definition will be legally adopted. Thus, the legal definitions currently used to define subsistence fishing and the proposed draft policies for small scale fishing exclude the fishers and do not provide for their rights. The fishers on the Durban coastline are seen by EKZMW and the DEAT as illegal and are not protected under any form of legislation (EKZMW Representative, 8 June 2007). They are seen as recreational fishers who must pay for licenses and stick to the set quotas and catch limits defined in the legislation for recreational fishing.

A workshop was organised by SDCEA and the KZNSFF, on the 13 December 2006, to get comments from the Durban fishers regarding the draft policies for the allocation of rights for subsistence fishers and small scale commercial fishers. Some of the fishers felt that the new policy was "a scam" and that the government perceives them as ignorant because they are poor (Workshop 2: SDCEA Workshop to discuss the new draft legislation, 13 December 2006). The fishers felt that even though they were formulating comments on the draft policies to be sent to the DEAT, that these comments would not be taken into account. Dryzek (1996)

makes a distinction between authentic inclusion and symbolic inclusion, and from this workshop it was noted that many of the fishers felt as if their inclusion was merely symbolic.

The fact that the fishers have to apply for rights to be able to fish is in direct contradiction to the Constitution of South Africa which states under its Bill of Rights in Section 22 that everyone has the right to choose their profession freely. However, the second part of Section 22 states that the practice of the particular trade may be regulated by law (See Section 3.7.1 for the actual wording of this right). The draft policies for the allocation and management of subsistence and small-scale fishing are aiming to regulate this trade of subsistence fishing.

EKZNW is the provincial authority mandated to implement this legislation. Therefore in terms of the legal definition, EKZNW do not class the KZN subsistence fishers as undertaking 'subsistence fishing'.

As a representative from EKZNW stated:

“there’s a lot of people that just fish off the Durban beachfront, who say they are subsistence fishermen but they are not, they are just unemployed people earning a living. And that’s a commercial fisherman, ok and that’s why it’s clear the definition says you must be historically involved in the fishery and have not earned money for so long and so forth. You can’t just be unemployed today and go down to the pier and say you are a subsistence fisherman. They are a specifically identified bunch of fishermen. So the people that have been harvesting mussels and red bait up in the Maputaland marine reserve, those are subsistence fishermen, cause they have been subsisting on this for hundred years. So, it’s a completely different thing. That’s why it’s so... important that a policy is in place with its definitions and so forth” (EKZNW Representative, 8 June 2007).

He reiterated the point that the fishers along the Durban coastline were not subsistence fishers and thus were not protected under the MLRA: “now this bunch down on the Durban piers, are just a bunch of unemployed people who say they...yes they are subsisting off the fish, but they are not subsistence fishermen. They come and go, they change all the time” (EKZNW Representative, 8 June 2007). He was careful to use the correct terminology and differentiated between a subsistence fisher and a recreational fisher by saying, “(t)hey have been fishermen, they haven’t been fishers” (EKZNW Representative, 8 June 2007). The EKZNW Representative (8 June 2007) went as far as to say that the fishers in this study are “impostors into the subsistence fishing sector”, and that “they will push out the *true* subsistence fishermen.”

The fishers are aware of their status in terms of the law and how EKZNW view them. The KZNSFF Representative stated

“we’ve already been told by Ezemvelo Wildlife that we don’t exist, they only regard subsistence fishers as those indigenous people at Kosi Bay that are using those fish traps not somebody holding a rod and line and reel with a hook. Anybody that’s doing that is criminal. He must be hunted down and prosecuted and jailed!” (KZNSFF Representative, 3 April 2007).

The relationship between the fishers and the EKZNW is therefore strained. The fishers view the EKZNW as a government department which is always harassing them, whereas the EKZNW see the fishers as criminals. Thus the EKZNW do not define the fishers in this study as subsistence fishers and disregard them as stakeholders when they have their subsistence fisheries task group meetings¹⁰. Because the fishers are not legally recognised they have had to protest and petition as well as force their way into these meetings in order to be recognised. They have claimed their identity as ‘subsistence fishermen’ through the formation of a forum aptly named the ‘KwaZulu-Natal Subsistence Fishermen’s Forum.’

The example of the fishers can be compared to an example of street vendors in Los Angeles (Crawford, 1995). These street traders are also illegal and not recognised by the state even though they are visible on the streets of Los Angeles. Like the fishers, they operate under the informal economy and are either supplementing their income or marginally existing through this occupation alone. Because of their illegal status they are subject to police harassment and are treated like criminals which they defiantly oppose. They maintain that they are earning a living and voice their concerns through protests and the formation of an organisation to protect their rights. Similarly, the fishers have protested against their illegal status and their construction by the state as criminals and through the KZNSFF are voicing their concerns and making themselves visible to the state through protest.

6.2.5 Implications of being classified as a recreational fisher

This section examines the implications for the fishers on the Durban coastline of being classified as recreational fishers. Because this group of fishers’ heritage is not acknowledged

¹⁰ These subsistence fisheries task group meetings (SFTG) were appointed by national government to provide recommendations on the management of subsistence fishing in South Africa (Hauck, *et al.*, 2002). They aimed at gathering the needs and perceptions of subsistence fishers in South Africa (Hauck, *et al.*, 2002) and are described in the draft policy for the allocation of rights for subsistence fishers (DEAT, 2006a; DEAT, 2006b).

they are not classified as 'traditional' or 'subsistence' fishers. They therefore fall under the category of recreational fishermen. This has implications for the fishers as they are not legally allowed to catch more than ten fish per day as there are quotas that control how much they catch (See Appendix K for the quota's set). They are also not allowed to sell the fish that they catch (MCM, n.d.a). A recreational line fisherman cannot exceed ten fish per day and they are required to purchase permits in order to catch certain types of fish (MCM, n.d.a). These quotas, according to some of the fishers, are set incorrectly as they feel they are not in accordance with fish stocks and their needs (Workshop 2: SDCEA Workshop to discuss the new draft legislation, 13 December 2006). As one fisher stated: "the limit on shad is four, but what can you do with four fish?" (Respondent 5, 19 June 2007). Another fisher who fishes for crackershrimps and has been jailed and fined stated: "they grow worse than cockroaches", and with regard to those who fine them "they think they are jewels" (Respondent 20, 5 April 2007).

South Africa's coastline is dominated by trawlers and other fishing boats that belong to multinational companies who fish from our seas to supply the world-wide demand for fish. Whilst these companies have restrictions, they are not as harsh as the restrictions that the local fishers experience. The needs of the rich and the middle class therefore trump the needs of the local poor (Mitchell, 2001).

Subsistence fishing in South Africa is estimated at accounting for less than 10% of the marine resources that are harvested (Nyar, 05/06/07). However, the commercial fishing sector is worth R15 billion each year and thousands of marine resources are harvested by commercial trawlers with legal permits and rights allocated by the Minister of Environmental Affairs and Tourism (MCM, n.d.c). While a subsistence fisher can only catch a certain number of a certain species of fish, the commercial fishermen are able to take large amounts of fish out of the sea (Nyar, 05/06/07). The fishers are of the opinion that precedence is given by the government to overseas multinational fishing companies over the local fishers who are harvesting in a sustainable manner. As the KZNSFF Representative stated: "we not allowed to sell our fish. It's against the law they'll lock us up but I & J and all these companies can, they make R6 to 8 billion a year. All we saying is - why not give us a crumb of it?" (KZNSFF Representative, 3 April 2007).

At a workshop to discuss the new draft policies for the allocation of rights to subsistence fishers, the fishers felt that the policies in place are too restrictive for subsistence fishers but the laws to prevent big commercial ships from “raping” the seas were not enforced and their actions not regulated (Workshop 2: SDCEA Workshop to discuss the new draft legislation, 13 December 2006). The damage that these large multinational companies do to the sea was highlighted and the methods used such as suction and long-lining methods, which are indiscriminate and unselective, were exposed. The subsistence fishers claim that the methods that they use are traditional selective methods that have a low impact, whereas the methods employed by the trawlers of the multi-national companies take everything out the sea (Workshop 1: SCH SIA Workshop for fishers, 22 April 2006). Therefore the fishers feel that is unfair to expect them to abide by certain rules and restrictions when the large multinationals harvest large numbers of fish in an unsustainable manner. They believe that their livelihoods and food security are being threatened due to exploitation of South Africa’s resources by larger companies. This is an example of the process of ‘accumulation by dispossession’ where resources are being distributed away from the poor and marginalised into the hands of the rich in first world countries (Hart, 2006; Harvey, 2006).

The subsistence fishers also feel affected by the global sporting events that are held in Durban. The fishers feel that they are treated unfairly when annual events such as the surfing event, the Mr. Price Pro, are held. These events take precedence for a period of time over the fishers and their access to piers (Respondent 17, 5 April 2007; Respondent 19, 5 April 2007). As already discussed, when these events are held the fishers are not permitted to use the piers along the beachfront to access marine resources. This creates a very difficult period for the fishers in which their food security is threatened.

Another much larger global sporting event, the Soccer World Cup in 2010, is going to be hosted by South Africa, and many of the matches will be played in the city of Durban. In order for the city to prepare for this influx of visitors, the city has been developing many of its areas and facilities for the tourists (Robinson, 2008). However, these developments have come at a cost to the poor of Durban, where finances have been ploughed into lavish developments at the expense of financing pro-poor initiatives (Nel *et al.*, 2003; Robinson, 2008). Some of the fishers interviewed cited the Soccer World Cup in 2010 as the reason behind the large developments in the city and the subsequent unfair closure of fishing spots. As one fisher stated,

“I think because of this 2010 World Cup. They are gonna upgrade for tourists. But, what does it mean to us? By widening the pier, they want to bring all those big liners in with all those imported goods. And if you look at it it’s our economy that is suffering from all these imported goods. What is it gonna benefit us? What is it gonna benefit us? Ok most probably the country will pick up, but what is it gonna benefit us the fishermen?” (Respondent 1, 15 June 2007).

Most of the fishers viewed the World Cup in a negative light as they believe that they will not be benefiting from the event. As one fisher stated, “only the rich will benefit. Not us. I don’t think we’ll be allowed in the stadiums. We haven’t got the bucks to go into the stadiums” (Respondent 3, 19 June 2007). The fishers’ view of the municipality in these types of developments is that “in their haste to speed up development, the city leaves the poor behind” (Workshop 1: SCH SIA Workshop for fishers, 22 April 2006).

To some extent the development taking place for the World Cup was construed as being a good thing but the fishers interviewed stressed that there were many other issues that the people of Durban needed to be attended to first. One fisher stated, “it’s a good thing...but they must fix the crime before they fix the World Cup... no one talks to us about what we need” (Respondent 6, 3 July 2007). Another fisher was more anxious about the issue and stated, “the important things are not done. The poor gain nothing. It’s a waste of time to build such a big stadium while people suffer” (Respondent 7, 3 July 2007).

Some of the fishers were hopeful that the World Cup would bring employment and other benefits to the citizens of Durban: “it will be good for tourism” (Respondent 9, 3 July 2007), “well hopefully it will be beneficial to the people of Durban” (Respondent 10, 3 July 2007). However, most fishers felt that the World Cup will not help the poor people in Durban and as one fisher on the Snake Park Pier commented on the World Cup: “the government’s priorities are totally wrong! The gap between the rich and poor is just getting wider” (Respondent 7, 3 July 2007). Another fisher stated: “development is good but they not looking at small scale, they are not looking at the poor” (Respondent 2, 19 June 2007). The city of Durban can be likened to the American city which Mitchell describes as the following:

“...the American city has become a place where regulation is supple and responsive to the needs of the rich, the middle classes, and the desires of property. It is the city where pleasure and fun (for some) always trump material needs (for all) and we are all supposed to celebrate that fact...” (Mitchell, 2001: 83).

The integration of South Africa into the global economy has led to global processes which are affecting the local people and spaces in South Africa (Hart, 2006; Harvey, 2006). The case of the privatisation of public fishing spaces is an example of this broader process.

6.2.6 The exclusion of fishers in decision-making regarding fishing sites

This section examines the consultation of the fishers in the decision-making processes for the widening of the harbour mouth and the development of the SCH at the Point. Almost all of the fishers interviewed stated that they had not been adequately consulted during these processes. This demonstrates that the fishers are not only excluded from physical public spaces but are also excluded in taking part in the debates in the ‘public sphere’ about issues that affect them.

The fishers state that they are not opposed to any development but are concerned that they are not included in discussions and are not consulted when developments are proposed. As one of the fishers on the South Pier stated: “see I’m happy for the development but I’m also crying for the stoppage of fishing. I’m happy for the development, but I’m not happy when they say the pier is closed” (Respondent 1, 15 June 2007). Another fisher added, “in the end it will be good, if we left to fish it will be fine...” (Respondent 2, 19 June 2007).

The few fishers that had been to the SCH EIA meetings and workshops felt a general sense of cynicism with regards to their views being taken account. As one fishers stated, “the meetings we’ve been having, the development it’s gonna be for millionaires...” (Respondent 3, 19 June 2007). One of the fishers described his disillusionment with the SCH EIA process in general by using the example of development at the Point. He stated, “no, you know I heard about that. I know they had an environmental impact study here as well for Vetch’s beach. Have you seen anybody stop anything there? Money talks... as hard as we try fight these ou’s¹¹. We’ve got lawyers working for us and our case looks better than when it started” (Respondent 4, 19 June 2007). The KZNSFF Representative stated that he had been involved in the SCH EIA meetings but had missed the EIA for the North Pier citing his lack of access to electronic resources as the reason for not being involved (KZNSFF Representative, 3 April 2007).

¹¹ An ‘ou’ is a colloquial term for a man or ‘guy’.

There was a general consensus among the fishers that consultation by the municipality is also lacking. The KZNSFF Representative stated:

“they [the municipality] have a very important role to play, but are shirking their responsibility through their ignorance. They not playing the game, they need to come on board and find out what the fishers want and see how they can accommodate us” (KZNSFF Representative, 3 April 2007).

The Project Executive for Coastal Management of the eThekweni municipality admitted that the municipality had not been in consultation with the fishers and advocated asking the fishers in future what they require instead of just implementing programs and projects. He stated:

“...also for us to see what they would like to do. We are all too good at doing this in South Africa is actually deciding what people need to do without saying to them well what the heck do you guys want to do? What are your opportunities? How can we maximise your side of it before we come up with any fancy ideas...” (eThekweni Municipality Representative, 12 April 2007).

In general the fishers feel that their concerns are not being heard by the municipality and the relevant authorities. A fisher, commenting on the closure of the South Pier, stated:

“right now I feel our concerns are not being heard, because what I’m hearing is that they gonna go close this pier. I’ve heard from inside sources, where guys are working for Portnet, they working for the railways. They reckon there’s no way. They may just give us a period of grace” (Respondent 1, 15 June 2007).

There is still an exclusion of certain groups in society in South Africa that is hidden behind the mask of democracy. This is demonstrated by the group of subsistence fishers studied in this thesis. As Dryzek (1996: 475) states “once universal adult citizenship rights have been secured in a society, democratisation is mostly a matter of the more authentic political inclusion of different groups and categories, for which formal political equality can hide continued exclusion or oppression.”

In addition to formal exclusion, this group of fishers state that they are also excluded from democratic participation through the insecurity of their livelihoods. The KZNSFF Representative stated the fishers rely on fishing and if they are not fishing at the right times, they could miss out on catching the fish that could provide for their families for the week. They therefore cannot attend all meetings because if they do not fish, they are not going to be compensated and their families will not eat (KZNSFF Representative, 3 April 2007).

The official representing the eThekweni Municipality stated that it has not been the intention of the municipality to exclude the fishers, “I don’t think we would willfully set out to exclude them” (eThekweni Municipality Representative, 12 April 2007). But no conscious effort has been made by the municipality and other private organisations to include the fishers in discussions regarding coastal developments that would impact on their livelihoods. This is an indication of them being ‘invisible’. While DEAT has tried to include the fishers in discussions of the draft policies for the allocation of subsistence fishing rights and small-scale fishing (Meeting 1: DEAT Public Participation Meeting, 13 February 2007), the fishers feel that this is ‘tokenism’ and that their opinions are not going to be taken into account.

Section 6.2 describes and explains the ways in which the fishers have been excluded from fishing sites in the city of Durban. There is evidence of exclusion from physical spaces due to development and privatisation of public spaces, as well as exclusion in terms of fishing legislation to the right to fish. Section 6.3 discusses the various strategies that the fishers have developed in order to deal with the exclusion they have faced and the exclusion they could face in the future.

6.3 Coping strategies adopted by the fishers

The fourth objective of this study is to determine the coping strategies adopted by the fishers to deal with the exclusions from public fishing sites. Because of their rich history and attachment to a range of public fishing spaces and the activity of fishing, they are resistant to losing their fishing spaces. Most of the fishers do not have alternative means of earning a living and are determined to carry on with fishing as their livelihood. Therefore they have mobilised as a group in order to maintain this way of life and draw attention to the injustices they are facing.

As Mitchell (2003) states, social movements often arise in response to the privatisation of spaces in cities in an attempt to keep spaces open to all. Keeping spaces open to all citizens is a struggle as different users value public space in different ways and conflict does arise. He maintains that in order for a just and democratic society to be promoted this struggle must be continued through protests and demonstrations that are visible to the society (Mitchell, 2003). Public spaces provide the material space for movements to congregate, rise up and contest

issues of citizenship and democracy, and become spaces *for* representation (Mitchell, 1995). Mitchell (2005: 85) states that public spaces provide the “material basis for the public sphere.” Because the marginalised groups of society do not possess their own land, they have to make themselves recognised as part of ‘the public’ through the appropriation of public land (Mitchell, 1995). “Space is then *taken* by marginalised groups in order to press claims for their rights” (Mitchell, 1995: 117). The fishers as a group have appropriated certain spaces which are under threat of privatisation and have initiated a struggle to keep them open and to legitimise themselves as being part of ‘the public’ and as having a “right to the city” (Lefebvre, 1996: 174). These spaces have become ‘spaces of insurgent citizenship’ where the fishers have actively claimed their rights and citizenship (Holston, 1999).

This section will describe the different strategies that the fishers have adopted in order to deal with the exclusion they have been facing and state whether their strategies have been successful in keeping spaces open and getting their voices heard. The fishers have formed a forum and have adopted three main strategies, activism, deliberation and survival, which are discussed below.

6.3.1 The establishment of the KZNSFF

The KZNSFF was formed in 2004 by the fishers themselves with the help of SDCEA, an environmental justice group in South Durban (SDCEA Chairperson, 11 December 2006). This forum was established in order to give the fishers a voice and platform to address government and other organisations about issues related to the fishers. When asked about the reasons for the formation of the forum, the Chairperson of SDCEA stated,

“to have a collective voice to raise their voices against all the injustices, against all their spaces being blocked off, against the only thing they got left, that keeps them sane, that keeps them going... and also their culture and tradition and also to support their families, it’s the only thing they got going to support their families...” (SDCEA Chairperson, 11 December 2006).

The forum has been instrumental in mobilising the fishers to voice their concerns. Through regular meetings the forum has organised many protest marches and meetings with other civil society organisations. The meetings held by the KZNSFF have become ‘spaces of insurgent citizenship’, where the fishers have claimed their identities as ‘subsistence fishers’ and part of the citizenry of the city of Durban (Holston, 1999). They have attempted to make themselves ‘visible’ in the ‘public sphere’ by holding these meetings and acting on decisions made here by protesting in public space.

