EXPLORING PARTICIPATORY PLANNING PRACTICES FOR INFORMAL STREET TRADERS IN SMALL TOWNS: THE CASE OF LADYSMITH CBD.

By

NTOBEKO MLOTSHWA

Submitted in fulfilment of the requirements of

MASTER OF THE BUILT ENVIRONMENT IN TOWN AND REGIONAL PLANNING

Faculty of Engineering and Built Environment

DURBAN UNIVERSITY OF TECHNOLOGY

Supervisor: Dr Kira Erwin

Co-Supervisor: Dr Godfrey Musvoto

October 2020

ABSTRACT

The reality of informal street trading across the African continent has not been fully recognised as a legitimate economic activity through meaningful participatory planning practices in the design and demarcation of trading spaces in CBDs. This has driven challenges of inclusion in development plans, overlooked positive linkages that exist within the formal-informal economies and limited service delivery in terms of decent working conditions for traders through repressive practices that street traders face constantly. The regulatory and governance relationships between street traders and local government practitioners have been difficult and complicated. Although there are progressive practices in the governance of street trading in other developing and less developed countries, local government practitioners continue to restrict trading activities in public spaces. The aim of this research is to explore the extent of participatory planning practices applied to the governance of street traders in the small town of Ladysmith, KwaZulu Natal. The literature review highlights various exclusionary discourses around the exclusion of street traders that are incompatible with the theories of participatory planning. This is exacerbated by the practitioner's continual struggle with apartheid planning approaches that hold negative narratives which illegalise street trading. The latter results in the imposition of restrictive regulatory bylaws on street trading in the CBD. A qualitative case study approach was used in this study to produce context-dependent knowledge. Direct observations of trading environments and semi-structured interviews were conducted with street traders and municipal practitioners to assist in answering the research question. A qualitative thematic analysis was used in this research to identify themes that address the research question. The results showed that there are inconsistences in the street trading governance system of the municipality and that participation is well articulated in local urban development policies, but that implementation stages exclude traders. This research concluded that the extent of participatory planning in Ladysmith appeared to be restrictive towards street traders in the CBD. Therefore, it is recommended that municipal practitioners establish meaningful and progressive practices that will benefit both the municipality and street traders.

DECLARATION

I Ntobeko Mlotshwa (Student number: 21114636) declare that the information presented in this dissertation is my own work; the references have been provided to acknowledge the work of cited authors. This dissertation has not been previously submitted to any academic institution towards examination for a qualification. This research represents my own reflections and recommendations, and not that of the Durban University of technology and the participants of this study.

……. …….

Ntobeko Mlotshwa Date:

……..

Dr K. Erwin: Supervisor

…….

Dr G. Mosvoto: Co supervisor

ACKNOWLEDGEMENTS

I give thanks to the Lord and to my departed ancestors who have carried me through and cleared my path.

I would like to thank my mother Ms N. E. Linda, who stood by me and encouraged me through thick and thin. She prayed away every obstacle that hindered the success of this Master's research. It is with her that I completed my degree: Thank you ma'Cebekhulu, you dwell deeply in my heart.

To the rest of my family I say firmly: *akwande maLinda amahle, nina bo Nsele yaMangwe* for believing in me and for your unending love and support.

I give my humble gratitude to my supervisor Dr K. Erwin. Her guidance and compassion made it possible for me to complete my research. I appreciate the time she made, and her constructive reviews that developed and enhanced my research skills. I also acknowledge and thank my co-supervisor Dr Godfrey Musvoto, whose guidance contributed greatly to this study.

To all my friends and study mates who offered support, their contributions are sincerely appreciated.

I would also like to acknowledge Ladysmith's Alfred Duma Local Municipality street traders and municipal practitioners who made this study possible. Their sacrificed time and willingness to participate in this study is greatly appreciated.

Contents

List of figures

Table of Abbreviations

AeT	Asiye eTafuleni
CBD	Central Business District
DUT	Durban University of Technology
ICCM	Informal Chamber Committee Meeting
ICLS	International Conference of Labour Statisticians
IDP	Integrated Development Plan
ILO	International Labour Organisation
ITMB	Informal Traders Management Board
ITSS	Informal Traders Support Services
LED	Local Economic Development
NASVI	National Association of Street Vendors in India
NDP	National Development Plan
NSDF	National Spatial Development Framework
MCs	Market Committees
PRA	Participatory Rural Appraisal
SALGA	South African Local Government Association
SAITF	South African Informal Traders Forum
SANTRA	South African National Traders and Retailers Alliance
SDG	Sustainable Development Goal
SEDA	Small Enterprise Development Agency
SERI	Socio-Economic Rights Institute of South Africa