The forum has adopted two approaches in dealing with their exclusion from public spaces and other injustices that they face. They have engaged in activism, such as protest and demonstration, and have been involved in democratic deliberation where they have attended forums to discuss policy (Young, 2001)¹². As Young (2001) and Barnett and Scott (2007) state this is a difficult position to be in and social movements have to strategically decide when to engage in deliberation and when to oppose through protest (Barnett & Scott, 2007). Literature suggests that both forms of political action are needed in the promotion of social justice (Young, 2001). Community politics involves collaboration with the state and opposition to the state (Oldfield & Stokke, 2007).

6.3.2 Deliberation within government forums

Deliberation refers to a type of discussion where participants are brought together and decisions are made where each participant's position is taken into account (Munton, 2003). It requires the participants in the discussion to not only present their interests but to listen and take into account the interests of other participants as long as justice is the overall aim (Young, 2001). In Hajer's words deliberation "refers to the democratic quality of a discussion" (Hajer, 2005: 450). This process of decision-making is valued for its openness and inclusiveness of all the participants. Hajer (2005) proposes that deliberation has a number of dimensions. These are reciprocity, inclusiveness, openness, integrity, accountability and dialogue. Deliberation is idealised as the best way to make decisions as all participants' views are ideally taken into account (Munton, 2003). However, there are many problems with this mode of decision-making as people can be left out of the discussion altogether and the more powerful stakeholders most often dominate meetings. Decision-making meetings can also be used to push a specific decision through; silencing other members of society without dealing with the issue they have (Young, 2001).

Through the KZNSFF the fishers have been involved in meetings with different authorities and organisations in order to present their views on different issues affecting them. At the time of this study, the fishers were liaising with EKZNW and the TNPA. The KZNSFF attended a meeting held by EKZNW to discuss the draft policy and made comments with

¹² For a more in depth discussion of the two approaches to political action see Young (2001) *Activist Challenges to Deliberative Democracy* where a characterisation/personification of the two approaches and their stances are explored.

regards to the new draft policy for the allocation and management of medium-term subsistence fishing rights as well as the draft policy for the allocation and management of medium-term small-scale commercial fishing rights (Meeting 1: DEAT Public Participation Meeting, 13 February 2007). This is an example of a space of ‘invited citizenship’ where the KZNSFF and other organisations were invited by the state to the meeting in order to make comments (Miraftab, 2004). However, an agenda for the meeting was already decided by DEAT and the meeting controlled by the DEAT official. In addition to commenting on policy, the KZNSFF has opened a court case against the TNPA on the closure of the South Pier (Meeting 6: Meeting with lawyers to discuss the legal case against TNPA, 13 September 2007). This constitutes a further strategy of litigation.

The fishers are generally not recognised by a number of authorities. On interviewing the Project Executive of Coastal Management of the eThekweni Municipality he stated that: “my understanding is that there aren’t actually that many subsistence fishermen” (eThekweni Municipality Representative, 12 April 2007). The EKZNW Representative stated that the fishers belonging to the KZNSFF were not recognised as subsistence fishermen as they sold some of their fish. He stated that subsistence fishers are specifically identified and that an unemployed person fishing at the piers cannot claim to be a subsistence fisher (EKZNW Representative, 8 June 2007).

Furthermore, the TNPA refused to meet with the researcher to conduct an interview and has refused on many occasions to meet with the fishers themselves (Meeting 5: KZNSFF Meeting, 21 August 2007). The draft policy for the allocation and management of medium-term small-scale commercial fishing rights that was drawn up refers to subsistence fisheries ‘task groups’ that were consulted at various stages throughout the development of the MLRA (Act 18 of 1998) (RSA, 1998; DEAT, 2006a; DEAT 2006b). The KZN subsistence fishers had never been included in these groups and were never informed about what was decided in these meetings. They therefore feel excluded from decision making processes and that this process regarding small-scale fishing was exclusive (Workshop 2: SDCEA Workshop to discuss the new draft legislation, 13 December 2006). It can therefore be concluded that this group of fishers are ‘invisible’ to the state. Therefore the fishers have had to resort to other measures, such as protest, to get the attention of government and the public.

6.3.3 Activism

The importance of activism as an approach should not be underestimated as through protest and demonstration, the wider public is made aware of injustices that are occurring and is encouraged to join in to pressurise institutions to change their stance on particular issues (Freeman, 2008; Young, 2001). The fishers have attempted to claim their everyday spaces and have been involved in activism to oppose the dominant view of public space as a privatised abstract space (Lefebvre, 1991).

The fishers have been extremely active and vocal in getting their plight acknowledged and their voices heard through the KZNSFF. Both active and passive protests, as well as using the media, have been some of the ways they have attempted to maintain access to the spaces that their forefathers used. Many of the fishers that were interviewed admitted to being part of the struggle. As one fisher stated, “we’ve been involved in this fight for the piers to be open” (Respondent 3, 19 June 2007). Another fisher from the South Pier had arranged a meeting venue for the fishers with his pastor to have their meetings and stated his involvement in the movement: “I’ve joined the march, I’ve joined the struggle. I’ve allocated my church free of charge to the fishermen [for meetings]” (Respondent 1, 15 June 2007).

Active protests

The fishers have engaged in active protests in order to oppose the closure of fishing spaces. They have organised marches attracting hundreds of fishers to join in. They have also taken part in protests with other civil society organisations to stand in solidarity with causes that they believe in, such as the protest at the SANPAD Poverty Conference in Durban (Protest 3: Protest at the SANPAD Poverty Conference, 26 June 2007). The Chairperson of SDCEA commented on the importance of these social movements working together by saying, “I think having all the fishermen, the farmers, and all these small movements collectively we have a strong voice” (SDCEA Chairperson, 11 December 2006). The following protests took place in the period during which the research was conducted.

a) Protest against the closure of South Pier

The first protest was in opposition to the closure of the South Pier. The fishers organised themselves through the KZNSFF and arranged to meet on the 29 May 2007 at the Durban Yacht mole on the Esplanade and march to the TNPA offices to hand over a memorandum (Protest 1: Protest against the closure of the South Pier, 29 May 2007). This protest was aimed

at addressing the TNPA and the denial of access of fishers to the harbour and its piers, as well as providing a platform to air concerns over the closure of other spaces along the coastline. Three busloads of fishers from areas such as Chatsworth and Wentworth arrived at about 10am (Protest 1: Protest against the closure of the South Pier, 29 May 2007). The fishers then marched along the Victoria Embankment with posters saying “Fishing is our living”, “We are unemployed”, “Government only cares for rich people” and “South Pier is our only home to fish” (See Plates 6.5 and 6.6). Some of the fishers were heard shouting “West side till we die” referring to the train that runs around the harbour to the West’s train station. The fishers had previously fought to keep this train running to access the South Pier fishing site in 2004 (Kasu & Zulu, 25/11/04).



Plate 6.5: Fishers and their supporters marching to the TNPA office on the Victoria Embankment; 29 May 2007

Plate 6.6 shows the fishing rods that were taken as symbols of their culture and way of life. Subsistence fishers and their families were present as well as academics and activists, such as the Chairperson of SDCEA, Des D’sa and well known activist Ashwin Desai (Protest 1: Protest against the closure of the South Pier, 29 May 2007). The protesters walked along the Victorian Embankment and turned into Stanger Street where they were blocked from entering the Ocean Terminal by the police and were met by three members of the TNPA who denied them access (Protest 1: Protest against the closure of the South Pier, 29 May 2007).

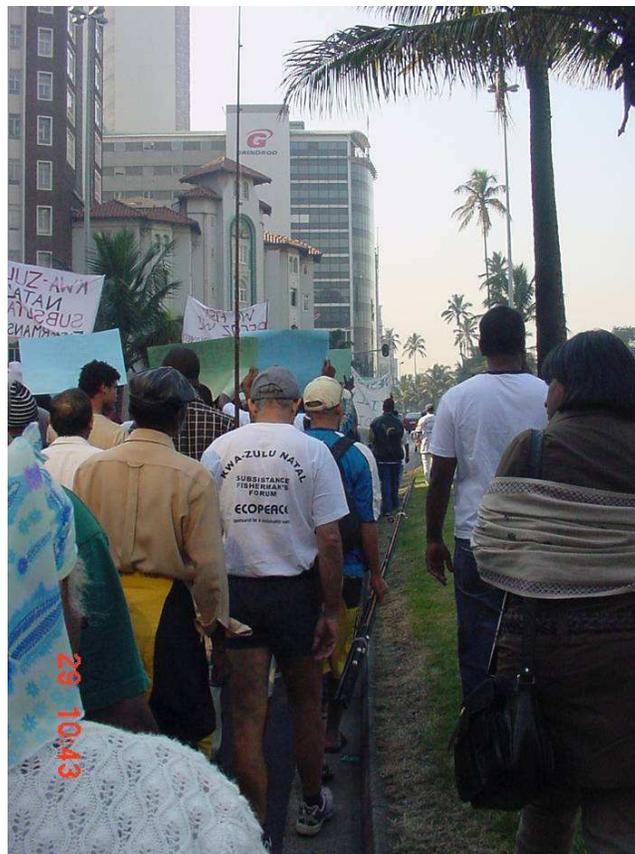


Plate 6.6: The march along the Victoria Embankment to the TNPA offices; 29 May 2007

The TNPA received the KZNSFF memorandum and said that they would look at it and get back to the fishers within seven days but no guarantees were promised (Protest 1: Protest against the closure of the South Pier, 29 May 2007). The fishers were angry at not being able to access the offices and directly hand over the memorandum (Protest 1: Protest against the closure of the South Pier, 29 May 2007).

b) Protest at the SANPAD Poverty Conference

The SANPAD (South Africa-Netherlands Research Programme on Alternatives in Development) Poverty conference 2007 was opened on the 26th June 2007 at the Elangeni Hotel in Durban (Protest 3: Protest at SANPAD Poverty Conference, 26 June 2007). This conference was aimed at addressing issues of poverty in South Africa. The fishers mobilised with other marginalised groups and attempted to walk in to the conference at the Elangeni hotel in order to represent the marginalised poor people in Durban. The protesters entered the hotel peacefully but were stopped at the door of the venue. As a member of this group, the researcher witnessed the protesters demanding to speak to the deputy mayor of Durban Logie

Naidoo who was presenting the opening speech at the conference (Protest 3: Protest at SANPAD Poverty Conference, 26 June 2007). There were approximately 200 protesters representing the different groups of marginalised people, such as shack dwellers, street traders, flat tenants and the working poor, most of whom belong to civil society organisations. One protester shouted: “we are the poor! Why aren’t we allowed at the poverty conference?” (Protest 3: Protest at the SANPAD Poverty Conference, 26 June 2007). As Young (2001: 673) states, activists often protest and make “public noise” outside a venue where deliberation is taking place inside amongst intellectuals and different invited groups. This protest is an example of the disruption of a conference or meeting that drew attention of the broader public to their marginalisation. Although this mobilisation empowered the different movements to deal with state institutions, this event was reported on as ‘disruptive’ and the movements branded in this way (Oldfield & Stokke, 2007) (The article on the event in the Daily News was headed “Poor disrupt conference” (Packree, 27/06/07)).

The Deputy Mayor Logie Naidoo eventually came out of the venue to speak to the people and a representative from each civil society organisation raised various issues and asked him questions. He listened and stated that he would look into each of the issues. However, the protesters were not allowed entrance into the venue to express their concerns (Protest 3: Protest at the SANPAD Poverty Conference, 26 June 2007). The police arrived and the protesters were escorted away. The protest was peaceful and effective and created unity among the poor in Durban. The KZNSFF were one of the civil society organisations participating and gained strength from this alliance (Barnett & Scott, 2007).

c) Protest against the TNPA at the ICC

A protest against TNPA was held on the 26 September 2007 outside the ICC by the fishers in response to Transnet’s refusal to speak with the fishers and negotiate for the use of spaces of the South Pier and in the Durban Harbour. The protesters included fishers and residents from the Fynnlands area who recently experienced the effects of a blast at Island View on the 18 September 2007 when storage tanks exploded (Sapa, 18/09/07). These storage tanks store harmful chemicals such as toluene, diesel, olefins, poly-oil and ethanol (Gerretsen, 21/09/07). The explosion of these tanks resulted in the death of one person and potentially harmful chemicals being inhaled by residents from the fumes of the explosion (de Boer & Mhlongo, 19/09/07; Gerretsen, 21/09/07). The protest was held on this date as the CEO from Transnet, Maria Ramos would be attending a conference at the ICC and it was hoped that a

memorandum could be handed over to her (Protest 4: Protest against the TNPA, 26 September 2007).

The protesters congregated at “Speakers Corner”¹³, opposite the Hilton Hotel and displayed their placards which read “Maria Ramos please care for poor fishermen”, “Fishing is our rights”, “God remembers those who care for the poor”, “We are unemployed”, “Why must poor fishermen suffer in a democratic South Africa”, “Don’t criminalise the poor”, “Stop harassing fishermen” and “Where is Justice?”(See Plate 6.7).

Fourteen of the protestors marched to the ICC entrance and asked for Maria Ramos to come out. They were met by security guards who had closed the doors to the protestors. Maria Ramos knew that the fishermen were coming (D’sa, pers. comm., 26 September 2007) and refused to come out and accept the memorandum despite there only being a small crowd at the entrance (Protest 4: Protest against the TNPA, 26 September 2007). Des D’sa appealed to the protestors not to give up and stated that “those that think it’s the end, they are fooled” (D’sa, pers. comm., 26 September 2007) (Protest 4: Protest against the TNPA, 26 September 2007).



Plate 6.7: Protestors protesting outside the Transnet Conference; 26 September 2007

¹³ D’sa, pers. comm., 26 September 2007.

This protest demonstrated the disregard by the TNPA for the fishers and their refusal to deliberate the issues of the closure of the South Pier and other port spaces. Although this particular protest did not succeed in getting the attention of the media, the public or the TNPA Representative, it did unify the protestors and resulted in awareness by residents and fishers that there are avenues within which to oppose large corporations on issues of social injustice.

Passive protest

The fishermen did not only participate in active protests but also engaged in passive protests to gain solidarity and cohesiveness between the fishers themselves. One example of a passive protest was the night vigil that was held on the South Pier on the last night that the pier was supposed to be open, the 15th June 2007. This was fifteen days after a memorandum was handed to TNPA who had stated that they would reply to their concerns by this date. The fishers organised themselves at a KZNSFF meeting and it was proposed that they spend the night fishing together as a sign of their solidarity (Meeting 3: KZNSFF meeting, 12 June 2007). Many of the fishers fished throughout the night and a sense of unity (Protest 2: Night Vigil on the South Pier, 15 June 2007; Meeting 4: KZNSFF Meeting, 19 June 2007) was created that uplifted many of the fishers (Protest 2: Night Vigil on the South Pier, 15 June 2007) (See Plate 6.8). The researcher witnessed this event and it was evident that the fishers were able to claim their space together in a peaceful manner (Protest 2: Night Vigil on the South Pier, 15 June 2007). This event gave the fishers hope that if they unified they could possibly keep the pier open (Meeting 4: KZNSFF Meeting, 19 June 2007). At a KZNSFF meeting attended by the researcher, the fishers were urged to carry on fishing everyday until they were forcibly removed (Meeting 3: KZNSFF meeting, 12 June 2007).

The protests, both active and passive, show how important it is for marginalised groups to occupy physical space in order for them to gain the attention of the relevant authorities in demonstrating their existence as citizens of society (Mitchell, 1995). The occupation of the South Pier by the fishers especially demonstrated a taking and a claiming of the space as their own. The physical spaces, such as the South Pier and the public streets used to protest, served as the sites where the fishers could mobilise themselves and rise up against the privatisation and closure of the spaces they have appropriated (Mitchell, 1995). This demonstrates the value that physical public spaces offer for the marginalised for engaging in the 'public sphere' in that they provide the material space for protest to occur (Mitchell, 1995).



Plate 6.8: Night Vigil held on the South Pier; 15 June 2007

They also provide a space where the marginalised can be seen and represented by society (Mitchell, 1995), and through the protests the fishers were able to claim their spaces and were ‘visible’ to society and the authorities. The fishers have been fighting to keep the spaces they use open in order for them not to lose their legitimacy as being part of ‘the public’ (Mitchell, 1995; Young, 1990). These spaces have provided a space for the ‘subaltern counterpublic’ of the fishers to be represented (Crawford, 1995; Fraser, 1990). These spaces became ‘spaces of insurgent citizenship’ as the fishers claimed their citizenship in opposition to the authorities’ disregard of their needs and citizenry (Holston, 1999). The newspaper reports on the events also helped to highlight their plight and make their recognition as citizens known (de Boer, 12/06/07; Nyar, 05/06/07; Zulu, 30/05/07).

6.3.4 Use of the media

The KZNSFF has used the media to gain the attention of the public and the authorities. Through newspapers and the radio the fishers attempted to keep their story alive whenever a major closing of a public space or other issue is at hand. This creates solidarity amongst the fishers themselves and created awareness among the public about the closure of spaces and the subsequent suffering of the fishers. The fishers’ story was on a local radio station, Lotus FM, and in local newspapers such as The Daily News, The Mercury, The Mail and Guardian

and The Post (Comins, 02/11/07; de Boer, 12/06/07; Gerretsen, 17/09/07; Kasu & Zulu, 25/11/04; Magnussen, 26/09/07; Moodley, 28/06/07; Naidoo, 17/07/06; Nyar, 05/06/07; Tolsi, 6-12/07/07; Zulu, 30/05/07) (See Appendix D for some of the full reports). In this way the media acts as a ‘public space’ or forum where the thoughts of the listeners and readers can be discussed through dialogue on the radio and letters to the newspaper. This electronic space of the media as described by Mitchell (1995: 122) has “opened up a new frontier of public space” where the value of material public space is threatened. The value of the reports by the media must not be undervalued as it was through these reports that the attention of the public and other fishers was achieved and their support established.

6.3.5 Survival Strategies

Although the KZNSFF has been active in opposing the closure of fishing spaces and fighting for the rights of the subsistence fishers, most of the fishers interviewed had not been in contact with or part of this forum and have had to come up with their own strategies of coping with the increasing denial of access to spots they use to fish. In their everyday lives, the fishers still have to survive and while protests and petitions take a while to work, the fishers need to provide for their families in the interim. Fishers have devised a number of strategies in order to access the spaces they need to fish.

Move to alternative spaces/ Overcrowding

Once denied access, many fishers abandon the fishing spots that they have used and move on to other fishing spaces that are already occupied with other fishers. This leads to overcrowding on piers and spaces and can create animosity amongst the fishers. As one fisher on the South Pier stated: “some people do come and over fish, they come with a couple rods and exclude others” (Respondent 16, 5 April 2007). Other fishers get angry when spaces are overcrowded and taken over by what they call ‘outsiders’.

One such example took place on the Bay of Plenty Pier. With the closure of the North and South Piers the fishers have had to fish off the piers along the Durban beachfront that still remain open to fishing. Thus there has been an increase in fishers on the Bay of Plenty Pier and the Snake Park Pier. A female fisher on the Bay of Plenty Pier, informed the researcher of a fight that had broken out between a lady and the fisher’s daughter. This fisher and her daughter had fished frequently on the North Pier and had not experienced this animosity before. The woman came on to the pier, which had usually been her territory, and started to

tell all the fishers that they were ‘lowlives’¹⁴. The woman then attacked the fisher’s daughter and a fight broke out. On interviewing the fisher she commented on that incident and stated that, “she starts saying we are all ‘lowlives’ and that she has money and lives in Umhlanga and we will never get anywhere in life... she then started to call us names and started to fight with my daughter...” (Respondent 12, 19 August 2007). This incident illustrates the pressure caused by the closure of spaces that can lead to overcrowding and animosity between fishers as territories are threatened.