SEWA	Self-Employed Women's Association
SEWU	Self-Employed Women's Union
SLA	Sustainable Livelihoods Approach
SLF	Sustainable Livelihoods Framework
SPLUMA	Spatial Planning and Land Use Management Act No 16 of 2013
StreetNet	Street Network
SMMEs	Small Medium and Micro-sized Enterprises
TVC	Town Vending Committees
WIEGO	Women in Informal Employment: Globalizing and Organizing

CHAPTER 1: INTRODUCTION

1.1 Contextual background

African countries are urbanising rapidly and urbanisation processes continue to grow faster than on other continents. Of concern to city level government is the capacity to manage and provide for growing demands for essential services. The uncertain fiscal capacity to finance urban infrastructure and the low capacity of labour markets to absorb a growing low-skilled and youthful workforce all result in the urbanisation of poverty (Collier 2007; Ravallion et al. 2007; Martine et al. 2008; UN-HABITAT 2010 and 2012; World Bank 2013b, cited in Turok and Borel-Saladin 2014: 676). Urbanisation in African cities has seen an increase in the informal sector. In a working paper published during 2008, Skinner (2008a: 7-8) reveals that in Africa the informal economy is estimated to account for 60% of all urban jobs, and over 90% of all new urban jobs. Street trading forms the largest part of the activities constituting the informal sector.

In South Africa, the informal sector surpasses the formal sector in terms of economic activity in cities as well as in small towns. This study explores one aspect of informality, namely informal street trading in public spaces of Central Business Districts (CBDs). As national and local governments struggle to provide formal employment and to alleviate poverty in growing urban areas, citizens often take up informal self-employment by utilising public spaces and streets in city and town centres to trade goods and services.

Not only is the informal economy a livelihood response to poverty and unemployment, it can also be regarded as a response by the marginalised to exclusionary forms of urban development. For example, the high costs of registering businesses are not feasible for the level of income generated from street trade. Informal street trading has benefits, but it is not without problems, and the sustainability of the livelihoods of informal street trading businesses is precarious. Street traders are faced with various constraints. Generally, these include sociocultural challenges, argumentative political environments and policies, and operational challenges (Tambunan 2009: 46).

For local government practitioners, the street trading sector has been difficult to regulate and manage. This is exacerbated by the scarcity of well-documented precedent studies in literature that can serve as exemplars for planning and municipal practitioners in local government, especially in terms of governing street trading in a sustainable approach. Bénit-Gbaffou (2015:

3) notes that best international participatory practices of street trading are not well documented when compared to the many studies that focus on the worst practices of local government, and how they fail street traders.

Modernist planning in African cities is characterised by the ideology of development mirrored from western cities. Local municipalities continue to enforce legacies of the colonial and apartheid planning approaches, and a post-modern vision of what global cities should look like. Normative planning focuses on internal practices of designing planning approaches and policies that restrict and repress street trading in municipal urban centres. Relatively less attention has been given to the experiences, difficulties, contestations and negotiations of street traders with local authorities (Bénit-Gbaffou 2017: 3). In light of this, management approaches to street trading applied in Africa often fail massively due to relying only on information obtained from scientific reports and using empirical or statistical information to make inferences about the needs of street traders, instead of relying on information provided by street traders themselves.

Moreover, modernist planning theories conceptualise urban informality as a legacy of development that will gradually vanish as the world undergoes modernisation. Due to colonial exploitations, many countries in Europe are considered the most developed, with substantially lower levels of informality compared to those in the global South. This is the reason why modernist planning theories from Europe (roughly seen as Western theory) contemplate that informality will fade with modernisation. According to Benjamin (2004) and Kamete (2013) (both cited in Bénit-Gbaffou 2017: 4) these theories insufficiently consider the challenges caused by poverty, chronic unemployment and inequalities that are persistent in cities of the global South.

In South Africa, both during and after apartheid, government has taken a punitive response to street trade, often attempting to eradicate it from city CBDs. Street traders have long battled with the issue of inclusion in the city. As with other marginalised groups, street traders have recently embarked on strikes and marches for services delivery. In South African cities such marches and strikes are often initiated by advocate organisations, for example SAITF and One Voice[1] (Matjomane 2013: 115). Despite these tensions, informal economies are growing and require more responsive interventions. In the field of planning however, what to do with informality appears complicated. Older apartheid forms of planning were exclusionary and

[1] https://www.wiego.org > files PDF Informal Traders Organizing to overcome Challenges

based on regulation and control of urban areas. This approach paid less attention to social and economic dynamics of urban areas, and largely ignored how the poor utilise urban spaces for various forms of livelihood for survival (Todes 2008). Traditional land use management and planning approaches to urban development saw informality as an issue that needed serious intervention through eradication and emphasised street trading prohibition in most spaces especially in CBDs (Skinner and Watson 2017). Land use management and planning systems continue to be tools used in the governance of urban areas (Skinner and Watson 2017). However, these tools were inherited from earlier colonial governments and most of them remain unchanged, thus not necessarily fitting democratic transformation in terms of meaningful participation.

Normative planning systems have nurtured planners to comply with planning norms and standards set out in government laws. Normative systems when applied to street trading, as set out by norms and standards, state that CBDs must be clean with no obstruction on the streets by any structure, for ease of movement. Normative urban planners therefore view street trading as causing congestion and pollution, as well as competing with "formal" retailers thus creating unnecessary competition (Matjomane 2013; Pezzano 2016). Planning regulations impose restrictive and exclusionary measures including land restriction within the CBD, and identifying adjacent land away from the CBD for street traders as a means of eradication from the CBD, which in turn leads to forced removals and harassments by law enforcers. All of these are in keeping with the principle of keeping the city clean, beautiful and free from obstructions. This however rejects an inclusive approach to the CBD where all economic activities should take place and where citizens make livelihoods through self-employment, with a range of purchasing choices for citizens, and including both formal and informal commodity providers.

This normative focus in planning regulations has created a disjuncture between planning in education and planning practice in South African cities. Planning education has more readily shifted to contemporary international and national goals of inclusive urbanisation. This study contributes towards the Sustainable Development Goal 11, which aims at "making cities and human settlements inclusive, safe, resilient and sustainable" (United Nations 2015). To make this goal a reality, there must be a change in the engagement and management of street trading, from scientific reasoning to participatory decision making. The SDG 11 mainstreams a more inclusive participatory approach, legitimising the power of decision making for street traders, and not only for the government authority. It supports a shift from traditional methods of decision making and planning to innovative, inclusive and participatory methods of planning.

Recent participatory theories of planning provide delegated management approaches to inclusive urban planning in the democratic era. For example, the participatory rural appraisal (PRA) and the sustainable livelihoods approach (SLA) theories directly advocate for engagement with informality in informal settlements and informal businesses.

Roy (2007: 150) explains that the relationship between informality and planners is complicated. While informal spaces were perceived as unplannable, there have been attempts to improve and integrate these spaces into the urban fabric. For example, the informality and poverty alleviation policy epistemology gave way to a new generation of poverty alleviation programmes especially in developing African contexts. This policy shift revived the ideas of self-help housing, microenterprises and community initiatives (Roy 2007: 150). Informal urban upgrading was introduced as an alternative to the policies that sought to get rid of or relocate informal settlements to the outskirts of urban areas; instead, in-situ[2] upgrading was seen as cheaper and more appropriate. The paradigm shift that has marked international thinking on informal settlements from denialism and eradication of informal settlements to in-situ upgrading, has not occurred at the same pace and level in the field of street trading (Bénit-Gbaffou 2017: 14). There has been far less acceptance by local government in South Africa of moving from a restrictions and evictions approach to participatory models of street trading governance (Bénit-Gbaffou 2015). Street trading as a component of the informal spaces has only over the last few years started to see the beginnings of a focused debate on policy instruments and strategies that support inclusion.

This study analyses a case study of long-standing tensions between street traders and the municipality in the CBD of Ladysmith. As reported by StreetNet (2012) on 16 August 2012, there was an on-going battle between the Alfred Duma Municipality and informal street traders operating within the town CBD of Ladysmith. A new taxi rank and the informal trading stall building were erected on Forbes Street by the local government of Ladysmith around 2009. The intention of these new structures was to provide a new home for the cluster of informal traders and the eZakheni taxi rank operating opposite the Murchison Mall on Lyell Street. The street traders however did not wish to relocate. The incidents that followed were the forced evictions of informal traders from their spaces of operation by the police and the burning down of informal trading shacks. The informal traders of the Ladysmith CBD embarked on a march

[2] Whereby rapid unstructured and unplanned informal settlements (slums) are rebuilt and rearranged by communities to avoid relocations and preserve social and economic ties of where they live. (http://i2ud.org/2013/02/re-blocking-in-situ-upgrading-of-informal-settlements-in-south-africa)

to voice their concerns on 7 August 2012. They complained that Forbes Street, to which they were supposed to move, is situated along the banks of the Klip River, which is prone to flooding during periods of rainfall. The traders felt that their rights had been seriously violated by the municipal officials and the police. They also complained about the lack of service delivery by the local government and that they had been excluded from the planning process of the Forbes Street site - matters that concerned their livelihoods within the CBD.