Every Saturday and Sunday afternoon the Bay of Plenty Pier and other Beachfront Piers are overcrowded with fishers (See Plate 6.9), both subsistence and recreational. This raises concerns over the social relations between the fishers especially since these spaces are unique and have unique sensitive social environments that may be disturbed.



Plate 6.9: The Bay of Plenty Pier on a busy Sunday afternoon; 19 August 2007

Fishing at night

Some of the fishers come to the Beachfront piers at night to fish when security is not as strict, and thus many fishers had thought of fishing more frequently at night than they had been. As one fisher on the Snake Park Pier stated “I think we will all just have to fish at night...” (Respondent 10, 3 July 2007) on hearing about the proposed closure of some of the spaces.

¹⁴ A derogatory slang term meaning ‘low class’.

When the South Pier had officially been closed off to the fishers (in July 2007), some fishers continued to use the pier at night. This was disapproved of by others as they had been obeying the rules to keep off the South Pier. At a KZNSFF meeting this issue was raised and the fishers were angry that some fishers were still using the pier. They were concerned that the behaviour of some of the fishers would ruin their case in court against the National Ports Authority (Meeting 5: KZNSFF meeting, 21 August 2007).

Illegal use of fishing spaces

Many of the fishers interviewed admitted to taking chances when fishing in the harbour and other spaces that did not permit fishing. However, as their families are dependent on fishing to survive, they state that they have no option but to fish even if it is illegal. The increased police presence in the harbour has affected the fishers and their ability to fish in the harbour without being fined or jailed. One fisher who fishes for mudprawns stated that he has to take risks by catching mudprawns, and that if the police caught him he could be fined or even jailed, but in order to feed his wife and child and provide shelter for them he had to take these risks (Respondent 24, 5 April 2007). When asked about the plans that a fisher on the Snake Park Pier had if he was denied access to spaces, he stated that “I’d have to poach...” (Respondent 9, 3 July 2007). When asked about what problems he envisaged, the KZNSFF Representative accurately predicted that people would take risks and some might even resort to criminal activities (KZNSFF Representative, 3 April 2007). They would therefore claim their rights to these spaces and activities ‘insurgently’ (Holston, 1999).

Mass fishing on the beaches

Some of the fishers stated that if the piers were closed off to fishing that they would organise with all the fishers to come and fish on the beaches. As one fisher on the Snake Park Pier stated: “I’ll join them and fish off the beaches if we get chased off the pier” (Respondent 7, 3 July 2007). Another fisher added that other legal spaces were not safe to fish and thus they would be forced to fish off the beaches if the piers were closed, “we’ll be forced to fish on the surf. Blue Lagoon side is not safe to fish there... on the pier you never alone... you safe” (Respondent 6, 3 July 2007). Here again, the fishers would claim their rights as part of ‘the public’ to use these ‘spaces of insurgent citizenship’ (Holston, 1999).

Lack of Strategies

Many of the fishers had not come up with any alternative strategies in the event of the closure of the spaces they use to fish, and many have developed a sense of hopelessness towards their current situation. Some of the fishers had a general apathy toward doing anything practical and although some had heard of the KZNSFF and were informed about meetings and protests that were being held, they did not participate. As one fisher commented when asked about her participation in the struggle “no... but we received pamphlets from Max [a KZNSFF Representative] about meetings and things” (Respondent 12, 19 August 2007). Another acknowledged that there are people fighting to keep spaces open for the fishers but he had not been involved. The fisher stated on his involvement: “nothing as yet... I know lots of people who are against it but I haven’t got myself involved” (Respondent 10, 3 July 2007).

This is a problem amongst some of the fishers as they do not feel that they are able to do anything about their situation and feel powerless to make any sort of change. As the SDCEA Chairperson stated, “my brother is a fisherman, he’s got an angry streak. He gets angry with the fishermen...he wants the fishermen to participate, [and] gets angry with them who don’t want to participate” (SDCEA Chairperson, 11 December 2006). But it is difficult to get a group like the fishers to get motivated and involved especially since most of them rely on fishing and find it difficult to take time off to go to meetings and protests as it takes time away from their fishing. As the KZNSFF Representative stated “the reason why many fishermen don’t have a voice is because they rely on it [fishing] and they can’t come to meetings, ‘cause if they away from their workplace nobody’s gonna pay them, or compensate them” (KZNSFF Representative, 3 April 2007).

Other fishers displayed feelings of hopelessness and felt their efforts futile against the bigger organisations and government who they are fighting against. As one fisher on the Snake Park Pier stated, “there’s nothing I can do, nothing...” (Respondent 8, 3 July 2007). And another older fisher also felt that he as a person could not do anything about the situation “no...nothing... I have to just battle on a pension...” (Respondent 11, 19 August 2007). Therefore, some of the fishers have not been involved with the KZNSFF and have a general sense that nothing much can be done about their situation. Most of the fishers interviewed did not have plans with regards to what they will do if the spaces are closed to fishing as they do not have many skills other than fishing (Respondent 8, 3 July 2007; Respondent 9, 3 July 2007; Respondent 11; 19 August 2007; Respondent 12; 19 August 2007).

6.4 Conclusion

This chapter has attempted to discuss two of the four objectives set out at the beginning of this study, in order to answer the aim of the study.

This chapter has demonstrated that the subsistence fishers in Durban have experienced exclusion from public spaces in Durban and that this phenomenon is on the increase. Spaces such as the Durban Harbour and the Piers at the harbour entrance have closed to the subsistence fishers because of security and economic reasons. Access to the piers along the Durban beachfront is subject to other users and global events, while the proposal of a SCH at the Point has not included the fishers in the plans. The fishers have been 'invisible' to the state and are not included in the definition of subsistence fishers in the MLRA, and are not recognised by EKZNW as subsistence fishers. They are not recognised as a stakeholder group by the eThekweni Municipality and have been refused meetings with the TNPA which controls the harbour access. Therefore this group of fishers are not formally recognised by the authorities and thus their exclusion from public space, and the public sphere, is not acknowledged. Different strategies by the eThekweni municipality and the TNPA to promote Durban as a city of potential economic investment and tourism have led to the development of public spaces that the fishers use. Therefore closures of these spaces are occurring, but because this group is not formally recognised, the authorities have not considered the significance of the loss of access to this group. The fishers' "right to the city" is being jeopardised as certain users of urban space are promoted over the poorer and marginal fishers in the city's aim to provide a safe city for the rich and those citizens that are 'responsible' (Lefebvre, 1996: 174; Crawford, 1995). The evidence from the fishers shows that they feel a heightened sense of 'injustice' in these processes and a denial of their basic human rights (Mitchell, 2001).

Through the KZNSFF the fishers have been able to respond collectively to the closure of fishing spaces and have raised their concerns through the media to get recognised by society and the relevant authorities. However, the daily lives of the fishers are still being affected negatively and the protests and memorandums have not yet provided solutions regarding the privatisation of public spaces. Whilst the KZNSFF is helping to raise awareness of the fishers and their issues, it cannot provide for the fishers on a practical basis and the fishers still have to live out their daily lives. Thus, many have adopted other strategies such as fishing at night

and taking risks when the police are not as present. They cannot wait until policies are created and agreements signed. The KZNSFF, and the achievements that it has made, however, must not be underestimated. The KZNSFF has given a platform to the fishers and has given them a voice through which they can be recognised and represented. The fishers have attempted to make themselves 'visible' as citizens of Durban by participating in DEAT workshops and making comments on legislation such as the draft policies for the rights of subsistence fishing and small-scale commercial fishing. What is needed is for more of the fishers to join the Forum and stand together to create further change for themselves and for other marginalised groups in the city. In addition, the fishers have voiced their feelings that the eThekweni Municipality, EKZNW and the TNPA need to recognise this group of fishers and consult with them about their issues and concerns. They have protested their counterdiscourses in public spaces where all voices can be heard and where societal change can occur; these are the 'invented spaces of citizenship' (Miraftab, 2004). The most important concerns for the fishers are the privatisation of the fishing spaces, the limited recreational fish quotas, and the allocation of rights to be able to fish.

CHAPTER SEVEN

CONCLUSION

Public spaces are resources that ideally should be open and accessible to all members of the public. They provide a space where citizens of various backgrounds, cultures and worldviews can interact in an environment conducive to the meeting of strangers and tolerating difference (Madanipour, 2003; McDowell, 1999; Ruddick, 1996; Watson, 2006; Young, 1990; Young, 2000). Public spaces have been described by Watson (2006) as 'enchanted', each having their own character and unique qualities. These qualities may be due to the unique mix of a variety of people at each specific site as well as the qualities of the site.

In a democratic society, public spaces have been the indicator of a functioning democracy (Marcuse, 2006). These sites, in the past, were spaces of forum where the problems of the state were discussed and comments made by the public (Hartley, 1992). Today, the public realm of discussion and decision-making has retreated to the private realm. However, public spaces are still important sites where democracy can be displayed (Mitchell, 1995). However, these open, organic spaces are under threat of being closed off completely or made available to only certain sections of the public that are deemed 'responsible' (Staheli & Thompson, 1997).

Privatisation is a characteristic of neoliberalism, the ideology that is being adopted by states worldwide and that is promoted by global organisations; donor agencies and international financial institutions (Oldfield & Stokke, 2007; Smith & Low, 2006). The trend is for the state to open up its markets, sell its assets to private companies, and cut spending on welfare; thereby governing less (Leitner, *et al.*, 2007; Pryke, 1999; Thrift, 1999). This can be termed as a 'rolling back' of the state, where relations between the state and the market, and the state and society, are rearranged. Emphasis is placed on the market and on civil society to initiate change in economic and social development (Oldfield & Stokke, 2007). The privatisation of public spaces is one outcome of the implementation of a neoliberal ideology, and is evident in post-apartheid South Africa.

This privatisation of space affects the poor and marginalised the most, as they use these spaces either for leisure, to earn a living, or as their permanent homes. The poor do not have

the luxury of private spaces that they can retreat to, and so therefore feel the full affects of privatisation of space (Mitchell, 1995). This study has looked at a group of poor subsistence fishers who have appropriated spaces along the Durban coastline for leisure, to earn a livelihood, and for some who live on the piers and in other structures, these spaces provide the fishers with homes. These spaces that the fishers have used in Durban for over a century are in jeopardy of being privatised and this study aims to investigate the exclusion of subsistence fishers from public space in Durban, KwaZulu-Natal. This chapter concludes this study by summing up each chapter and presenting the findings of the research. It also provides some recommendations for future research in the field.

The research objectives that were used in this study to help guide the research, included the following: 1. To describe the historical and current use and value of public spaces to the subsistence fishers. 2. To examine how the privatisation of public space has impacted on the social, cultural and economic aspects of their lives. 3. To understand the politics involved in the marginalisation of fishers from public spaces. 4. To determine the coping strategies adopted by these fishers to deal with this exclusion.

The literature that was explored in this thesis, described in Chapter 2, helped to answer the above objectives set at the beginning of the research. The theoretical framework in this study first briefly explores the broader processes of neoliberal capitalism and accumulation by dispossession in order to locate the theory in a broader global context and understand that global processes are affecting local people and processes in South Africa. Neoliberal capitalism has resulted in greater separations between the rich and the poor in the world and has led to privatisation, the cutting of social welfare and the rolling back of the state. This uneven development around the world has led to the process of accumulation by dispossession, coined by Harvey (2006; Hart, 2006), which describes how large private companies come to take over local areas and resources at the expense of local people.

The concepts of space and place are defined in the theoretical framework and the associated meaning of place explored. These concepts are important in this study as the fishers associate their identity with place and therefore the concepts of space and place needed to be defined. The notion of the 'public sphere' was explored and the idea of there being 'multiple publics' rather than 'the public' was introduced. It was noted that many groups are excluded from the public sphere and that the views of these groups need to be recognised. When all groups

combine to form one 'public', the marginalised views are often drowned out by larger voices. There needs therefore to be a recognition for these 'multiple publics' that exist in society (Fraser, 1990; Young, 2000). The concept of citizenship is described and the concept of citizenship from below, or, 'insurgent citizenship' introduced. Insurgent citizenship is a kind of citizenship that is not given by the state but is claimed by people from below that have been excluded from formal definitions of citizenship (Holston, 1999; Miraftab & Wills, 2005). The value of public space is described especially as a democratic site where groups can actively protest and claim space (Mitchell, 1995). Furthermore, the literature reveals that public space as a place of interaction and of difference is valued (Young, 1990).

Public space is conceptualised differently by different people and these conceptualisations are outlined and described. One interpretation is of public spaces as spaces of order and spectacle, and representations of space or abstract space, while another is that public spaces are open and free, and are termed as representational space or everyday space (Mitchell, 1995; Lefebvre, 1991). Struggles over public space are a result of these differences in interpretation of what public space should encompass (Mitchell, 1995).

Finally, the process of the privatisation of public spaces is described and the driving forces behind this process highlighted. The forces influencing a decrease in open public spaces include the following. The 'securitisation' of space, where there has been a drive to secure the city through increased walls, gates, and surveillance (Davis, 1992; 2006); the 'consumerisation' of space, where spaces have been converted into spaces of consumption and spectacle, such as malls and theme-parks; and the drive to be a competitive city in a neoliberal economy where the city strives to be part of the 'global hierarchy of cities' at the expense of its people. These processes have facilitated the privatisation of public spaces, with more control, surveillance and partnerships between the state and private businesses to construct themed spaces. What has resulted is a further exclusion of the poor and marginalised. The responses to this exclusion from space is through a process of appropriation of 'loose spaces' and through protest, and in this way the marginalised have attempted to claim their citizenship and their 'rights to the city'.

Chapter 3 in this study describes the context of the study and particularly the specific South African economic and political environment which is relevant to the case study. The background to the study shows that the broader neoliberal economic policies of South Africa

are being implemented to create many large pro-growth developments along the Durban beachfront. A brief history of the city of Durban further illustrates the importance of the city's early location and growth alongside a large port. The range of fishing spots along the Durban coastline is presented and described to show the extent of fishing activity along the Durban coastline. The chapter also includes a description of important legislation, such as the MLRA which serves to define subsistence fishers and excludes the KwaZulu-Natal fishers from its definition. The rich history of fishing community's provides background to illustrate the cultural and use value of fishing that has developed over 100 years in the province. This chapter also describes the developments in the city that are threatening the public fishing spaces in Durban.

In Chapter 4, the research methodology is described. A qualitative methodology was used in this study to collect oral and documentary evidence pertaining to the loss of fishing spaces in Durban. This methodology was used in order to interpret the multiple meanings that the fishers ascribed to public spaces (Winchester, 2005). A social constructivist approach was adopted where knowledge was co-constructed between the researcher and the researched (Crang, 2003a). This research can be categorised as what Mottier (2005: 1) calls the "interpretive turn" where the subjectivity of the researcher is defended. In-depth interviews with subsistence fishers (twelve) and important stakeholders (five) enabled the researcher to gather rich data. In addition, the researcher engaged in participant observation where protests, meetings and workshops that involved the subsistence fishers were attended. Documents and texts were also collected and an analysis of the landscape as text enabled for a rich database to be accumulated. The sampling techniques used were non-probability methods of purposive and snowballing. The purposive technique enabled the researcher to select the specific stakeholders required, whilst the snowballing technique provided the researcher with access to important fishers in the community through personal contacts. The data collected was analysed through a systematic thematic analysis which allows for the teasing out of relationships through categorising and coding the data (Kitchin & Tate, 2000). A relationship of trust with the fishers was formed through the ties between UKZN and a non-governmental organisation, SDCEA, which aided the collection of data.

The research objectives of the study were answered in the two results chapters, Chapter 5 and Chapter 6. Chapter 5 presents an understanding of the historical and current use of public space; and, the impacts of privatisation on the social, cultural and economic aspects of the

fishers' lives. Chapter 6 presents the politics involved in the marginalisation of fishers from public space and how they have responded to these closures.

This study found that the fishers have a long and rich history in the trade of fishing. All the fishers had learnt the trade from a family member, with almost all of them having being introduced to the trade by their fathers or grandfathers. The fishers interviewed lived close to the sea and thus had easy access to the Durban Bay and spaces along the coastline to access marine resources. A rich culture of fishing was established in Durban and fishers of all races fished either as a livelihood or for recreation. Many of the fishers interviewed were descendents of indentured labourers who brought with them their skills of fishing from India. There was an Indian community of fishers that used wooden boats and seine nets to fish, and made a good living. This community lived in a village called Fynnlands, which was cleared to make room for the expansion of the harbour. The fishing community has however, lived on, although dispersed throughout the peripheral areas of Durban, and this can be seen today when visiting one of the fishing spaces used by the subsistence fishers. Currently, the fishers use these spaces to earn a livelihood and to interact with their friends. The fishers have endowed these fishing spots with meaning and they provide the fishers with spiritual fulfilment and serve as a site for their cultures to be displayed. Today these spots are spaces of a mixture of cultures, genders and ages. They are vibrant, organic spaces steeped in tradition and history.

From the data collected and the literature reviewed it was found that the privatisation of these fishing sites would have devastating consequences for the subsistence fishers in a multitude of ways. If these spaces were closed off to the fishers the strong friendships that they have formed over the years would be threatened. A loss of identity and a loss of a 'sense of place' would result as the fishers have associated their identities with the trade of fishing and with place. Culturally, the fishers would lose the spaces that they have used to fish over the last century and their rich heritage and lifestyles would be endangered. On the economic side, the fishers would lose their source of livelihood. The consequences would be worse for those that depend entirely on fishing to survive, however, the fishers that fish seasonally or to supplement their incomes would also suffer. Many of the fishers could become homeless if they do not have money to pay for rent or accommodation. The safety net that they have come to rely upon would be destroyed, and consequently this would affect their food security.

This study revealed the occurrence of a number of political processes relating to the closure of public spaces affecting the subsistence fishers in Durban. From the field work conducted it is concluded that fishing spaces are undergoing closures to the subsistence fishers. During the study, the South Pier and North Pier at the harbour entrance were closed indefinitely due to construction in view to widen the harbour mouth. The harbour itself became closed to the fishers in 2007 and an increased police presence monitors that fishers do not fish in the harbour. The beachfront piers continue to be closed to the fishers during peak holiday seasons for surfing and other sporting events. In addition to these closures, the construction of new piers, such as the pier at uShaka Beach has disallowed fishing. With the proposed development of a SCH at Vetch's Beach it is doubtful that the subsistence fishers will be allowed to fish from the North Pier and Vetch's Pier; making this area exclusive for the elite and the tourist. Minimal consultation with the fishers on the widening of the harbour mouth, the development of a SCH, and the new security measures in the harbour has further prevented access. This has left the fishers disillusioned with authorities and has resulted in a loss of spaces from which to earn a livelihood.

Public space is conceptualised by the TNPA and the eThekweni Municipality as a place of order and control, what Lefebvre calls 'abstract space', and therefore plans have been made to create environments that are ordered and controlled to cater for the wealthy citizens and the tourists. The TNPA, the eThekweni Municipality and developers do not see themselves as privatising public spaces and so do not see their developments as problematic. They view the increase in security and surveillance as positive and do not think that public access will be restricted. However, these spaces will provide 'safety' for the 'responsible' citizens and exclude the poor and marginalised (Staeheli & Thompson, 1997). The view of the subsistence fishers and SDCEA is that public spaces should be open to all people and that they should be able to use these resources as citizens of Durban to access marine resources. They view public space as 'everyday space', or according to Lefebvre as representational space that is appropriated and lived in (Lefebvre, 1991). Therefore there is a struggle over public space and how it should be used that coincides with Mitchell's (1995) distinction between different conceptualisations of public space.