There has been substantial research on informal traders in larger South African urban cities such as Durban, Johannesburg and Cape Town (Skinner 2008b; Bénit-Gbaffou 2015; Skinner, Reed and Harvey 2018; WIEGO 2020), but scant attention has been paid to how these tensions between local government planning and street traders play out in small urban nodes. Therefore, the aim of this research is to explore how participatory planning practices in small towns could enhance inclusion in CBD plans that affect the informal street traders. This study will look at how informal street traders lobby and organise for participation concerning service delivery, and how city officials make sense of these interactions and negotiations. This study applies largely to local community development and upholds the notion that citizens should have a voice. The study starts from the premise that street traders should be included in decision making in development plans, rather than being only the receivers of service delivery on the margins of society. Through exploring this case study, suggestions and findings on how participation and inclusion of informal street traders may be better carried out in future urban negotiations in smaller urban nodes will be presented.

1.2 Research problem

This study explores the extent of participatory planning conducted by the Alfred Duma Local Municipality in regard to the issue of the Ladysmith CBD informal street traders. As stated initially, the municipality did provide land for informal trading, and trading stalls were built. However, what appears on the surface to be a form of service delivery by the municipality resulted in the resistance of street traders to the newly built trading stalls, and a protest around the lack of service delivery for the enhancement of businesses and livelihoods of street traders. In this case study, it is shown that where stalls and other infrastructure are provided but with no participation by the street traders, the result is tense relations and an unused infrastructure development. This therefore leaves room for the exploration of participatory planning approaches that the municipality could apply to engage with street traders in development procedures. This case study analysis draws from international and South African practices in

this regard. This exploration also seeks to understand how street traders themselves are organised to advocate for participation.

While there is literature on street trading in large informal market places in cities – which areas are seen as easier to tax and manage due to concentration in one market – there is a scarcity of literature on successful and best street trading practices directed towards street traders scattered around streets and town centres (Bénit-Gbaffou 2015, cited in Bénit-Gbaffou 2017: 5). Whilst informality is recognised as an integral part of African and other global cities, many municipalities continue to apply restrictive management practices to street trading, often with a view to eradication. Deemed by some of the local authorities to be a nuisance that violates bylaws and contributes largely to urban grime, street traders are often harassed by means of inspection of their trading permits (Roever 2016). In many cases, municipal officials have forcefully displaced traders from city centres. These aforementioned practices contradict the vast body of literature on the benefits of participatory planning, as well as the economic benefits derived from informal livelihood strategies; for example, street trading spaces offer a great deal of security to commuters in streets through 'eyes on the road'. Non-participatory planning and official exclusion directly threaten traders' livelihoods. Due to the lack of participation and communication with municipal officials, traders often engage the government through protest, marches and strikes to voice their grievances.

1.3 Research question

The research question in this study is therefore the following: In what ways and to what extent are participatory planning approaches applied to street traders in Ladysmith?

Participatory models can be very progressive; they can be adapted and modified to fit the context of any area. Indeed some towns offer an opportunity for testing models of participation due to the scale in comparison to larger cities.

1.3.1 Sub-questions

- How does the municipality approach the reality of informal street traders in Ladysmith?
- How are informal street traders organising their campaign for participation and service delivery?
- How does the municipality plan to address current and future development of street traders using participatory planning tools?

1.4 Chapter outline

***Chapter 1**: Introduction*

Chapter 1 introduces the topic and states the research problem, questions and objectives.

***Chapter 2:** Theoretical framework*

This chapter reviews relevant theoretical literature that is applicable to this study. Theoretical perspectives of participatory planning are discussed.

***Chapter 3:** Literature review on informality and street trading*

This chapter presents international and local literature review on informality and street trading. The concepts of the informal economy and street trading are discussed.

***Chapter 4:** Ladysmith case study*

The topic of street trading in the town of Ladysmith is introduced in this chapter, and a description of the street trading sector is provided.

***Chapter 5:** Research methodology*

An outline of the design of this study and the research methodology applied in the collection and the analysis of data are provided in this chapter.

***Chapter 6:** Findings and analysis*

In this chapter, research findings based on collected data are presented and analysed.

***Chapter 7:** Summary, recommendations and conclusion*

The summary of research findings are based on the research question and the sub-questions in this chapter. This chapter also outlines proposed recommendations based on the research findings and outlines conclusions.

CHAPTER 2: THEORETICAL FRAMEWORK

2.1 Theory on participatory planning

Planning epistemology has experienced a major shift in development approach globally, in both the north and the south. In the 1950s and 1960s, planning took a positivist approach, where decision making was based on incremental and rational scientific approaches (Watson 2016: 33). Such methods followed a linear process and a rational comprehensive model. Urban planners were involved in the formulation of policies that addressed development challenges and management of urban spaces for people, with their decisions being guided by strategic development models. Hudson, Galloway and Kaufman (1979: 388) explain that the decision making steps involved in the rational comprehensive model entailed desired goals made by development practitioners to solve development problems, with alternative policy approaches to the problem being identified to guide the desired goals. This was followed by the evaluation of the success of the decisions, after which they would be implemented (Hudson, Galloway and Kaufman 1979: 388). The problem with this model was that there was no comprehensive participation of citizens, with the model being based purely on what the practitioners imagined was needed by communities.

This top-down approach saw the public as the recipients of the resources allocated to them by the state, with no role or participation channels for the public in the decision-making process (Davids, Theron and Maphunye 2005). In this case, the planning process and the power of decision making were managed by the government officials such as the planning department or other responsible entities as far as development was concerned. When studying the needs in terms of, and making decisions for, the socioeconomic development of communities, it is necessary to engage with communities in a collective decision making setting, rather than using empirical reports for needs assessments, as scientific approaches do not capture the realities of communities. Indeed, decisions made without engagement may clash with what the community actually needs. The legitimacy of participation according to Smith (1973: 280) is based on development plans being created, endorsed, and supported by the recipients. It is the lack of participation that causes the rise in urban advocacy, which is initiated by marginalised citizens and civil organisations resisting the imposition of decisions made without consultation.

During the 1980s and 1990s, planning in the European countries took a communicative turn: this change came about as a result of the failure of technical and administrative approaches in achieving social justice and environmental sustainability in contemporary democratic societies

(Healey 1992: 143). African countries were no exception, as most of them had gained independence and democracy, but still lived with adverse inequalities. Communicative planning theory notes that the rational model is not applied very often due to contested goals and values (Innes and Booher 2015: 3). According to Elling (2017: 228), communicative planning focuses more on inclusive development, according to which the views of the public are meaningfully taken into consideration through dialogical communication with all stakeholders in the development process. Moreover, communicative planning challenges the rational model by requiring the identification of shared values, goals and interests when communicating with the public (Elling 2017: 228). Under the conditions of communicative planning, official expert decisions do not surpass those of the public citizens towards whom the development is directed. From communicative planning theory emerged a participatory planning model, which dominates the epistemology of planning today in South Africa and elsewhere.

According to Hague *et al.*, "Participatory planning is a set of processes through which diverse groups and interests engage together in reaching for a consensus on a plan and its implementation" (2003: 8). Participatory planning is therefore an urban planning approach that attempts to address development challenges together with affected communities from the initial stage to the implementation of development plans. As a set of processes, this is not a default or prescribed list of linear steps to be followed, but rather it explores various consensus-building alternatives actively with communities. Participatory planning recognises that negotiations can be intense because disagreements arise; thus, various affected stakeholders need to exchange information and find various ways of reducing disagreements to common ground (Hague *et al.* 2003).

Street traders suffer when official practitioners adopt authoritative approaches by eradicating street trading from public spaces (Bénit-Gbaffou 2017). Recognising that an authoritative approach to development does not yield desirable outcomes for all involved, participatory planning advocates for cultural awareness and sensitivity to differences in power, and seeks to ensure that power differentials do not predetermine planning outcomes. The emergence of the participatory planning paradigm concerning power dynamics meant that the interests and power do not rest only with elites with singular interests. It is evident in most cases that elites tend to influence official government decision-makers in development projects for their benefit and not for the entire public (Elling 2017: 228). In the ideal participatory model, different parties need to exchange information to explore areas of common ground, to compromise and

to find ways of reducing the extent and intensity of disagreements, and thus engage in a dialogical approach to finding common ground (Hague *et al.* 2003).

The participatory planning paradigm has been adopted in most liberal democracies, including South Africa. It is evident in South Africa for example, that planning in response to informal settlements has moved from an eradication programme to formal "in-situ upgrading", where informal settlements receive services incrementally, in the areas they have built (Huchzermeyer 2011). This participatory approach aims to empower residents through tools such as in-situ upgrading according to the participatory rural appraisal (PRA), participatory mapping and the sustainable livelihoods approaches, amongst others. The informal street trading sector has not experienced much in the way of the participatory or inclusive approach, even though it falls under the similar informal sector as informal housing. The participatory planning model is informed by, or emerges from, diverse urban planning theories, specifically advocacy planning and collaborative/communicative planning theories, which will be explored in relation to participatory planning.

2.1.1 Communicative/Collaborative planning

According to Fainstein (2000: 453), the theoretical basis to the emergence of communicative models of planning is drawn from two distinct philosophical approaches. The first approach, known as neopragmatism, was drawn from the notion of John Dewey and Richard Rorty. Neopragmatism tends towards positivism, according to which planning uses empirical knowledge to search for practices best in planning (Fainstein 2000: 454). Hoch (1996, cited in Fainstein 2000: 454) reveals that a concern for pragmatic planners is how practitioners construct free spaces in which democratic planning can be institutionalised. This concern uncovers examples of planning that are competent and democratic, and also explores the work of practitioners who developed and applied it to explore actions they took and institutional conditions that assisted or constrained their efforts (Hoch 1996, cited in Fainstein 2000: 454). This theoretical perception implies that the epistemology of planning changed because of scientifically analysing and adopting the examples of best and progressive planning practices that fitted the democratic era. Scientific generalisation tends to follow the unitary planning approach that was opposed by Paul Davidoff (1965), and empirical information used by practitioners is therefore exclusive and the roles that could be played by citizens and various stakeholders out of government structures are therefore limited.