On the whole the eThekweni Municipality, EKZNW and the TNPA have not been supportive of the subsistence fishermen's concerns. The eThekweni Municipality does not think there are a substantial number of subsistence fishermen in the municipality, and denies that public

spaces are being privatised. EKZWN does not include these fishermen in the definition of a 'subsistence fisher', as they sell part of their catch and are not 'traditional' as in the case of traditional fishers at Kosi Bay, and therefore the associated rights of access cannot be enforced. EKZWN have become policemen, monitoring the subsistence fishers and their catches and therefore the relationship between the subsistence fishers and EKZWN has become strained. The fishers think that EKZWN are continuously harassing them and EKZWN view them as criminals. Therefore it has proven difficult for deliberation to occur between the two groups. The TNPA have refused countless meetings with the KZNSFF and have closed the harbour and North and South Piers to the fishermen with minimum consultation, despite protests and a pending legal case. The fishers have thus become 'invisible' to the state and through their exclusion from these spaces have effectively been excluded from 'the public' and from being citizens of the city of Durban with the associated rights being denied. The current MLRA (Act No. 18 of 1998) does not include this group of fishers in the definition of a subsistence fisherman and a new piece of legislation that is being drafted for the allocation and management of medium-term rights for subsistence fishers does not apply to these fishermen either as they are still defined as commercial fishermen.

The eThekweni Municipality has entered into partnerships with private companies and is pushing development of areas for tourists and the wealthy. Projects such as the development of the new Moses Mabhida Stadium for the 2010 World Cup, and the gentrification and development of the Point area have shown that the eThekweni Municipality have concentrated on pro-growth initiatives at the expense of the poor and marginalised (Robinson, 2008). This can be seen by the minimal consultation with the fishers by the Municipality and a promotion of neoliberal policies in order to keep up with cities around the world.

Therefore the subsistence fishers of Durban have not been taken seriously and their views and needs have not been taken into account. Profits have taken precedence over their needs as citizens of Durban and the fishers have become 'invisible'.

The fishers have responded to their exclusion from public spaces and 'the public', through the political strategies of deliberation and activism. The fishers have worked with the state in forming policy and have formed their own social movement in order to oppose the state. This concurs with Oldfield & Stokke (2007) who state that communities in South Africa are collaborating with and in opposition to the state, and that to view them as doing either is not

reflected in South African society. This study shows that through the formation of the KZNSFF the fishers were able to deliberate with the state and authorities on issues such as the formation of a draft policy for the allocation of rights for subsistence fishers. The KZNSFF made themselves available to meet with the TNPA, and attend workshops with EKZNW; however, the fishers still remain invisible to the state and the relevant authorities. Therefore the KZNSFF has resorted to public protest and demonstration to get their views heard. The fishers are engaged in both active as well as passive protests, and use the media to get their views across. These protests enable the fishers to gain the attention of the relevant authorities and claim their existence as 'a public' part of the citizenry of the city of Durban. Through the occupation of the streets and piers the fishers claimed the spaces as their own, and these became 'spaces of insurgent citizenship' where the fishers claimed their citizenship. These events aided with the mobilisation of the fishers and the reports in the media created an avenue for the fishers to be seen by the public. In addition to protesting on their own, the KZNSFF joined other community organisations in protesting at the SANPAD poverty conference and stood in solidarity with the other marginalised groups in the city of Durban.

Although many of the spaces used by the fishers have subsequently closed, the fishers have opened up a court case against the TNPA and will continue to oppose these closures to fight for their survival and their heritage. The formation of the KZNSFF has assisted with the fishers' fight against the closures as it has united the fishers as one group, and given them a voice through which they can be represented and recognised.

Despite the formation of the KZNSFF and the political strategies employed, spaces continue to close and thus many of the fishers have had to formulate their own survival strategies in order to provide for their families. Many of the fishers have moved on to other fishing spots which have become overcrowded, which has led to animosity between fishers in some cases. Many fishers have started to fish at night when security is not as strict, and many admitted to taking risks by fishing in the harbour and other spaces that do not permit fishing. Many of the fishers stated that they would organise with many other fishers and fish off the beaches in protest. They would therefore claim their spaces in an 'insurgent' manner. Some of the fishers felt a sense of hopelessness and did not have any alternative plans if the spaces were closed. Most of the fishers that expressed this sense of hopelessness were not attached to the KZNSFF and had not been to any of the meetings or protests. What is needed is for more of

the fishers to join the KZNSFF and stand together to create further change for themselves and for other marginalised groups in the city.

The subsistence fishers of Durban have experienced a denial of access to the fishing spaces that they have used for over a century. This denial of public space comes at a time in South Africa's history that is regarded as being the most democratic and equal. However, the neoliberal policies adopted by the South African government have resulted in a privatisation of public spaces and a consumerisation of culture. Municipalities have been given more power and have formed partnerships with private companies which has resulted in a decrease of resources available to the public. If these fishing spaces are privatised, Durban will lose the fishers' rich culture and heritage, which will be replaced by a Western consumer culture evident at uShaka Marine World. The fishers will lose these spaces that they have appropriated and with which they invest meaning. Their culture, social bonds, and livelihoods are threatened. Worst of all, their food security is endangered and they will not be able to support the basic needs of their families. The fishers have been ignored by the eThekweni Municipality and the relevant authorities and have thus attempted to claim their citizenship and represent themselves as one of 'multiple publics' by claiming these spaces. However, they have not been heard and these public spaces are under threat of being replaced by 'pseudo-public' spaces or 'pseudo-private' spaces, controlled and monitored by private companies, from which they will be excluded.

The geographical literature about space and place has revealed that public space can be conceptualised as 'material' space (Mitchell, 1995) but also thought about as spaces in which people can exert agency in order to engage in the 'public sphere' (Mitchell, 1995). Weaker marginalised groups who are not heard through the formal channels of democracy use material spaces, such as roads, to protest and in this way enter the public sphere and voice their views to the rest of society (Crawford, 1995; Freeman, 2008; Hodgetts *et al.*, 2008; Mitchell, 1995; Mitchell, 2005; Smith & Low, 2006). These struggles over public space are reported through the media, and hence recorded and entered into the public debate (Hodgetts *et al.*, 2008; Mitchell, 1995). Therefore in addition to material public spaces providing identity, belonging, meaning and living spaces to marginalised groups, material spaces can also provide the means for the marginalised to enter the public sphere. In this case study, the fishers associate meaning with public fishing spaces and derive important social, cultural and economic uses from these spaces. In addition, these material spaces have provided the fishers

with a space to be included in the public sphere, such as their night vigil on the South Pier. In this way they insert themselves into the public sphere and become part of the multiple publics in our city (Crawford, 1995; Fraser, 1990).

This research has highlighted the plight of the subsistence fishers of Durban. This is however, just one example of a small local group of poor people struggling for their survival and their rights to the city in a democratic, but highly unequal new neoliberal South Africa. It would be informative to understand how other groups are being excluded from public spaces in South Africa, and what they have done in response to these exclusions. From the rise in shopping malls and gated communities to the redevelopment of whole parts of cities and coastal areas for elite leisure and golf resorts, the marginalised and the poor are being excluded based on their economic status (Dawson, 2006; Landman, 2004; Lemanski, 2004). I think that such studies will reveal that through an adoption of neoliberal policies and a discourse of pro-growth economic development, the interesting and varied sub-cultures of South Africa are being eroded and being excluded from public spaces. The injustices that people are facing today in South Africa need to be recognised and addressed so that the rights embedded in the South African Constitution can become real.

REFERENCES

- Altman, I. & Zube, E.H. (Eds.). (1989). *Public Places and Spaces*, Plenum Press, New York.
- Amin, A. & Graham, S. (1997). "The ordinary city", *Transactions of the Institute of British Geographers*, New Series, 22(4): 411-429.
- Aurigi, A. & Graham, S. (1997). "Virtual cities, social polarisation and the crisis in urban public space", *Journal of Urban Technology*, 4(1): 19-52.
- Ballard, R., Habib, A., Valodia, I. & Zuern, E. (2006a). "Introduction, from anti-apartheid to post-apartheid social movements", in Ballard, R., Habib, A. & Valodia, I. (Eds.). *Voices of Protest, Social Movements in Post-Apartheid South Africa*, University of KwaZulu-Natal Press, Scottsville: 1-22.
- Ballard, R., Habib, A. & Valodia, I. (2006b). "Conclusion, making sense of post-apartheid South Africa's voices of protest", in Ballard, R., Habib, A. & Valodia, I. (Eds.). *Voices of Protest, Social Movements in Post-Apartheid South Africa*, University of KwaZulu-Natal Press, Scottsville: 397-417.
- Banerjee, T. (2001). "The future of public space, beyond invented streets and reinvented places", *Journal of the American Planning Association*, 67(1): 9-24.
- Barnett, C. & Scott, D. (2007). "Spaces of opposition: activism and deliberation in post-apartheid environmental politics", *Environment and Planning A*, 39(11): 2612-2631.
- Beall, J., Crankshaw, O. & Parnell, S. (2002). *Uniting a Divided City: Governance and Social Exclusion in Johannesburg*, Earthscan Publishing Ltd., London.
- Bender, C.C. (1988). *Who Saved Natal? The Story of the Victorian Harbour Engineers of Colonial Port Natal*, C.C. Bender, Durban.

Bickford, S. (2000). "Constructing inequality: City spaces and the architecture of citizenship", *Political Theory*, 28(3): 355-376.

Branch, G.M., Hauck, M., Siqwana-Ndulo, N. & Dye, A.H. (2002). "Defining fishers in the South African context: subsistence, artisanal, and small-scale commercial sectors", *South African Journal of Marine Science*, 24: 475-487.

Brecher, J., Costello, T. & Smith, B. (2000). *Globalisation from Below, the Power of Solidarity*, South End Press, Cambridge.

Bridge, G. & Watson, S. (2002). "Introduction to part IV: Reading city publics", in Bridge, G. & Watson, S. (Eds.). *The Blackwell City Reader*, Blackwell Publishing, Oxford: 335-341.

Brown, A. (2006a). "Urban public space in the developing world- a resource for the poor", in Brown, A. (Ed.). *Contested Space, Street Trading, Public Space, and Livelihoods in Developing Cities*, ITDG Publishing, Warwickshire: 17-35.

Brown, A. (2006b). "Challenging street livelihoods" in Brown, A. (Ed.). *Contested Space, Street Trading, Public Space, and Livelihoods in Developing Cities*, ITDG Publishing, Warwickshire: 3-16.

Caldeira, T. P. R. (2000). *City Walls: Crime, Segregation, and Citizenship in Sao Paulo*, University of California Press, Los Angeles.

Carr, S., Francis, M., Rivlin, L.G. & Stone, A.M. (1992). *Public Space*, Cambridge University Press, Cambridge.

Clark, D. (2003). *Urban World/Global City*, 2nd Edition, Routledge, London.

Cloke, P., Cook, I., Crang, P., Goodwin, M., Painter, J. & Philo, C. (2004). *Practising Human Geography*, SAGE Publications, London.

Cock, J. (2006). "Connecting the red, brown and green: the environmental justice movement in South Africa", in Ballard, R., Habib, A. & Valodia, I. (Eds.). *Voices of Protest, Social*

Movements in Post-Apartheid South Africa, University of KwaZulu-Natal Press, Scottsville: 203-224.

Coe, N.M., Kelly, P.F. & Yeung, H.W.C. (2007). *Economic Geography, A Contemporary Introduction*, Blackwell Publishing, Oxford.

Constitution of KwaZulu-Natal Subsistence Fishermen's Forum (2005). Accessed on 11 December 2006 from the South Durban Community Environment Alliance Offices, Wentworth, Durban.

Constitution of South Durban Community Environmental Alliance (2004). Accessed on 11 December 2006 from the South Durban Community Environment Alliance Offices, Wentworth, Durban.

Cowen, D. & Bunce, S. (2006). "Competitive cities and secure nations: conflict and convergence in urban waterfront agendas after 9/11", *International Journal of Urban and Regional Research*, 30(2): 427-439.

Crang, M. (1998). *Cultural Geography*, Routledge, London.

Crang, M. (2003a). "Qualitative methods: touchy, feel, look-see?", *Progress in Human Geography*, 27(4): 494-504.

Crang, M. (2003b). "Telling materials", in Pryke, M., Rose, G. & Whatmore, S. (Eds.). *Using Social Research Theory, Thinking Through Research*, SAGE Publications, London: 127-144.

Crang, M. (2005). "Analysing qualitative materials", in Flowerdew, R. & Martin, D. (Eds.). *Methods in Human Geography, A guide for students doing a research project*, 2nd Edition, Pearson, Prentice Hall, Harlow: 218-232.

Crawford, M. (1992). "The world in a shopping mall", in Sorkin, M. (Ed.). *Variations on a Theme Park: The New American City and the End of Public Space*, Hill and Wang, The Noonday Press, New York: 3-30.

Crawford, M. (1995). "Contesting the public realm: struggles over public space in Los Angeles", *Journal of Architectural Education*, 49(1): 4-9.

Dagger, R. (1981). "Metropolis, memory and citizenship", *American Journal of Political Science*, 25(4): 715-737.

Davis, M. (1992). "Fortress Los Angeles: The militarization of urban public space", in Sorkin, M. (Ed.). *Variations on a Theme Park: The New American City and the End of Public Space*, Hill and Wang, The Noonday Press, New York: 154-171.

Davis, M. (1998). *Ecology of Fear: Los Angeles and the Imagination of Disaster*, Metropolitan Books, Henry Holt, New York.

Davis, M. (2006). *City of Quartz, Excavating the Future in Los Angeles*, 2nd Edition, Verso, London.

Dawson, A. (2006). "Geography of fear: crime and the transformation of public space in post-apartheid South Africa", in Low, S. & Smith, N. (Eds.). *The Politics of Public Space*, Routledge, New York: 123-142.

Department of Environmental Affairs and Tourism. (2006a). *Draft Policy for the Allocation and Management of Medium-term Subsistence Fishing Rights*, Marine and Coastal Management.

Department of Environmental Affairs and Tourism. (2006b). *Draft Policy for the Allocation and Management of Medium-term Small-scale Commercial Fishing Rights*, Marine and Coastal Management.

Derr, V. (2002). "Children's sense of place in northern New Mexico", *Journal of Environmental Psychology*, 22(1-2): 125-137.

Dowling, R. (2005). "Power, subjectivity, and ethics in qualitative research", in Hay, I. (Ed.). *Qualitative research Methods in Human Geography*, 2nd Edition, Oxford University Press, Oxford: 19-29.

Dryzek, J.S. (1996). "Political inclusion and the dynamics of democratisation", *American Political Science Review*, 90(1): 475-487.

Dunn, K. (2005). "Interviewing", in Hay, I. (Ed.). *Qualitative research Methods in Human Geography*, 2nd Edition, Oxford University Press, Oxford: 79-105.

Dwyer, C. & Limb, M. (2001). "Introduction", in Limb, M. & Dwyer, C. (Eds.). *Qualitative Methodologies for Geographers, Issues and Debates*, Arnold, London: 1-20.

eThekwini Municipality. (2001). *Long Term Development Framework, An Overview of the Key Developmental Challenges, Unicity Vision, Outcomes and City Strategy*, eThekwini Municipality, Durban, <http://www.durban.gov.za/durban/government/mayor/policy/ltdf/ltdf>, [Accessed 23 July 2008].

Franck, K.A. & Stevens, Q. (2007). "Tying down loose space", in Franck, K.A. & Stevens, Q. (Eds.). *Loose Space: Possibility and Diversity in Urban Life*, Routledge, London: 1-33.

Fraser, N. (1990). "Rethinking the public sphere: a contribution to the critique of actually existing democracy", *Social Text*, 25/26: 56-80.

Freeman, J. (2008). "Great, good, and divided: The politics of public space in Rio de Janeiro", *Journal of Urban Affairs*, 30 (5): 529-556.

Freund, B. (2001). "Brown and green in Durban: the evolution of environmental policy in a post-apartheid city", *International Journal of Urban and Regional Research*, 25(4): 717-739.

Freund, B. & Padayachee, V. (Eds.). (2002). *(D)urban Vortex, South African City in Transition*, University of Natal Press, Pietermaritzburg .

Goss, J. (1993). "The magic of the mall: An analysis of form, function, and meaning in the contemporary retail built environment", *Annals of the Association of American Geographers*, 83(1): 18-47.

Grant, L.J. (1992). *An Historical Geography of the Durban Beachfront*, Unpublished Masters Thesis, Department of Geographical and Environmental Sciences, University of Natal, Durban.

Grant, L. & Scott, D. (1996). "Waterfront developments as tools for urban reconstruction and regeneration in South Africa: The planned point waterfront development in Durban", *Urban Forum*, 7(2): 125-138.

Habib, A. & Padayachee, V. (2000). "Economic policy and power relations in South Africa's transition to democracy", *World Development*, 28(2): 245-263.

Hajer, M. (2005). "Rebuilding ground zero: The politics of performance", *Planning Theory and Practice*, 6(4): 445-464.

Hart, G. (2006). "Denaturalizing dispossession: Critical ethnography in the age of resurgent imperialism", *Antipode*, 38(5): 977-1004.

Hartley, J. (1992). *The Politics of Pictures, The Creation of the Public in the Age of Popular Media*, Routledge, London.

Harvey, D. (2006). "Neo-liberalism as creative destruction", *Geografiska Annaler: Series B, Human Geography*, 88(2): 145-158.

Hauck, M., Sowman, M., Russell, E., Harris, J.M., Venter, A., Beaumont, J. & Maseko, Z. (2002). "Perceptions of subsistence and informal fishers in South Africa regarding the management of living marine resources", *African Journal of Marine Science*, 24: 463-474.

Hayden, D. (1995). *The Power of Place, Urban Landscapes as Public History*, The MIT Press, Cambridge, Massachusetts.

Hernandez, B., Hidalgo, M.C., Salazar-Laplace, M.E. & Hess, S. (2007). "Place attachment and place identity in natives and non-natives", *Journal of Environmental Psychology*, 27(4): 310-319.

Hodgetts, D., Stolte, O., Chamberlain, K., Radley, A., Nikora, L., Nabalarua, E. & Groot, S. (2008). "A trip to the library: homelessness and social inclusion", *Social & Cultural Geography*, 9(8): 933-953.

Holston, J. (1999). "Spaces of insurgent citizenship", in Holston, J. (Ed.). *Cities and Citizenship*, Duke University Press, Durham: 155-173.

Iveson, K. (2007). *Publics and the City*, Blackwell Publishing, Oxford.

Jackson, P. (2001). "Making sense of qualitative data", in Limb, M. & Dwyer, C. (Eds.). *Qualitative Methodologies for Geographers, Issues and Debates*, Arnold, London: 199-214.

Jacobs, J. (1965). *The Death and Life of Great American Cities, The Failure of Town Planning*, Penguin Books Ltd, Harmondsworth, First Published in 1961 by Random House.

Jones, T. (2002). "The port of Durban, lynchpin of the local economy?", in Freund, B. & Padayachee, V. (Eds.). *(D)urban Vortex, South African City in Transition*, University of Natal Press, Pietermaritzburg: 69-106.