The second approach is based on Jürgen Habermas's critical theory. This is an approach with more consensus among various authors and it draws on the theory of communicative rationality and communicative action (Fainstein 2000: 453; Harris 2002: 20 & 25). Instead of looking at empirical cases of best planning practice, communicative rationality is subjective and, according to Healey (1996, cited in Fainstein 2000: 454), could be arrived at by collective and consensual efforts in reaching common ground and mutual understanding. This shifts the focus of planning and development practice from making decisions and planning for the public, to recognising that people are pluralistic and that they deserve to be heard and included in development processes. This refocuses the practices of planning to enable purposes to be communicatively discovered. This view therefore provides a guide for the inclusion of various stakeholders in planning. In communicative planning theory, a planner's leading function is to listen to people's subjective views and to give assistance in building consensus among the various points of view of those involved. Therefore, communicative planning challenges the practices of a single government entity or official solely to take responsibility and to make objective decisions that concern various stakeholders.

Communicative planning theory provides essential foundations and underlying principles to collaborative planning. Collaborative planning refers to the work of Patsy Healey and others, and was developed during the late 1990s (Harris 2002: 22). While it has its foundations in communicative planning, it also draws on communicative action and communicative rationality. However, its theoretical basis is Anthony Gidden's theory of structuration which was developed in the early 1980s (Healey 2003: 106). Furthermore, Harris (2002: 24) bases communicative planning on Gidden's structuration theory.

Structuration theory focused its attention on the qualities of interaction relations; it looked at the interaction between and mutual constitution of structure and agency. It looks at the participants within the governance processes, where not only did the operations of authoritative and allocative systems depend on the interaction of actors with specific interests but also on the way routine social relations and practices were structured by institutional designs and deeper values and conceptions (Healey 2003: 106). This theoretical approach seeks to understand the structures, systems and mechanisms of urban planning where democracy and inclusion may be pursued (Harris 2002: 24). For example, restrictive policies expect street traders to conform to their provisions in order to achieve a clean and congestion-free city, while street traders resist complying because such policies hinder their generation of profit. In this way they are shaping what policies and bylaws should be: that policies and bylaws must

represent the needs of society instead of normativity in social control. The theory, therefore, gives no superiority to either of the structures but instead emphasises duality in structure.

According to Healey (1997, cited in Harris 2002: 22), "Collaborative planning is about why urban regions are important to social, economic and environmental policy and how political communities may organise to improve the quality of their places". Harris (2002: 22) mentions that this simple definition does not capture the whole essence of collaborative planning; however by analysing its underlying theoretical basis (Giddens structuration theory), it is possible to also understand this definition more deeply. As mentioned before, structuration theory seeks to understand the routine of social relations and the structures that influence this; hence this call for the analysis of urban regions and the policies that influence their development approaches. Policy formulation, therefore, requires the inclusion and participation of various political communities, collaborating to build and improve the quality of their spaces. In general, collaboration means the exchanging of ideas by two or more parties; this is done through communication and on a dialogical basis. Collaborative planning in relation to structuration theory, therefore, goes a step further: it emphasises the alignment of physical space, a policy that guides the development of physical space, and the inclusion of all stakeholders subjected to the development of the physical space. Moreover, the key to all of this alignment is communication and collaboration. This, therefore, counteracts the personal interests of capitalists within the realm of planning.

As new forms of planning and development arise from emerging planning theories that entail communication, collaboration, and citizen participation, it is important to note the power dynamics at play. The current planning paradigm entails the inclusion of the public in development plans and decisions; therefore before the implementation of any plan, there needs to be context-dependent knowledge from the people affected by the proposed development. In addition, public participation should not only be a requirement in any prescribed linear approach, but must be meaningful and must increase and deepen the inclusion of citizens. Under this approach, the local contextualised knowledge held by different publics is seen as holding as much weight in planning decisions as does scientific knowledge.

Flyvbjerg (2002: 3), in his practical work, experienced that knowledge can be important in such a way that people in powerful positions find it worth their while to repress it. As mentioned even earlier by Foucalt, every planning paradigm from any planning theory in the context of development and transformation entails powerful entities or individuals who can easily

influence decisions for peculiar reasons (Foucalt ;1994a-b , cited in Coetzee and Oranje 2006: 3). Moreover, in the face of power relations, Flyvbjerg (2002: 2) notes that, unlike the fields of political science and sociology, the field of urban planning lacks a regular body of literature which will place power relations at its core. In addition, Coetzee and Oranje (2006: 2) note that literature on the nature of power dynamics in the realm of urban planning was explored by Healey (UK), Flyvbjerg (Denmark), Hillier (Australia), and Forester (USA), Hoch (USA), Innes (USA), Mandelbaum (USA) and Watson (South Africa) during the 90s and early 2000s. These authors agree that there is still limited knowledge on the complexity of power relations. This, therefore, leaves a grey area in terms of research, especially in countries like South Africa, where power dynamics seem to be very problematic.

It was pointed out above that there is consensus on the Habermasian approach of communicative rationality (Fainstein 2000: 453; Harris 2002: 20 & 25). For communicative and rational planners, their leading function is to listen to people's subjective views and to give assistance in building consensus among various points of view from those involved. However, there exists an influence from powerful private parties, and it is highly likely that they might seek to influence negatively the knowledge and views of the public for their particular reasons. Additionally, Habermas came up with two concepts, the "lifeworld" and the "systems", according to which the lifeworld is a reality where there are personal interactions, while the systems refer to government systems. Habermas reveals that "these systems, which provide the context in which the lifeworld operates, can suppress the lifeworld, creating conflict, distorting communication or communicative action, and result in a power-clash between the lifeworld and systems" (Coetzee and Oranje 2006: 4).

Giddens's structuration theory establishes a relationship between power and social relations (Giddens 1982). Drawing from Giddens's structuration theory, social beings or humans live and operate through culturally bound structures of rules and resource flows, and through a dense web of relational networks that play significant roles in their lives (Coetzee and Oranje 2006: 4). Moreover, these dense networks of relations are shaped by structuring forces of power that surround us. In other words, as much as human beings have their own choices and plans, they do so whilst navigating powerful structures and forces.

2.1.2 Advocacy planning

The birth of advocacy planning was detrimental to the notion of planning *for* the public, advocating instead the notion of planning *with* the public. According to Levy (2009: 411),

advocacy planning was propounded by Paul Davidoff, who was interested in planning as a method to serve the interests of the poor, marginalised, voiceless and minority groups. This notion was triggered by what was called exclusionary zoning in the suburbs of New York and New Jersey, which entailed the limiting of housing development to an expensive single stand family unit on a large piece of land in suburban communities, thus promoting class and racial segregation in the USA (Levy 2009: 411). In the face of democracy, however, orthodox planning is being challenged by many communities worldwide who contest exclusive development plans. As opposed to prescribed methods of action that planning experts have to follow, an alternative approach which includes all relevant stakeholders in decision making is required.

According to Davidoff (1965: 331), the present is the era in which the endeavours of an enlightened and unbiased democracy can be made a reality. This has been enabled by the constantly growing voices of the marginalised communities, protesting inequality and other social injustices. The tradition of protests has been adopted by the citizens contesting the decisions made by the government as well as the demand for services. In proposing social equality, Davidoff (1965: 331) mentions that the public is required to establish the basis for a society that will afford equal opportunities to all citizens, and that there is a need for innovative planning, specification of social goals and the means of achieving them. However, this cannot be achieved if planning is rooted in a prescribed unitary plan that is facilitated by city officials only. A unitary plan is a comprehensive plan that is solely prepared by a government department and which includes no other organisation in its preparation. It is a plan that has discouraged the participation of various stakeholders (Davidoff 1965: 332). The dream of democratic planning requires approaches that are openly inclusive of political and social values that are carefully examined and debated; this will eradicate the notion of a prescribed planning system which requires a planner to work exclusively and solely as a technician (Davidoff 1965: 331). Democratic planners therefore should do away with prescribed unitary planning and do what they see proper in terms of planning. In the context of advocacy in planning, this role is clarified by Paul Davidoff when he states that: "here I will say that the planner should do more than explicate the values underlying his prescriptions for courses of action; he should affirm them; he should be an advocate for what he deems proper" (Davidoff 1965: 332).

Planning for “public interest” entails prescribed planning and unitary planning; such actions seem right and useful for the citizens and such notion is termed utilitarianism (Campbell and Marshall 2012: 112). Paul Davidoff raised questions that posed a challenge to unitary plans:

those questions should be a guide that leads to a new practice of planning. Davidoff (1965: 332) posed the following questions:

> "…why is it that no other organisation within a community prepares a plan? Why is only one agency concerned with establishing both general and specific goals for community development, and with proposing the strategies and costs required to affect the goals? Why are there not plural plans? If the social, economic, and political ramifications of a plan are politically contentious, then why is it that those in opposition to the agency plan do not prepare one of their own?"