Kitchin, R. & Tate, N.J. (2000). *Conducting Research in Human Geography: Theory, Methodology and Practice*, Harlow: Prentice Hall.

Knez, I. (2005). "Attachment and identity as related to a place and its perceived climate", *Journal of Environmental Psychology*, 25(2): 207-218.

Knox, P. & Pinch, S. (2006). *Urban Social Geography, An Introduction*, 5th Edition, Pearson Education Limited, Harlow.

Landman, K. (2004). "Who owns the road? Privatising public space in South African cities through neighbourhood enclosures", Paper delivered at the Conference: *Privatisation of Urban Space*, New Orleans, 26-27 February 2004: 1-16.

Lees, L. (1999). "Critical geography and the opening up of the academy: lessons from 'real life' attempts", *Area*, 31(4): 377-383.

Lefebvre, H. (1991). *The Production of Space*, Blackwell, Oxford.

Lefebvre, H. (1996). "The right to the city", in *Writings on Cities*, Blackwell, Oxford: 63-181.

Leitner, H., Sheppard, E.S., Sziarto, K. & Maringanti, A. (2007). "Contesting urban futures: Decentering neoliberalism", in Leitner, H., Peck, J. & Sheppard, E.S. (Eds.). *Contesting Neoliberalism, Urban Frontiers*, The Guilford Press, New York: 1-25.

Lemanski, C. (2004). "A new apartheid? The spatial implications of fear of crime in Cape Town, South Africa", *Environment and Urbanization*, 16(2): 101-112.

Lemon, A. & Rogerson, C.M. (Eds.). (2002). *Geography and Economy in South Africa and its Neighbours*, Ashgate Publishing Limited, Hampshire.

Madanipour, A. (2001). "Multiple meanings of space and the need for a dynamic perspective", in Madanipour, A., Hull, A. & Healey, P. (Eds.). *The Governance of Place, Space and Planning Processes*, Ashgate Publishing Ltd, England: 154-168.

Madanipour, A. (2003). *Public and Private Spaces of the City*, Routledge, London.

Mara, J. (1986). *A Fisherman's Tale, Fifty Years of Angling along the Natal Coast*, no publisher on document.

Marcuse, P. (2006). "Security or safety in cities? The threat of terrorism after 9/11", in *International Journal of Urban and Regional Research*, 30(4): 919-929.

Marie, S. (1986). *Divide and Profit, Indian Workers in Natal, Worker Resistance and Culture* Publications, Department of Industrial Sociology, University of Natal, Durban.

Massey, D. (2003). "Imagining the field", in Pryke, M., Rose, G. & Whatmore, S. (Eds.). *Using Social Research Theory, Thinking Through Research*, SAGE Publications, London: 73-88.

Mayo, M. (2005). *Global Citizens, Social Movements and the Challenges of Globalisation*, Zed Books, London.

McDowell, L. (1999). "City life and difference: Negotiating diversity", in Allen, J., Massey, D. & Pryke, M. (Eds.). *Understanding Cities: Unsettling Cities: Movement/Settlement*, Routledge in Association with The Open University, London: 95-135.

McLaughlin, E. & Muncie, J. (1999). "Walled cities: Surveillance, regulation and segregation", in Pile, S., Brook, C. & Mooney, G. (Eds.) *Unruly Cities? : Order / Disorder*, Routledge, London: 103-148.

Michel, D. & Scott, D. (2005). "The La Lucia-Umhlanga Ridge as an emerging "Edge City"", *South African Geographical Journal*, 87: 104-114.

Millstein, M., Oldfield, S. & Stokke, K. (2003). "uTshani BuyaKhuluma – The grass speaks: The political space and capacity of the South African Homeless People's Federation", *Geoforum*, 34: 457-468.

Minton, A. (2006). *The Privatisation of Public Space*, RICS, London.
[Accessed from www.rics.org, 10/10/08].

Miraftab, F. (2004). "Invited and invented spaces of participation: Neoliberal citizenship and feminists' expanded notion of politics", *Wagadu: Journal of Transnational Women's and Gender Studies*, 1: 1-7, <http://web.cortland.edu/wagadu/>, [Accessed 23/01/08].

Miraftab, F. & Wills, S. (2005). "Insurgency and spaces of active citizenship: The story of Western Cape anti-eviction campaign in South Africa", *Journal of Planning Education and Research*, 25: 200-217.

Mitchell, D. (1995). "The end of public space? People's park, definitions of the public, and democracy", *Annals of the Association of American Geographers*, 85(1): 108-133.

Mitchell, D. (1996). "Introduction: Public space and the city", *Urban Geography*, 17(2): 127-131.

Mitchell, D. (2001). "Postmodern geographical praxis? The postmodern impulse and the war against homeless people in the 'post-justice' city", in Minca, C. (Ed.). *Postmodern Geography, Theory and Praxis*, Blackwell Publishers, Oxford: 57-92.

Mitchell, D. (2003). *The Right to the City, Social Justice and the Fight for Public Space*, The Guilford Press, New York.

Mitchell, D. (2005). "The S.U.V. model of citizenship: floating bubbles, buffer zones, and the rise of the "purely atomic" individual", *Political Geography*, 24: 77-100.

Mitchell, D. & Staeheli, L. (2006). "Clean and safe? Property redevelopment, public space, and homelessness in downtown San Diego", in Low, S. & Smith, N. (Eds.). *The Politics of Public Space*, Routledge, New York: 143-175.

Mottier, V. (2005). "The interpretive turn: History, memory and storage in qualitative research", *Forum: Qualitative Social Research* [On-line Journal], 6(2) Art. 33. Available at <http://www.qualitative-research.net/fqs-texte/2-05/05-2-33-e.htm> [Accessed 27/09/07].

Munton, R. (2003). "Deliberative democracy and environmental decision-making", in Berkhout, F., Leach, M. & Scoones, I. (Eds.). *Negotiating Environmental Change, New Perspectives from Social Science*, Edward Elgar, Cheltenham: 109-136.

Natrass, N. & Seekings, J. (2001). "Democracy and distribution in highly unequal economies: the case of South Africa", *The Journal of Modern African Studies*, 39(3): 471-498.

Nel, E. (2000). "Economies and economic development", in Fox, R. & Rowntree, K. (Eds.). *The Geography of South Africa in a Changing World*, Oxford University Press, New York: 114-137.

Nel, E., Hill, T. & Maharaj, B. (2003). "Durban's pursuit of economic development in the post-apartheid era", *Urban Forum*, 14(2-3): 223-243.

Oldfield, S. & Stokke, K. (2007). "Political polemics and local practices of community organising and neoliberal politics in South Africa", in Leitner, H., Peck, J. & Sheppard, E.S. (Eds.). *Contesting Neoliberalism: Urban Frontiers*, The Guilford Press, New York: 139-156.

Otero, G. (Ed.). (2004). *Mexico In Transition, Neoliberal Globalism, the State and Civil Society*, Fernwood Publishing, Nova Scotia.

Pain, R. (2003). "Social geography: on action-orientated research", *Progress in Human Geography*, 27(5): 649-657.

Pillay, U. (2004). "Are globally competitive 'city regions' developing in South Africa?: Formulaic aspirations or new imaginations?", *Urban Forum*, 15(4): 340-364.

Pillay, G. (Ed.). (2002). *Come to the Point, The History of the Indian Community and Some Well-Known Personalities*, Point Indian Remembrance Committee, South Africa.

Preston-Whyte, R. (2001). "Constructed leisure space: The seaside at Durban", *Annals of Tourism Research*, 28(3): 581-596.

Pryke, M. (1999). "City rhythms: Neo-liberalism and the developing world", in Allen, J., Massey, D.B. & Pryke, M. (1999). *Unsettling Cities: Movement/Settlement*, Routledge, London: 229-269.

Puddifoot, J.E. (1995). "Dimensions of Community Identity", *Journal of Community and Applied Social Psychology*, 5: 357-370.

Republic of South Africa. (1996). *The Constitution of the Republic of South Africa*, (Act No.108 of 1996).

Republic of South Africa. (1998). *Marine Living Resources Act* (Act No. 18 of 1998).

Robbins, B. (1993). "Introduction: The public as phantom", in Robbins, B. (Ed.). *The Phantom Public Sphere*, University of Minnesota Press, Minneapolis: vii-xxvi.

- Robinson, G. M. (1998). *Methods and Techniques in Human Geography*, John Wiley and Sons, New York.
- Robinson, J. (2008). "Developing ordinary cities: City visioning processes in Durban and Johannesburg", *Environment and Planning A*, 40: 74-87.
- Rogerson, C.M. (1997). "Local economic development and post-apartheid reconstruction in South Africa", *Singapore Journal of Tropical Geography*, 18(2): 175-195.
- Rose, G. (1997). "Situating knowledges: Positionality, reflexivities and other tactics", *Progress in Human Geography*, 21(3): 305-320.
- Ruddick, S. (1996). "Constructing difference in public spaces: Race, class, and gender as interlocking systems", *Urban Geography*, 17(2): 132-151.
- Scott, D. (1992). "The destruction of Clairwood: A case study on the transformation of communal living space", in Smith, D.M. (Ed.). *The Apartheid City and Beyond: Urbanization and Social Change in South Africa*, Routledge, London: 87-98.
- Scott, D. (1994). Communal Space Construction: The Rise and Fall of Clairwood and District, Unpublished Ph.D Thesis, Department of Geographical and Environmental Sciences, University of Natal, Durban.
- Scott, D. & Criticos, C. (1988). *Hanging up the Nets: The History of the Durban Bay Fishing Community*, Audio-Visual, Media Resources Centre, University of Natal, Durban.
- Scott, K. (2006). The Environmental Politics of the Proposed Small Craft Harbour, Durban: A Discourse Analysis Approach, Unpublished Masters Thesis, School of Environmental Sciences, University of KwaZulu-Natal, Durban.
- Sheskin, I. M. (1985). *Survey Research for Geographers*, Association of American Geographers, Washington, D.C.

Smith, S. (2001). "Doing qualitative research: From interpretation to action", in Limb, M. & Dwyer, C. (Eds.). *Qualitative Methodologies for Geographers, Issues and Debates*, Arnold, London: 23-40.

Smith, N. & Low, S. (2006). "Introduction: The imperative of public space", in Low, S. & Smith, N. (Eds.). *The Politics of Public Space*, Routledge, New York: 1-16.

Soja, E.W. (2001). "Exploring the postmetropolis", in Minca, C. (Ed.). *Postmodern Geography: Theory and Praxis*, Blackwell, Oxford: 37-56.

Sorkin, M. (1992). "Introduction: Variations on a theme park", in Sorkin, M. (Ed.). *Variations on a Theme Park: The New American City and the End of Public Space*, Hill and Wang, The Noonday Press, New York: xi-xv.

Staeheli, L.A. & Thompson, A. (1997). "Citizenship, community, and struggles for public space", *Professional Geographer*, 49(1): 28-38.

Staeheli, L.A. & Mitchell, D. (2004). "Spaces of public and private: Locating politics", in Barnett, C. & Low, M. (Eds.). *Spaces of Democracy: Geographical Perspectives on Citizenship, Participation and Representation*, SAGE Publications, London: 147-160.

State Information Office (n.d.) *The Indian in South Africa*, Union of South Africa, Pretoria, [Date given on the library system 194?].

Sunde, J. & Pedersen, C. (2007). *Defining the traditional small-scale fisheries sector in South Africa*, A discussion paper prepared by Masifundise and presented to Marine and Coastal Management, Department of Environmental Affairs and Tourism, Discussion Series #1, <http://www.masifundise.org.za/publicationsPaper1.html>, [Accessed 03/09/2007].

Thrift, N. (1999). "Cities and economic change: Global governance?", in Allen, J., Massey, D.B. & Pryke, M. (Eds.). *Unsettling Cities: Movement/Settlement*, Routledge, London: 271-289.

Tiesdell, S. & Oc, T. (1998). "Beyond 'fortress' and 'panoptic' cities – towards a safer urban public realm", *Environment and Planning B*, 25: 639-655.

Tuan, Y. (1977). *Space and Place, The Perspective of Experience*, Edward Arnold (Publishers) Ltd., London.

Tuan, Y. (1996). "Space and place: Humanistic perspective", in Agnew, J., Livingstone, D.N. & Rogers, A. (Eds.). *Human Geography: An Essential Anthology*, Blackwell Publishers Ltd., Oxford: 444-457.

Valentine, G. (2005). "Tell me about...: using interviews as a research methodology", in Flowerdew, R & Martin, D. (Eds.). *Methods in Human Geography, A guide for students doing a research project*, 2nd Edition, Pearson, Prentice Hall, Harlow: 110-127.

Visser, G. (2001). "On the politics of time and place in a transforming South African research environment: new challenges for research students", *South African Geographical Journal*, 83(3): 233-239.

Watson, S. (2006). *City Publics: The (Dis) Enchantments of Urban Encounters*, Routledge, London.

Wilson, E. (1995). "The rhetoric of urban space", *New Left Review*, 209: 146-160.

Winchester, H.P.M. (2005). "Qualitative research and its place in human geography", in Hay, I. (Ed.). *Qualitative research Methods in Human Geography*, 2nd Edition, Oxford University Press, Oxford: 3-18.

Young, I. M. (1990). *Justice and the Politics of Difference*, Princeton University Press, Princeton.

Young, I.M. (2000). *Inclusion and Democracy*, Oxford University Press, Oxford.

Young, I.M. (2001). "Activist challenges to deliberative democracy", *Political Theory*, 29(5): 670-690.

Zukin, S. (1995). *The Cultures of Cities*, Blackwell Publishers Ltd, Oxford.

Internet sites and documents

Common Ground. (n.d.). *Proposed Expansion of Container Handling facilities in the Port of Durban*, Project Briefing Document,

http://www.transnet.co.za/Documents/PortOfDurban/StakeholderEngagement/TransProj_ProjBrief.pdf, [Accessed 05/11/07].

Discover our Drakensberg Website (n.d.). “Durban”,

<http://www.drakensberg-tourism.com/durban.html>, [Accessed 04/11/08].

Durban Point Waterfront Website. (2007). www.durbanpoint.co.za, [Accessed 24/08/2007].

Ezemvelo KwaZulu-Natal Wildlife Website. (n.d.a). *Coastal Management*,

http://www.kznwildlife.com/site/conservation/wildlife_management/Coastal_Management/, [Accessed 1/11/2007].

Ezemvelo KwaZulu-Natal Wildlife Website. (n.d.b). *Coastal Fishing Regulations*,

<http://www.kznwildlife.com/export/sites/kzn/ecotourism/activities/fish/VitalInformation.html>, [Accessed 2/11/2007].

eThekwini Online Website. (2005). “Sardine run – “The greatest shoal on earth””, 13 May

2005, http://www.durban.gov.za/durban/discover-durban/visit/outdoors_and_sport/osnews/sards, [Accessed 06/11/08].

eThekwini Online Website. (n.d.). eThekwini Municipal Area,

<http://www.durban.gov.za/durban/government/mayor/about/ema>, [Accessed 31/10/07].

Graumans, A. (1999). “South Africa: KwaZulu/Natal province smoulders”, *Searching for Peace in Africa*,

<http://www.conflict-prevention.net/page.php?id=40&formid=73&action=show&surveyid=43>,
[Accessed 06/11/07].

Hutson, T. (2007). *Port Entrance Widening and Deepening gets Underway*, Ports & Ships, Shipping News- Reporting from the harbours of South and Southern Africa,
http://ports.co.za/shippingworld/article_2007_03_21_2935.html, [Accessed 25/10/2007].

Marine and Coastal Management. (n.d.a). Recreational fishing information brochure, DEAT,
http://www.mcm-deat.gov.za/recreational/RECREATIONAL_FISHING_Information_brochure_2006,
[Accessed 21/11/08].

Marine and Coastal Management. (n.d.b). Recreational fishing bag limits, DEAT,
http://www.mcm-deat.gov.za/recreational/bag_limits.html, [Accessed 21/11/08].

Marine and Coastal Management. (n.d.c). Commercial Fishing: Medium term rights allocation, DEAT, <http://www.mcm-deat.gov.za/commercial/>, [Accessed 21/11/08].

Pravin Amar Website (n.d.). *Small craft harbour*, <http://www.pravinamar.com/reports/>,
[Accessed 01/11/07].

Pravin Amar Website. (2007). *Option S, Layout Plan*,
http://www.pravinamar.com/reports/downloads/small_craft_harbour/Annexure%201.JPG,
[Accessed 03/12/08].

Pravin Amar Website (2008). *Functional Recreational spaces comparing before and after development implications*
(http://www.pravinamar.com/reports/downloads/small_craft_harbour/NI%20-%20Distances%20Slides%20-%20Annexure%204.ppt), [Accessed 12/08/08].

Ramos, M. (2007). *Address to the Durban Chamber of Commerce*, International Convention Centre, 26 September 2007,

<http://www.transnet.co.za/PRinDetail.aspx?PageHeader=Maria+Ramos+addresses+the+Durban+Chamber+of+Commerce>, [Accessed 05/11/07].

Statistics South Africa. (2001). *Gross Domestic Product, Fourth Quarter 2000*, www.statssa.gov.za, [Accessed 23/10/2007].

Statistics South Africa. (2008a). *Labour Force Survey (LFS), September 2007*, <http://www.statssa.gov.za/publications/statsdownload.asp?PPN=P0210&SCH=4133> [Accessed 22/07/08].

Statistics South Africa. (2008b). *Gross Domestic Product (GDP), 1st Quarter 2008*, <http://www.statssa.gov.za/publications/statsdownload.asp?PPN=P0441&SCH=4158> [Accessed 22/07/08].

Statistics South Africa. (n.d.). *South African Census 2001*, <http://www.statssa.gov.za/census01/html/C2001publications.asp>, [Accessed 06/11/07].

Transnet Website. (n.d.a). *Overview- Delivering our commitment to you*, <http://www.transnet.co.za/Vissionnmission.aspx>, [Accessed 05/11/07].

Transnet National Ports Authority Website. (n.d.a). *Transnet National Ports Authority Home page*, <http://www.transnetnationalportsauthority.net/>, [Accessed 05/11/07].

Transnet National Ports Authority Website. (n.d.b). *Durban: Overview*, http://www.transnetnationalportsauthority.net/NPA_ports_durban_overview.html, [Accessed 05/11/07].

Transnet National Ports Authority Website. (n.d.c). *V.E. Waterfront Project*, http://www.transnetnationalportsauthority.net/NPA_ve_waterfront_project.html, [Accessed 05/11/07].

Transnet National Ports Authority Website. (n.d.d). *National Ports Authority Ports Act Overview*, http://www.transnetnationalportsauthority.net/Ports_Act_Overview.html,

[Accessed 06/11/07].

Transnet National Ports Authority Website. (n.d.e). Victoria Embankment A-Plan showing proposed development area,

<http://www.transnetnationalportsauthority.net/documents/pdf/Victoria/Vic%20Emb%20A%20-%20Plan%20showing%20proposed%20development%20area.pdf>, [Accessed 03/12/08].

Transnet National Ports Authority. (2007a). *Ports Security South Africa*,

http://www.transnetnationalportsauthority.net/NPA_Port_Security_South_Africa%20.html,

[Accessed 23/07/08].

Transnet National Ports Authority. (2007b). Draft Port Rules for public consultation, Issued in terms of the National Ports Act, No. 12 of 2005, Section 80 (2),

<http://www.transnetnationalportsauthority.net/documents/pdf/Ports%20Act/070907%20-%20Draft%20Port%20Rules%20-%20ARJN.pdf>, [Accessed 25/11/08].

Newspaper and Magazine Articles

Broughton, T. (06/04/07). “Tough stand on mud prawn filchers”, *The Mercury*: 4.

Carnie, T. (26/10/07). “Latest Point plan sparks new outcry, development company ‘ignoring’ suggestions”, *The Mercury*: 1.

Carnie, T. (25/01/07). “Point needs a real ‘waterfront’”, *The Mercury*, [Accessed from the Durban Point Waterfront Website], <http://www.durbanpoint.co.za/news-Details.asp?releaseID=140>, [Accessed 27/11/08].

Comins, L. (02/11/07). “Outrage at proposed ban on fishing in Durban port”, *The Mercury*: 1.

Cooper, A. (11/07). “A Tale of Three Airports”, *Metro Beat magazine*, November 2007.

D'sa, D. (12/04/07). "It's unjust to criminalise subsistence fishermen", Letter to the Editor, *The Mercury*: 11.

de Boer, H. (12/06/07). "NPA blasted over pier ban: Subsistence fishermen lose out", *The Daily News*: 6.

de Boer, H. & Mhlongo, A. (19/09/07). "Durban inferno: residents flee", *The Daily News*: 1, Independent Online, www.iol.co.za, [Accessed 20/11/08].

Gerretsen, B. (17/09/07). "Fishermen in stand-off with security guards", *The Mercury*: 1, Independent Online, www.iol.co.za, [Accessed 20/11/08].

Gerretsen, B. (21/09/07). "Poison worries mount after port blaze", *The Mercury*: 1, Independent Online, www.iol.co.za, [Accessed 20/11/08].

Kasu, R. & Zulu, X. (25/11/04). "Metrorail cutting off our work, say fishermen", *The Mercury*: 4, Independent Online, www.iol.co.za, [Accessed 20/11/08].

Lehohla, P. (02/03/06). "Despite slow final quarter, 2005 growth hits 4.9%", *Business Report*, http://www.statssa.gov.za/news_archive/2March2006_1.asp, [Accessed 06/11/07].

Magnussen, M. (26/09/07). "These fishermen should be our heroes", *The Mercury*: 8.

Meyer, J. (04/11/07). "Harbour may become no-go zone for public if new rules apply", *Sunday Tribune*: 25.

Moodley, L. (28/06/07). "Try to understand plight of fishermen", *The Daily News*: 24, Letter to the Editor.

Naidoo, A. (17/07/06). "Secrecy fears grow about port security", *The Mercury*: 5, Independent Online, www.iol.co.za, [Accessed 20/11/08].

National Ports Authority. (24/02/07). "North Pier is now closed", *Independent on Saturday*: 9.

Nyar, A. (05/06/07). “Subsistence fishermen are fighting for survival: Livelihoods are being eroded under the stranglehold of big business and elite interests”, *The Mercury*: 9.

Packree, S. (27/06/07). “Poor disrupt conference”, *The Daily News*: 3.

Premdev, D. (17/06/07). “Fishermen fight pier closures”, *Tribune Herald*.

Sapa. (18/09/07). “Inferno at Durban oil depot”, *Independent Online*, www.iol.co.za, [Accessed 20/11/08].

Sapa. (28/03/08). “Leave your fishing rods at home...”, *Independent Online*, www.iol.co.za, [Accessed 12/08/08].

Tolsi, N. (6-12/07/07). “End of the line for anglers”, *The Mail and Guardian*: 14.

Zulu, X. (30/05/07). “Port Authority tackled about closure”, *The Mercury*: 4, *Independent Online*, www.iol.co.za, [Accessed 20/11/08].

Emails

Naidoo, J. (16/05/2007). Email, *Re: Interview request*.

Personal Communications

D’sa, D. pers. comm., 26 September 2007, Protest 4: Protest against TNPA.

Essop, pers comm., 19 June 2007. South Pier.

Magnussen, M. pers. comm., 5 April 2007.

In-depth Interviews

Stakeholders

EKZNW Representative. 8 June 2007. Kloof.

eThekwini Municipality Representative. 12 April 2007, Project Executive for Coastal Management at the eThekwini municipality. Durban.

KZNSFF Representative. 3 April 2007. Durban.

SDCEA Chairperson. 11 December 2006. Wentworth.

Fishers

Respondent 1, 15 June 2007, Fisher on the South Pier.

Respondent 2, 19 June 2007, Fisher on the South Pier.

Respondent 3, 19 June 2007, Fisher on the South Pier.

Respondent 4, 19 June 2007, Fisher on the South Pier.

Respondent 5, 19 June 2007, Fisher on the South Pier.

Respondent 6, 3 July 2007, Fisher on the Snake Park Pier.

Respondent 7, 3 July 2007, Fisher on the Snake Park Pier.

Respondent 8, 3 July 2007, Fisher on the Snake Park Pier.

Respondent 9, 3 July 2007, Fisher on the Snake Park Pier.

Respondent 10, 3 July 2007, Fisher on the Snake Park Pier.

Respondent 11, 19 August 2007, Fisher on the Bay of Plenty Pier.

Respondent 12, 19 August 2007, Fisher on the Bay of Plenty Pier.

Respondent 13, 18 September 2007, Resident of old Bayhead area, Farm Adjacent to the Durban International Airport.

Informal Interviews

Respondent 14, 5 April 2007, Fisher on the South Pier.

Respondent 15, 5 April 2007, Fisher on the South Pier.

Respondent 16, 5 April 2007, Fisher on the South Pier.

Respondent 17, 5 April 2007, Fisher on the Snake Park Pier.

Respondent 18, 5 April 2007, Fisher on the Snake Park Pier.

Respondent 19, 5 April 2007, Fisher on the Snake Park Pier.

Respondent 20, 5 April 2007, Cracker-pumper on the Esplanade.

Respondent 21, 5 April 2007, Cracker-pumper on the Esplanade.

Respondent 22, 5 April 2007, Cracker-pumper on the Esplanade.

Respondent 23, 5 April 2007, Cracker-pumper on the Esplanade.

Respondent 24, 5 April 2007, Cracker-pumper on the Esplanade.

Respondent 25, 15 June 2007, Fisher on the South Pier.

Respondent 26, 19 August 2007, Fisher on the Bay of Plenty Pier.

Respondent 27, 19 August 2007, Fisher on the Bay of Plenty Pier.

Meetings

Meeting 1: DEAT Public Participation meeting to gather comments on the draft legislation for the rights of subsistence fishers, 13 February 2007, NSRI, Durban.

Meeting 2: KZNSFF meeting with SDCEA chairperson, 20 April 2007, SDCEA offices, Wentworth, Durban.

Meeting 3: KZNSFF meeting, 12 June 2007, Chatsworth, Durban.

Meeting 4: KZNSFF meeting, 19 June 2007, Chatsworth, Durban.

Meeting 5: KZNSFF meeting, 21 August 2007, Chatsworth, Durban.

Meeting 6: Meeting with lawyers to discuss the legal case against TNPA, 13 September 2007, Lawyers Chambers, Durban.

Protests

Protest 1: Protest against the closure of the South Pier, Protest march to TNPA offices, KZNSFF, 29 May 2007.

Protest 2: Night Vigil on the South Pier, KZNSFF, 15 June 2007.

Protest 3: Protest at the SANPAD poverty conference, KZNSFF and other community organisations, 26 June 2007.

Protest 4: Protest against the TNPA, Protest outside the ICC at the Transnet Conference, KZNSFF and the Fynnlans Community, 26 September 2007.

Site Visits

Site Visit 1: South Pier, 5 April 2007.

Site Visit 2: Snake Park Pier, 5 April 2007.

Site Visit 3: Beach Piers, 5 April 2007.

Site Visit 4: The Durban Harbour, 5 April 2007.

Site Visit 5: Esplanade Sandbanks, 5 April 2007.

Site Visit 6: South Pier, 19 June 2007.

Site Visit 7: Beach Piers, 3 July 2007.

Site Visit 8: Bay of Plenty Pier, 19 August 2007.

Workshops

Workshop 1: SCH SIA Workshop for fishers, Vetch's Small Craft Harbour development, Howard College Campus, University of KwaZulu-Natal, 22 April 2006.

Workshop 2: SDCEA Workshop to discuss the new draft legislation for the allocation of rights for subsistence fishers, Diakonia, Durban, 13 December 2006.

APPENDIX A

Plan showing the area proposed for the development of a waterfront along the Victoria Embankment (Transnet National Ports Authority Website, n.d.e).



APPENDIX B

Figure showing the Point Development plan and the latest Small Craft Harbour Design, Option S. (Pravin Amar Website, 2007).



APPENDIX C

An advertisement for the Zulu Kingdom using the seine netters wooden boat as an icon



ADVERTISING & PROMOTION 401/1902 MIDLAND AVE

A spectacular destination that awaits the intrepid explorer...

Experience the singular beauty where the might of the ocean meets the strong resolve of the land. Watch in wonder as rolling, sapphire-blue waves with foaming crests strike blackened rocks that lie scattered along the shoreline, thunderously throwing sea-spray to the winds that carry aloft the heavily salted air.

Explore, at your leisure, the miles and miles of glorious, sun-drenched beaches that glisten like gold in the warm Durban sun. Listen to the cries of the sea gulls above you as they ride the air currents with poise and grace, and learn the secret hiding places of the myriad of sea creatures as the tide goes out...only in the Zulu Kingdom.

Beyond expectations... within your reach.

ZULU KINGDOM
P.O. Box 477, Durban, KwaZulu-Natal, South Africa
www.zulu-kingdom.com

Tel: +27 31 366 7500, Fax: +27 31 305 6693, Airport Office: +27 31 408 1000, V&A Cape Town Office: +27 21 405 4540, Customer Care-line: 0860 101 099, email: tkzn@africa.com

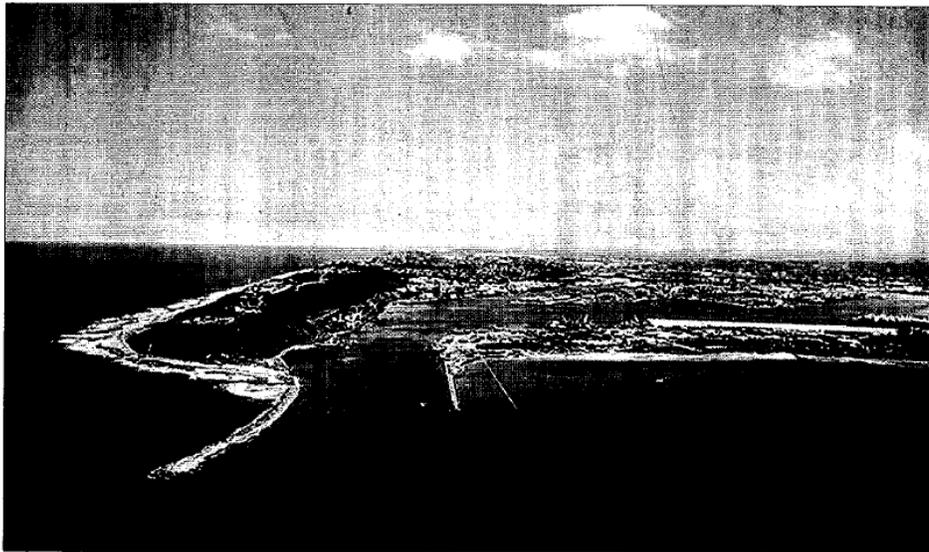
APPENDIX D

Newspaper articles relating to the subsistence fishers of Durban.

a)

The Independent on Saturday, February 24 2007, pg 7

ADVERTISING FEATURE



PORT of Durban's harbour entrance as we know it, will be widened to improve the safety of navigation of vessels calling at the port

North Pier is now closed

FOR many years Durban's north pier has been a popular recreational area at the entrance to Africa's busiest port.

Members of the public will have fond memories of the vessels passing by, so close, that you could almost reach out and touch them, while many fishermen have fond memories of the excellent fish caught or the ones that got away.

The current north pier as we all know was officially closed, amidst some glitz and glamour,

earlier this week

The final scene for the Bollywood movie *Race* will still be filmed on the north pier. Due to the nature of the scene, which is a high impact accident scene involving a large truck and vehicle, members of the public will not have access to the area during filming.

The film shoot is due to end on February 27, 2007.

The north pier will remain closed because of the construction of the entrance channel's

widening and deepening that is earmarked to begin soon.

The area is being fenced off and the project team is establishing itself on site. In the interest of public safety and legislation (we are governed by the Occupational Health and Safety Act), members of the public cannot have access to a construction site.

The entrance channel will be widened from 130m to 220m at the narrowest point, flaring out to 300m. The draught will be increased from -12.8m to -17m

chart datum in the inner channel.

This project is necessary to improve the safety of navigation of vessels calling at the port and to accommodate the future generation of vessels coming into service, which are much larger with a deeper draught.

This project will also ensure that the Port of Durban remains globally competitive.

The project is due for completion in December 2009 and the pier is intended to be open to the public once again.

**National Ports
Authority**

of South Africa

A Division of
Transnet Ltd
Registration No.
90/00900/06

b)

PAGE 6 DAILY NEWS
TUESDAY JUNE 12 2007

NPA blasted over pier ban

Subsistence fishermen lose out

HEINZ DE BOER

DISGRUNTLED subsistence fishermen have fired another broadside of allegations at the National Ports Authority (NPA), accusing it of playing by double standards to the detriment of the poor and benefit of the rich.

Their latest claims come amid massive plans to mobilise "thousands" of subsistence fishermen to participate in a late night vigil at Durban Harbour's South Pier this Friday.

Sit-in organisers say the vigil will not only be their last opportunity to fish from the pier before its closure on Saturday, but it is also aimed at sending out a strong message to the NPA, which it accuses of robbing people of their livelihoods. The latest wrangling comes after more than three years of discussions over the closure the harbour and its piers to the public, and fishermen in particular.

Hundreds of fishermen, who claimed the NPA was unwilling to listen to its demands for access to the harbour,

marched to the Port authority offices in May, where they handed over a memorandum of demands. Included in the list was a call for a meeting between the fishermen and the NPA within seven days.

Acting Port Manager Ricky Bhikraj responded in writing, saying NPA actions merely required fishermen to find other fishing grounds. The public could also not be allowed onto the piers as these would soon be at the epicentre of the massive harbour widening project, Bhikraj said.

Deaf ears

The explanation has not gone down well with fishermen, who yesterday again called on the NPA to meet them.

Spokesman for the fishermen Desmond De'Sa said repeated requests for consultation had fallen on deaf ears.

He also questioned why "privileged" fishermen who own boats and other water-sport enthusiasts are allowed unrestricted access to the harbour when the NPA has banned shore fishermen in terms of

international security regulations. The new regulations have seen the entire harbour complex, including popular areas like Wilson's Wharf, being put off limits to fishermen.

"We have been told by the NPA that they are not willing to discuss anything on the port closure issue. The fishermen are willing to talk and comply with security regulations - we are law-abiding citizens.

"But if we don't challenge these closures we will be pushed from even further fishing spots. There are 15 000 subsistence fishermen in greater Durban and it is unfair that they are continually denied access to this prime spot. Other areas like Vetches Pier is now also off limits and we are constantly being pushed off the beaches," De'Sa said.

In a statement, NPA spokeswoman Joythi Naidoo said: "The issue of boat owners fishing in the port has no bearing on the closure of the piers, as our communication has been confined to the closure. No alternate arrangements are being made for fishing within the boundary."

c)

PAGE 24 DAILY NEWS
THURSDAY JUNE 28 2007

Try to understand plight of fishermen

THE recent media coverage and action taken by fishermen highlights the plight of the poor, for which no politician seems to want to take ownership.

The fishermen themselves formed an organisation and through the generosity of a few good Samaritans have taken on the challenge to protect their very own livelihoods.

What a pity indeed as the very people who go knocking on the door for votes are the very people who have now ignored the plight of their electorate.

A recent newspaper article quotes deputy mayor Logie Naidoo as saying that the fishermen must look at alternative piers. It is clear that Logie has not given any thought to the subject, but has chose to make

misinformed statements in the press.

Logie, this is an open invitation for you to join the fishermen so you can understand their plight and then comment.

This discrimination against the shore fishermen remains unexplained by the authorities despite numerous attempts to seek answers.

North Pier and South Pier are both closed. I am sure that you will appreciate this problem was created by the authorities and only they can resolve this through active consultation with users of these facilities.

I hope this letter draws attention to discriminatory practices in an alleged "free and democratic" South Africa.

LOGAN MOODLEY
Durban

d)

14 Mail&Guardian July 6 to 12 2007

National

End of the line for anglers

The expansion of Durban's harbour is threatening the livelihood of fishermen, writes **Niren Tolsi**

"This is my life," says John Deweer, nodding at the fishing rod in his hands. "This is my food, my clothes, it gives me everything. We got no time for stealing; we just try and fish to live."

Sitting on North Beach, surrounded by the conspicuous consumption of the Durban Beach Festival, it is apparent that the "everything" Deweer's rod gives him is not very much.

He lives, most nights, on a pier on Durban's Golden Mile; his possessions are in a rucksack at his feet.

Deweer will spend the night fishing intermittently; when and where he hears the shad are biting. "Hopefully I'll make some extra money and go into the [homeless] shelter, but the problem there is that you pay R25 a night. If you don't have the money to book again they charge you for your bags if you leave them there," says the 34-year old, who sells his daily catch for between R30 and R50.

Deweer is one of Durban's subsistence fishermen who feel their livelihood and historical claim to the Indian Ocean are threatened by the development plans of the municipality and the National Port Authority (NPA).

Durban's fishermen voiced their anger after the invoking of the apartheid-era National Key Points Act to keep them out of the harbour — fishing off a boat is still allowed — and believe that the city's plan to build a small-craft harbour on Vetch's Pier will rob them of yet another fishing spot.

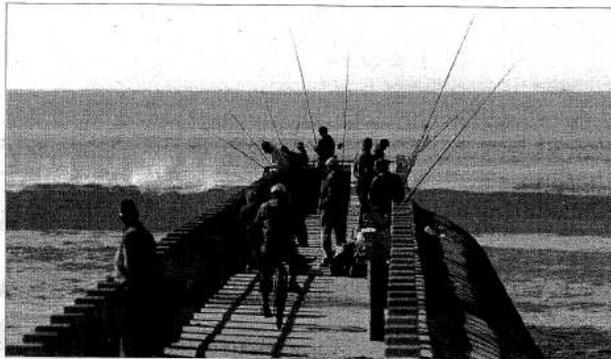
As the NPA continues its R2-billion plan to widen and deepen the harbour mouth, the North Pier has been closed to fishermen. The South Pier's proposed closure is on hold — for now.

"We were told the NPA planned to close South Pier from June 1, so we organised a protest march and have occupied the pier ever since," said Des D'sa of the KwaZulu-Natal Subsistence Fishermen's Forum, which represents 5 000 Durban fishermen. There are about 15 000 subsistence fishermen in the eThekweni region, while the 1999 State of the Environment report put the national figure at 3.6-million, with the industry worth R1.1-billion. Commercial fishing, it said, employed 27 000 people.

D'sa said the fishermen had not been consulted on the "unilateral notice" on the South Pier's closure. They have called on the NPA to reverse "all decisions that have been finalised regarding the closure of, and access to, South and North Pier, Durban Harbour and beaches without involving us". Their memorandum also called for an urgent meeting of interested parties.

The NPA has handed the matter over to its attorneys. Jyothi Naidoo, its acting corporate affairs manager, said "we do not want to get into a debate through the media with them. They have their story and we have ours."

Naidoo said South Pier had not been closed because there was "a bit of a delay in the fencing, which is likely to start in mid-July". He said the deepening and widening of the port was



Durban's fishermen say the port authority is robbing them of fishing spots. Photos: Rogan Ward

since 1953, and before that my father fished there. My sons fish there and I want my grandchildren to fish there.

"It's over a hundred years old, a national heritage site with so much history, so many stories of dead fishermen, and they want to shut us out!"

"We're fighting to keep it open for the poor guys from Chatsworth, Merchbank and all around who live off the fish they catch. Where are they going to find jobs and feed their families?"

While the line fishermen have claimed the South Pier as their historical right, it, along with the harbour, is an area which has also been harvested by seine-netters. "It is a tradition which goes back to the late 1800s when Indian fishermen, post-indenture set up their homes in Fynnlands on the Bluff, from which they would go out in their boats. With the Group Areas Act, they were moved out to Chatsworth, and as industrial development increased in the harbour and stock diminished, they slowly disappeared," said Dianne Scott, Associate Professor at the University of KwaZulu-Natal's School of Environmental Sciences. Scott co-produced a film, *Hangin' Up the Nets: The History of the Durban Bay Fishing Community*, which tracks the history of these fishermen and their descendants.

important for "safety of navigation and to cater for future needs. The project is scheduled for completion in 2010."

He added: "The reopening of the South Pier for public access will be determined by security and other considerations closer to the time."

D'sa doubts the area will ever open to the public, especially the poor: "With the recent tendency to use the National Key Points Act, it will be closed forever. We looked at the proposals and 98% of the work will happen off North Pier. Why are they closing South Pier down? Is the council looking to privatise that side of the harbour for luxury apartments and hotels, like they did on the Point?"

He rejects Deputy Mayor Logie

Naidoo's contention that fishermen can use other sites, saying the South Pier is unique in Durban, and possibly in South Africa, because of the deep-sea fishing available. "Poor fishermen need only take a train to catch barracuda, Natal snoek, geelbek and salmon, otherwise they need a boat."

With sea-borne trade accounting for 95% of South Africa's international commerce and Durban harbour accounting for 33% of that trade by mass and 65% of all containers, the harbour expansion, which also includes a quadrupling of its container capacity, seems inevitable.

But for pensioner Essop Ahmed (69), the closure of South Pier is a deeply personal issue: "I've been fishing there

e)

Friday 2 November 2007, The Mercury, Front Page

Outrage at proposed ban on fishing in Durban port

LYSE COMINS

DURBAN'S subsistence fishermen have expressed outrage over the proposed ban on fishing in the country's ports and at being "shut out" of discussions on new draft regulations that aim to tighten security and environmental management of ports.

The new regulations, under the National Ports Act of 2005, also have far-reaching implications for property developers and business. If accepted in their present

form, the regulations would make it necessary for port users to be level-four black economic empowerment-compliant to obtain compulsory registration and licences to continue operating in the port.

Other rules included the safe management of vessels containing dangerous cargo, fines for polluters and the banning of firearms and advertising in the port.

The National Ports Authority, a division of Transnet, is on a national roadshow and presented an overview of the rules at a public

meeting in Durban yesterday.

The deadline for comments to be submitted is November 19. NPA spokesman Sue Lund said that the rules aimed to bring the country's ports in line with international security and environmental standards, and that the authority had a mandate to promote empowerment.

"Our present harbour regulations are significantly outdated, and the new port rules attempt to bring into place the modern systems our ports require. We don't want to be an over-burdensome

regulator that constrains economic development in the port," she said, adding that the NPA was serious about introducing black economic empowerment to the port system.

South Durban Community Environmental Alliance spokesman Desmond D'Sa expressed shock at the proposal to ban fishing in all the country's ports, except for areas designated by the harbour masters.

D'Sa asked what danger poor fishermen posed to port security. He said their e-mails on the issue to Transnet CEO Maria Ramos had

been ignored since June, and that there had been no consultation with them.

"The NPA is the custodian of the port for people in South Africa. If they don't want to listen and involve us, we are going to mount a legal challenge to take this to the Constitutional Court," said D'Sa.

Lund advised the fishermen to submit their comments, assuring them they would be taken seriously. The NPA also proposed a meeting with the fishermen to discuss their concerns.

f)

THE MERCURY
Tuesday June 5, 2007 9

DURBAN is largely defined by its beautiful beachfront and all the resources and opportunities that the ocean offers the inhabitants of the city.

The bounties of the Indian Ocean offer a variety of simple pleasures to Durbanites and our visitors: floating blissfully in its warm waves, riding on it with a surfboard, or dragging our feet through it on a beach stroll at sunset. But behind that blissful beachfront landscape lies a very different reality from that which most of us understand.

There are some for whom the ocean's generosity is mediated through the stranglehold of corporate interests, turning the ocean into more than a site of recreation and leisure, but instead one of bitter contestation and exploitation.

Last week Durban's subsistence fishing community translated their privately suffered concerns into collective action against the closure of Durban's north and south piers by the National Ports Authority in the name of "development".

The fishermen's march is a protest against the National Ports Authority's developmental project for the Durban piers, but it also a protest against their historically based marginalisation and suffering under a system that was supposed to offer them equity and redress. According to the ports authority, the port is being widened and deepened for safety and security reasons, a project which will reach completion in 2010. At present, the north pier is closed to the public and the south pier will be closed soon. There has been absolutely no consultation or recognition of the impact that this project will have on the livelihoods of the subsistence fishermen.

The city is cut off from part of one of its most popular and beloved oceanfront venues

Subsistence fishermen are fighting for survival

Livelihoods are being eroded under the stranglehold of big business and elite interests

and the stranglehold of big business is tightening over the ever precarious subsistence fishing industry.

Research shows that there are approximately 30 000 subsistence fishermen in South Africa who rely exclusively on the sea as the main source of food and small-scale income. There is an age-old livelihood, as old as the history of the coastal indigenous people itself.

The majority of subsistence fishermen continue fishing as a family-based tradition, taking it up as early as possible. In order to put food on their tables.

Drop

Typically they are characterised by low educational levels and a low skills base, which disadvantages them in the search for long-term food and livelihood security. The modest catches of these small-scale fishermen represent barely a drop in the ocean for an industry that is worth almost R2.5 billion a year.

The plight of subsistence fishermen, as part of the broad environmental concerns and the overall transformation of the fishing industry, has been on the table from the inception of the post-apartheid dispensation.

It has been addressed through high levels of debate, discussion and various pieces



ANNSILLA NYAR

of legislation intended to regulate the industry, with the emphasis on equity and redress. But as all issues to do with the poor and powerless, it has never been addressed squarely in social development and poverty eradication terms. So it has now fallen by the wayside, superseded by the interests of the elite and big business, much to the detriment of families and households who rely on an income from subsistence fishing to survive.

This situation is a blatant contradiction of official promises and legislative intent to transform the fishing industry for the benefit of all South Africans. During apartheid, the fishing industry was controlled exclusively by and for white South Africans, with racial quotas formally concentrating the industry in the hands of white-owned commercial enterprises. One could benefit from the fishing industry only if you were white, and subsistence fishermen, being mostly non-white, suffered the impoverishing consequences of this discrimination. This promised to

The black empowerment taking place in the industry with black businessmen, senior ANC members, former anti-apartheid activists etc, means nothing for the rights of poor fishermen.

Full access to the industry for the historically disadvantaged was intended to be facilitated through a quota system, which required a permit to be obtained for anyone using marine resources for subsistence, recreational or commercial purposes.

But the process of obtaining a permit was difficult and expensive as well as beset with bureaucracy in the form of complicated application forms and procedures.

Succeed

Very few fishermen were actually able to succeed in obtaining a permit and it became illegal for those without a permit to continue their way of life. A concerted lobby from the ANC and established industry interests saw the cancellation of subsistence permits in 2002, thereby entrenching the unstable nature of subsistence fishing.

The current quota system is similarly fraught with problems. It is a universal quota system as a safeguard against overfishing, despite the fact that subsistence fishing is said to account for less than 10% of marine resources. It

gives large commercial companies the freedom to buy quotas from black empowerment groups, undermining the whole point of transformation.

There are disturbing reports of corruption and nepotism within the Department of Marine and Coastal Management regarding the distribution of permits and quotas.

Permits are said to be arbitrarily allocated, with the actual issuing taking a few months, during which time the fishermen are not allowed to work.

With no guarantees of fishing quotas for the next year and without access to fishing equipment such as boats and nets, subsistence fishing is a highly unstable profession, which offers little by way of job or food security.

Hence the protests by Durban's community of subsistence fishermen. Their backs are to the wall. Their livelihoods, their very way of life, is being eroded under the stranglehold of big business and elite interests.

We need answers for the poor governance and mismanagement we have seen thus far in the fishing industry. For example, where is the Fisheries Transformation Council, specifically set up to address issues of imbalance and access for poor fishing communities?

Where is the report into corruption in the Department of Coastal and Marine Management, which was withheld from the public? Why is any move toward transformation so long in coming?

Answers to these questions come at the expense of the subsistence fishermen. The National Ports Authority must recognise the concerns of the subsistence fishing industry.

□ Annsilla Nyar is a Research Fellow at the Centre for Civil Society, based at the University of KwaZulu-Natal.

g)



Fishermen in stand-off with security guards

By Bronwyn Gerretsen

A volatile two-hour stand-off occurred between police, security guards and fishermen on the beach alongside the Bluff's South Pier in Durban on Sunday, when National Ports Authority staff ordered the fishermen to leave the area.

The area has been used for subsistence and recreational fishing for more than 100 years, but ports authority officials said on Sunday they had a court order barring fishermen from the area.

It is alleged that the security guards "harassed" the fishermen, and threatened to break their rods and have them arrested. Police were called to the scene and when the court order could not be produced, they ordered that the fishermen could continue their activities.

One of the fishermen, Logan Moodley, said that National Ports Authority guards had arrived at the beach about 9.30am.

"They said they would break our rods and have people arrested. The situation was very volatile and on the verge of violence. If someone is making a living from being a fisherman and there is the threat of someone else breaking the tools of their trade, it is going to invoke anger," he said.

Moodley said the fishermen were prepared to be arrested or go to court to protect their trade. He said no valid reason had been given for them to stop fishing on the beach, except that there was construction taking place in the area.

Desmond d'Sa, Chairperson of the South Durban Community Environmental Alliance, said the fishermen had not been committing any crime.

"There are no signs that say the fishermen cannot be here. There are only signs and fences up near the construction site, and no one is going near that area," said D'sa.

Another fisherman, Ebrahim Yusuf, said they did not want to obstruct the construction.

"We are just asking for something we have had for more than 100 years," he said.

The fishermen said they had accessed the beach, at the bottom of the Bluff Military Base, by a train that was specially dispatched every Sunday to accommodate them.

They said they were aware of construction taking place on the pier, but had kept

their distance.

D'Sa said the National Ports Authority had been trying to bar the fishermen from the area "on and off" since the end of July.

By the time of going to print, the National Ports Authority had not commented on why the fishermen had been asked to leave the area and whether it did, in fact, have a court order barring the fishermen from the beach.

bronwyn.gerretsen@inl.co.za

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THE MERCURY

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h)



Metrorail cutting off our work, say fishermen

By Rezaa Kasu and Xoliswa Zulu

Angry fishermen armed with fishing rods, banners and placards took to the streets on Wednesday to protest outside Metrorail's offices after they heard of the intended closure of West's Station in Durban, operated by the transport giant.

Desmond D'sa, a spokesperson for the KwaZulu-Natal Subsistence Fishermen, handed over a memorandum and petition on behalf of the association which says they represents thousands in the community. The petition had more than 1 800 signatures.

The fishermen claimed they were not being consulted about the intended closure and that the move could signal the end of their livelihood and a culture that had existed for more than a century.

'The price of bait has increased to R600, how can a poor man afford it?'

Regional manager at Metrorail, Sisa Mtwla, said that the fishermen's concerns were misdirected: "We are happy to listen to their grievances, but there will be little use of the West's platform if the South Pier is closed. The closure of the South Pier is not our issue, the management of the station is."

A letter from Metrorail Customer Service Manager Danny Hattingh to the South Durban Community Environmental Alliance attributes responsibility for the intended closure to the ports authority.

For the National Ports Authority to comply with the International Ship and Port Security Code, the pier, which has been in operation since 1890, will eventually be off-limits to the public.

"The regulation is a new security measure from the International Maritime Organisation that will effectively change the landscape of ports worldwide, explained Jyothi Naidoo, said a spokesperson for the NPA.

Naidoo said that the Durban port had to comply with the directive, but that would not take place without consulting all the relevant stakeholders, including the community and the department of transport.

Fisherman Essop Mohamed, 67, a pensioner, said fishing generated most of his income.

He has been fishing for 50 years; his father was a fisherman and his children have also taken it up.

"My children are fishermen and I wanted my grandchildren to learn how to fish as it is our legacy.

"We have so many restrictions even today and it should not be that way. The price of bait has increased to R600, how can a poor man afford it?

"If we don't have access, we can't go anywhere else; if we go to other piers we will be robbed, the South Pier is the safest for us."

Max Magnussen, 52, said that after 10 years of democracy things had not changed.

"Why is this happening now all of a sudden? Most of the other fishermen have jobs, but some of us don't. Things have been made difficult for us.

"They have devastated us as fishermen and all they are causing is resentment," said Magnussen.

- This article was originally published on page 4 of [The Mercury](#) on November 25, 2004

THE MERCURY

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i)



Port authority tackled about closure

By Xoliswa Zulu

Mervin Andrews of Wentworth has been fishing for more than 30 years and, with the imminent closure of Durban's south pier, he says his life will come to a complete standstill.

Dressed in his fishing gear and holding his fishing rod, Andrews presented the lonely figure of a man desperate to make a living the only way he knew.

He has three children, an unemployed wife and a brother to support and they were the five "good reasons" why the piers should not be closed, he told The Mercury.

Hundreds of subsistence fishermen gathered on Quayside Road on Tuesday to hand over a memorandum to the National Ports Authority to protest against the closures.

According to the port authority, access to the south breakwater would be closed in June as part of the entrance channel widening and deepening project. This was being done to improve the safety of ships calling at the port.

The project is scheduled to be completed in 2010.

The re-opening of south pier to the public will be determined by security and other considerations closer to that time.

The fencing off of the north pier was recently completed and the area is no longer accessible to the public.

Said Andrews: "This is really bad. How do they expect me to make a living. This is my life and this is all I've known all my life. I'm the sole breadwinner. How is my family going live. How are they going to get by?"

Andrews said he sold the fish he caught, but sometimes took some home.

"I'm trying to make a living and they are not allowing me. I did this so I wouldn't commit crime. I just took my rod and decided that I would hustle my way through life like this. God gave me this life and now it is being taken away from me.

"Food, money and shelter comes from catching fish every day. I wake up early every morning so that I can be at the pier before all the good fish go. This is how I make a living.."

In the memorandum handed over to the port authority on Tuesday, the fishermen demanded that access to the beaches, harbour and piers be granted to all

subsistence fishermen, and asked that decisions affecting them should be made in consultation with them.

The memorandum also demanded a meeting within seven days.

National Ports Authority spokesperson Jyothi Naidoo said they would respond to the fishermen in seven days.

xoliswa.zulu@inl.co.za

- This article was originally published on page 4 of [The Mercury](#) on May 30, 2007

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APPENDIX E

The interview schedules used for the interviews conducted.

- Questionnaire A: The subsistence fishers
- Questionnaire B: NGO Chairperson- SDCEA
- Questionnaire C: Conservation Official - EKZNW
- Questionnaire D: Municipal Official and Transnet – eThekweni Municipality and no interview granted

The Politics of the Privatisation of Public Space:
The Subsistence Fishers of KwaZulu-Natal.

Questionnaire A: The Fishers

Introduction

Hi, my name is Amanda Dray and I am doing my Masters thesis at UKZN on the privatisation of public spaces along the KwaZulu-Natal coastline. I am focusing specifically on the subsistence fishers and their access to public spaces. I want to gain the following from the interview. Firstly to understand the historical, and current, use and value of public spaces to the fishers. Secondly, to examine the effects of the closure of public space on different aspects of their lives. Thirdly, to understand any politics involved in the exclusion of fishers from public spaces, and finally, to find out how the fishers have coped or adjusted with this exclusion from public spaces.

Your anonymity and confidentiality will be ensured at all times. Your personal details are not required for this study and under no circumstances will they be disclosed. Your participation is voluntary and you may withdraw your permission to participate at any stage without any negative consequences. I am willing to provide your organisation with a copy of the report upon completion.

Section A: Use and Value of Public Space

1. What spaces do you currently use to fish at along the KwaZulu-Natal Coastline?
2. For how many years have you been fishing at these spaces?
3. To what extent is it a part of your family tradition to fish at these spots along the coast?
4. If so, when did your family first start fishing here and why here?
5. Do you have any family stories about fishing at these spots that you would like to share?
6. How often do you fish? Seasonally, Monthly?
7. What fish do you catch in the different seasons?
8. What would be the weight of an average catch? What percentage do you eat and what percentage do you sell?
9. Is it a part of your everyday lifestyle?
10. What other activities are you involved in at these spaces besides fishing?
11. How often do you bring your family along with you when you fish? Which of them fish? If not, who do you fish with?
12. What friendships have you formed with other fishermen in these spaces?
13. To what extent has this impacted on your social life?
14. What special language and terminology has been developed and is used by the fishermen?
Give examples.
15. What value do you place on being able to fish at these spaces?

16. How attached are you to this place and what does it mean to you?
17. What traditions and practices have been built up amongst the fishermen?

Section B: The Effects of Privatisation of Public Space

18. Have you in any way been excluded from fishing at certain spots?
19. Which spots?
20. How have you been excluded?
21. What are the three main impacts on you from this exclusion?
22. What does it mean to you if you were prevented from being able to fish at spots that you currently use?
23. To what extent are you dependent on fishing to survive or support your family? What proportion of family livelihood comes from fishing?
24. What percentage of the fish do you sell and how much is used by the family?
25. What are your main concerns with the increasing closure of fishing spots?
26. What are the main problems that you see ensuing if these spaces become closed to fishing?

Section C: Politics

27. What fishing spaces have recently been closed or will be in the near future?
28. If so, for what reasons do you think that they are being closed?
29. Who do you think will benefit from this closure and who will suffer?
30. What is the role of the municipality that controls the fishing spots?
31. In what way have they taken into account your issues and thoughts?
32. What are your comments on the development at the Point and the proposed Small Craft Harbour?
33. What are your comments on the movement of the North Pier harbour wall and widening of the harbour mouth?
34. In what way were you involved in any processes regarding these two developments? When? How?
35. How do you feel about all the development happening in the city for the 2010 World Cup?
36. How will this event benefit the citizens of Durban?
37. Are you aware of any tensions around the closures/ lack of access to fishing sites? Explain.

Section D: Coping Strategies

38. What have you personally done in response to the exclusion of fishermen from fishing spots?
39. Have you come together with other fishermen to put forward your concerns?
40. Which organisations have you linked with regarding these issues?
41. Do you feel that your concerns have been heard by the relevant authorities?
42. What strategies have you adopted to make up the losses suffered as a result of the closure of fishing sites?

Section E: General/ Demographics

43. Age	< 30	30-39	40-49	50-59	60-69	>70
---------	------	-------	-------	-------	-------	-----

44. Gender	Male	Female
------------	------	--------

45. Home Language

English	Afrikaans	Zulu	Other
---------	-----------	------	-------

46. Income bracket per household

<1000	
1001-2000	
2001-2500	
2500-3000	
3000-3500	
3501+	

47. Do you have any other occupation besides fishing?

48. Are you the only bread-winner in your family? If not who else supports your family?

49. Highest education qualification

No Schooling	
Primary	
Secondary	
Tertiary: Diploma	
Tertiary: Degree	

50. Do you have children?

Yes	No
-----	----

51. If yes, how many? _____

52. Do they live with you?

Yes	No
-----	----

53. How long have you lived in KwaZulu-Natal?

Under 3 years	
3-5 years	
6-10 years	
Over 10 years	

54. Are you an active member of a community organisation?

Yes	No
-----	----

55. If yes, which one?

The Politics of the Privatisation of Public Space:

The Subsistence Fishers of KwaZulu-Natal.

Questionnaire B: NGO chairperson

Introduction

Hi, my name is Amanda Dray and I am doing my Masters thesis on the privatisation of public spaces along the KwaZulu-Natal coastline. I am focusing specifically on the subsistence fishers and their access to public spaces. Firstly to understand the historical, and current, use and value of public spaces to the fishers. Secondly, to examine the effects of the privatisation of public space on different aspects of their lives. Thirdly, to understand any politics involved in the exclusion of fishers from public spaces, and finally, to find out how the fishers have coped or adjusted with this exclusion from public spaces.

Your anonymity and confidentiality will be ensured at all times. Your personal details are not required for this study and under no circumstances will they be disclosed. Your participation is voluntary and you may withdraw your permission to participate at any stage without any negative consequences. I am willing to provide your organisation with a copy of the report upon completion.

Section A

1. What is SDCEA and what are its objectives as an organisation?
2. What is your role in the organisation?
3. How did the organisation originate?
4. How did you first hear about the fishermen of Durban and their situation?
5. How and when did the KZN subsistence fishermen forum become established?
6. What were the reasons behind the formation of the forum?
7. What are the objectives of this forum?
8. How does this forum link to SDCEA and for what reasons is it linked to SDCEA?
9. How is this forum functioning at present? How active are they? And what has it achieved thus far?
10. Are the seinenetters part of this forum? How active are they in the forum?
11. What strategies has the forum adopted to achieve their objectives?
12. In what way has this forum formed any alliances with other movements?
13. Describe the relationships between KZNSFF and other movements.
14. Is this forum being recognised by the municipality at present and their concerns heard?
15. Finally, what is the power of the forum and other such organisations in challenging certain decisions made by the government?
16. What are the constraints faced by the KZNSFF?

The Politics of the Privatisation of Public Space:
The Subsistence Fishers of KwaZulu-Natal.

Questionnaire C: Conservation Official

Introduction

Hi, my name is Amanda Dray and I am doing my Masters thesis at UKZN on the privatisation of public spaces along the KwaZulu-Natal coastline. I am focusing specifically on the subsistence fishers and their access to public spaces. I want to gain the following from the interview. First, to understand the KZN Wildlife authority and its responsibilities with regard to subsistence fishing. Secondly, to understand the license and permit system for subsistence fishers. Thirdly to understand the new draft policy for the allocation and management of medium-term Subsistence fishing rights.

Your anonymity and confidentiality will be ensured at all times. Your personal details are not required for this study and under no circumstances will they be disclosed. Your participation is voluntary and you may withdraw your permission to participate at any stage without any negative consequences. I am willing to provide your organisation with a copy of the report upon completion.

Section A: EKZN Wildlife

1. What is the role of EKZNW with regard to subsistence fishing?
2. What is the relationship like between EKZNW and the subsistence fishers?
3. In what way are the fishers affecting the environment?

Section B: License and Permit system

1. What policies or laws are currently in place to restrict overfishing?
2. How is a subsistence fisher defined?
3. How does the rights to fish and permit system work?
4. Where are they permitted to fish?
5. What is the need for rights to be obtained to be able to fish?
6. Please give me an idea of exactly what the subsistence fishers are permitted to catch and how is this determined?
7. What law is in place to protect the fishers themselves?
8. Which authority monitors the number of fish caught by the subsistence fishers? What are the penalties for exceeding the limit?
9. Does recreational fishing also fall under the same permit system? Explain?
10. By whom and how are the commercial fishing companies monitored?

Section C: New Draft Policy

1. What does the new draft policy for the allocation and management of medium-term Subsistence fishing rights say about permits and the fishers' rights?

2. Does the new legislation protect marine resources and the ability of subsistence fishers to provide for their families?
3. How does this legislation balance environmental and developmental concerns, i.e. poverty alleviation?
4. How were the fishers consulted in the formation of the new legislation?
5. What implications does this policy have for subsistence fishers? What is EKZNW's position regarding the attempt to balance environment and poverty alleviation?
6. Does EKZNW support the new draft policy drawn up for the allocation and management of medium-term Subsistence fishing rights?

The Politics of the Privatisation of Public Space:
The Subsistence Fishers of KwaZulu-Natal.

Questionnaire D: Municipal Official/ TNPA

Introduction

Hi, my name is Amanda Dray and I am doing my Masters thesis at UKZN on the privatisation of public spaces along the KwaZulu-Natal coastline. I am focusing specifically on the subsistence fishers and their access to public spaces. I want to gain the following from the interview. Firstly, to understand the reasons behind the privatisation of public spaces in cities of KZN. Secondly, to understand if the effects of this privatisation on the subsistence fishers is acknowledged by the city. Thirdly, to understand if there is a relationship between the city and the subsistence fishers of KZN.

Your anonymity and confidentiality will be ensured at all times. Your personal details are not required for this study and under no circumstances will they be disclosed. Your participation is voluntary and you may withdraw your permission to participate at any stage without any negative consequences. I am willing to provide your organisation with a copy of the report upon completion.

Section A: Privatisation of public space

1. Why are more and more public spaces being privatised, especially along the coastline, for large developments?
2. Does the city acknowledge that in the development and privatisation of public spaces certain groups of people, especially those of lower incomes that currently use these spaces will be excluded?
3. Is the city thus fulfilling both its goals of 'pro-growth' and 'pro-poor'?

Section B: The effects of privatisation on the subsistence fishers

4. Have the subsistence fishers been consulted with regards to the privatisation of fishing spaces and their views taken into account?
5. Is the city aware that subsistence fishers are being excluded from spaces that they use to make a living for their families?
6. Why are the fishers being denied access to portions of the harbour and piers?
7. Is the city aware of the fact that subsistence fishing is a means of employment and if these fishers don't have access to spaces to fish that they will have to find alternative means of employment? Is the city aiding in this problem?

Section C: Relationship between the city and the subsistence fishers

8. What is the city doing to provide alternative sites for the fishers that currently use these spaces?

9. If so, are these alternatives acceptable to the fishers?
10. Is the city working together with the KZN Subsistence fishing forum on finding solutions to the problems facing the fishers?

APPENDIX F

Research consent letter

RESEARCH CONSENT LETTER

University of KwaZulu-Natal, Howard College

Letter of Informed Consent

Date: 19 January 2007

I, Ms Amanda Dray (202501277), am a Masters student registered at the University of KwaZulu-Natal, Howard College Campus. I am conducting research on investigating the exclusion of fishers from public spaces on the KwaZulu-Natal coast for my Masters thesis. I would like you to participate in the study by conducting an interview with you. This information collected will be used solely for the purposes of completing my Masters dissertation.

Your anonymity and confidentiality will be ensured at all times. Your personal details are not required for this study and under no circumstances will they be disclosed. Your participation is voluntary and you may withdraw your permission to participate at any stage without any negative consequences. I am willing to provide your organisation with a copy of the report upon completion.

Informed Consent

I _____ am willing to voluntarily answer questions for this study but reserve the right to withdraw my participation at any stage should I wish.

Signature

Date

Contact Details

Student: Amanda Dray

Tel: 073 525 9219

Email: 202501277@ukzn.ac.za

Supervisor: Prof. D. Scott

Tel: 031 2602417

Email: scottd@ukzn.ac.za

APPENDIX G

Examples of signs around the Durban harbour limiting access to the subsistence fishers



a) Sign located adjacent to the train tracks.



b) Sign located after West's Station.



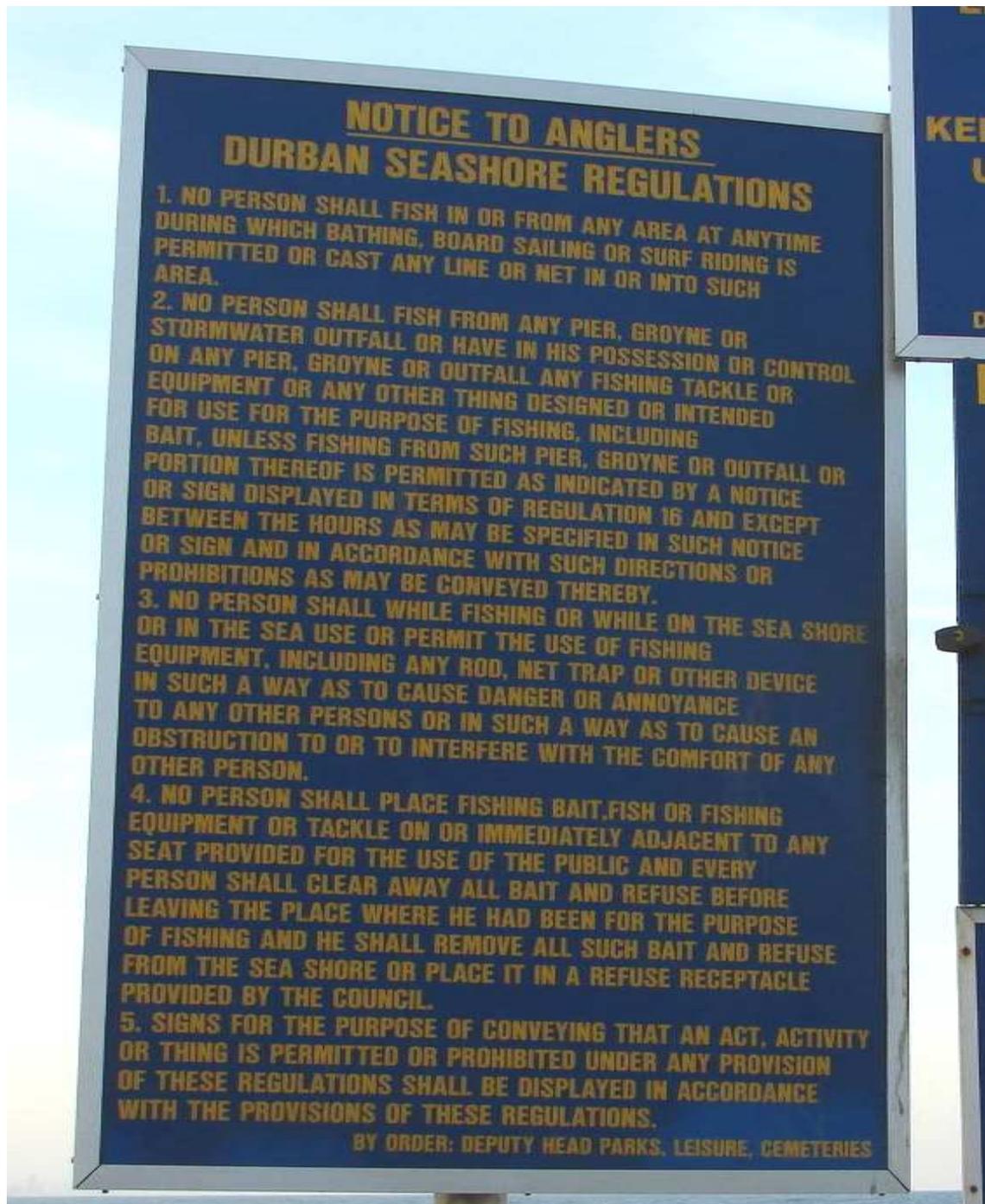
c) Sign located near the old whale station.



d) Sign located along the train tracks just before you approach the South Pier.

APPENDIX H

Sign at the entrance to the Bay of Plenty Pier showing the preference for other users over the fishers.



APPENDIX I

Slides showing the area of public space before the construction of the SCH, and the area of public space proposed after the construction of the SCH (Pravin Amar Website, 2008)



a) Before construction



b) After construction

APPENDIX J

Lawyer's Letter to the National Ports Authority

JS / SP / K193

**The Port Manager
Port of Durban
National Ports Authority of South Africa**

Fax: 031 – 361 8879

14th June 2007

Dear Sir

RE: KZN SUBSISTENCE FISHERMEN: CLOSURE OF SOUTH PIER

We refer to previous correspondence.

As you are well aware our clients are indigent persons who do not have the financial resources to ensure that their rights are protected.

The administrative act that our clients are complaining of is complex and technical and requires of them to secure legal representation that necessarily entails the briefing of two Counsel, a junior and a senior.

Our clients, accordingly, request you to pay their attorney and client legal costs in respect of all matters affecting them arising from your administrative act. Please take notice that this request is founded in terms of Section 3(3) of the Promotion of Administrative Justice Act 3 of 2005.

Please let us know whether you will cover our client's legal representation. Your response is required urgently.

Yours faithfully

J. SURJU

APPENDIX K

Table showing the bag limits and size limits for recreational fishing (MCM, n.d.b).

Common Name	Scientific Name	Min Size/Mass	Bag Limits
Anchovies	Family Engraulidae	none	none
Baardman (bellman, tasselfish)	Umbrina spp.	40 cm	5
Banded galjoen	Dichistius multifasciatus	none	5
Billfishes (marlin, sailfish)	Family Istiophoridae	none	5
Blacktail (dassie)	Diplodus sargus capensis	20 cm	5
Blue hottentot	Pachymetopon aeneum	none	5
Bronze bream (bluefish)	Pachymetopon grande	30 cm	2
Cape knifejaw	Oplegnathus conwayi	none	5
Cape stumpnose	Rhabdosargus holubi	20 cm	5
Carpenter (silverfish)	Argyrosoma argyrosoma	35 cm	4
Catface rockcod	Epinephelus andersoni	50 cm	5
Chub mackerel	Scomber japonicus	none	none
Cutlassfish(walla walla)	Trichiurus lepturus	none	none
Dageraad	Chrysoblephus cristiceps	40 cm	1
Dane	Porcostoma dentata	none	5
Elf (shad)	Pomatomus saltatrix	30 cm	4
Englishman	Chrysoblephus anglicus	40 cm	1
Fransmadam (Karel groot oog)	Boopsoidea inornata	none	10
Galjoen	Dichistius capensis	35 cm	2
Garfishes	Family Belontiidae	none	none
Garrick (leervis)	Lichia amia	70 cm	2
Geelbek (Cape salmon)	Atractoscion aequidens	60 cm	2
Glassies	Family Ambassidae	none	none
Hake (stockfish)	Merluccius spp.	none	5
Halfbeaks	Family Hemiramphidae	none	none
Horse mackerel / maasbanker	Trachurus trachurus capensis	none	none
Hottentot	Pachymetopon blochii	22 cm	10
John Brown	Gymnocrotaphus curvidens	none	5
Kingfishes	Caranx spp. and Carangoides spp.	none	5
King mackerel	Scomberomorus commerson	none	10
Kob caught from a boat at sea [Cape Agulhas to Umtamvuna River]	Argyrosoma spp.	50 cm	5 but may only land or be in possession of one kob > 110cm per day
Kob caught from a boat at sea [The Province of Kwazulu-Natal]	Argyrosoma spp.	40 cm	5 but may only land or be in possession of one kob > 110cm per day
Kob caught in estuaries & from the shore [East of Cape Agulhas only]	Argyrosoma spp.	60 cm	1

Kob [West of Cape Agulhas only]	<i>Argyrosomus</i> spp.	50 cm	5
Large-spot pompano (wave garrick)	<i>Trachinotus botla</i>	none	5
Leopard cat shark	<i>Poroderma pantherinum</i>	none	1
Mulletts / harders	Family Mugilidae	none	50
Natal knifejaw (cuckoo bass)	<i>Oplegnathus robinsoni</i>	none	5
Natal stumpnose (yellowfin bream)	<i>Rhabdosargus sarba</i>	25 cm	5
Pinky (piggy)	<i>Pomadasyds olivaceum</i>	7.5 cm	10
Poenskop (black steenbras or musselcracker)	<i>Cymatoceps nasutus</i>	50 cm	1
Queen mackerel	<i>Scomberomorus plurilineatus</i>	none	10
Ragged tooth shark	<i>Carcharias taurus</i>	none	1
Red steenbras (copper steenbras)	<i>Petrus rupestris</i>	60 cm	1
Red stumpnose (Miss Lucy)	<i>Chrysoblephus gibbiceps</i>	30 cm	1
River bream (perch)	<i>Acanthopagrus berda</i>	25 cm	5
River snapper (rock salmon)	<i>Lutjanus argentimaculatus</i>	40 cm	5
Roman	<i>Chrysoblephus laticeps</i>	30 cm	2
Santer (soldier)	<i>Cheimerius nufar</i>	30 cm	5
Sardines (pilchard & red-eye)	Family Clupeidae	none	none
Sauries	Family Scomberesocidae	none	none
Scads	<i>Decapterus</i> spp. none	none	none
Scotsman	<i>Polysteganus praeorbitalis</i>	40 cm	1
Slinger	<i>Chrysoblephus puniceus</i>	25 cm	5
Snoek (Cape snoek)	<i>Thyrstites atun</i>	60 cm	10
Southern pompano	<i>Trachinotus africanus</i>	none	5
Spotted grunter (tiger)	<i>Pomadasyds commersonnii</i>	40 cm	5
Spotted gulley shark	<i>Triakis megalopterus</i>	none	1
Springer (ten pounder)	<i>Elops machnata</i>	none	5
Steenjtie	<i>Spondylisoma emarginatum</i>	none	10
Stonebream	<i>Neoscorpis lithophilus</i>	none	5
Strepie (karanteen)	<i>Sarpa salpa</i>	15 cm	10
Striped cat shark	<i>Poroderma africanum</i>	none	1
Swordfish (broadbill)	<i>Xiphias gladius</i>	25 kg	5
Squid (Chokka)	<i>Loligo vulgaris reynaudii</i>	none	20
Tunas (tunny)	<i>Thunnus</i> spp.	none	10
Albacore / longfin tuna	<i>Thunnus alalunga</i>	none	10
Bigeye tuna	<i>Thunnus obesus</i>	3.2 kg	10
Bluefin tuna	<i>Thunnus thynnus</i>	6.4 kg	10
Yellowfin tuna	<i>Thunnus albacares</i>	3.2 kg	10
West coast steenbras	<i>Lithognathus aureti</i>	60 cm	1
White edged (Captain Fine) rockcod	<i>Epinephelus albomarginatus</i>	40 cm	5
White musselcracker (brusher, cracker)	<i>Sparodon durbanensis</i>	60 cm	2
White steenbras (pignose grunter)	<i>Lithognathus lithognathus</i>	60 cm	1
White stumpnose	<i>Rhabdosargus globiceps</i>	25 cm	10
Wolfherring	<i>Chirocentrus dorab</i>	none	none
Yellowbelly rockcod	<i>Epinephelus marginatus</i>	60 cm	1
Yellowtail	<i>Seriola lalandi</i>	none	10
Zebra (wildeperd)	<i>Diplodus cervinus hottentotus</i>	30 cm	5