Unitary plans are influenced by rational-comprehensive planning where the process involves alternatives when a plan is opposed. Therefore, the concept of plural plans applies to delegating the power to make alternative plans to a sole planning technician appointed by a sole government department. As an inclusionary measure, Davidoff (1965: 332) brings in a role that can be played by various non-governmental interest groups in advocating for alternative plans. He posed the question as follows: Why do various stakeholders who are in opposition to the initial plan not prepare their own plans? The answer is that the various stake-holders should prepare those alternative plans. This would limit the responsibility of a sole official to formulate alternative plans, and makes various interest groups outside of government responsible for such plans that broaden the scope of participation. Furthermore, Davidoff (1965: 332) mentions that his concept of plural planning does not mean limiting the importance of the obligations vested upon public government departments, but that the department will at least be relieved of the burden of presenting the alternatives. Moreover, the advocacy of plural planning will serve as a means for presenting alternatives that are strongly supported by public citizens as well as civil society organisations. In addition, planners as advocates have a choice of presenting and advocating for plans which they approve of and deem to be proper.

2.1.3 Community advocacy

Although Davidoff was writing in the late 1960s, his ideas remain relevant today. David Harvey (2008: 14) argues that in the 21st century we will see rebellion against government-initiated exclusionary development. Harvey gives multiple examples of how more and more marginalised citizens organise themselves and engage in various oppositional movements. The exclusionary powers of government in urban development decisions are increasingly challenged in democracies worldwide.

As communities organise and create spaces of participation, Armatya Sen an economic scientist from India realised that these oppositional movements citizens engage in, should enable planners and development practitioners to use the needs, ideas and experiences of public

citizens as guidelines for enabling public policy development (Rodriguez 2014: 9). As democratic planners are concerned with meaningful and democratic development, engaging with communities provides a sense of what people desire and can lead to meaningful and collaborative development.

Advocacy planning organisations are characterised as having a social or policy transformation focus (Mason 2016: 12). According to Jenkins (2006, cited in Mason 2016: 12), as communities organise themselves to fight for their rights, they are also represented by various groups who, outside of policymaking institutions, represent the collective interest of the marginalised and under-represented general public rather than the well organised and powerful groups. Therefore, urban advocacy is not only initiated by the marginalised groups but also by advocacy experts and groups, including planners. In advocacy planning, the role of an advocate planner will not only be to represent the marginalised but also to educate and assist client citizens and organisations to clarify their ideas and give expression to them (Davidoff 1965: 233). This implies the broad role that advocacy planning gives to those interested.

Applying Davidoff's holistic way of thinking to advocacy planning, it is clear that advocacy planning is essentially also centred on the role of the planner as a representative (administrator, coordinator, facilitator and mediator) for the voiceless and the marginalised in their invented spaces of participation. In addition, it is centred on the role of communities as they organise themselves to fight for their rights.

It goes without saying that colonial and apartheid planning largely ignored the fundamental needs of the majority of communities; instead, the benefits of development were generated towards elite groups; under apartheid, predominantly towards white people. The birth of democracy however saw a turn in the planning profession towards participatory planning, in which the voices of the citizens now matter, and inclusion is a policy buzz word in many policies post 1994. The structural inequalities inherited from apartheid ensure that inequality persists, and the role of the planner as an advocate for the unheard and the marginalised remains vital in empowering society. Levy (2009: 411) argues that the proper role of a planner in advocacy planning is not to serve the interests of the public but to serve the interests of the poorer, least-well-represented and less fortunate groups in society.

Still today within the planning community, some planners are concerned with the orderly development of spaces as enforced by laws and policies, and ignore the socio-economic realities. This orthodox practice of planning legitimises the power of planning in the hands of

professionals and makes it easier to devalue non-professionals or the citizens (Gibson, Hendricks and Wells 2019: 598). The capability of citizens to be innovative in these planning practices are ignored and repressed. This in turn creates power imbalances between orthodox planners, advocate planners and the public. Every planning paradigm, including advocacy planning, entails powerful entities or individuals who can easily influence decisions for reasons that include personal gain. Schermbrucker and Jack (2019) expand on other power dynamics at play, including conservative planning departments, powerful ratepayers' associations, corruption and inefficient and under-resourced municipalities. This power imbalance exacerbates unfair and unjust planning, and can further entrench inequalities despite well-meaning policies and legislation.

2.1.4 Radical and insurgent planning

Radical or insurgent planning takes a more political stance on citizen participation and inclusion. The movements within insurgent planning do not constrain themselves to adhering to the notion of spaces for citizen participation prepared and authorised by authorities – what Miraftab terms "invited spaces" (Miraftab 2009: 35). According to Miraftab (2004, cited in Lande 2014: 112), invited spaces of participation are those spaces occupied by the public and their allied advocates, sanctioned and designed by donors and the government. In opposition to the outcomes within invited spaces, the citizens and their advocates, therefore, create new spaces where they can exercise their legal rights to further their interests – what Miraftab calls "invented spaces" (2009: 35).

In the context of insurgent and radical planning, citizens and civil movements challenge the practices of normative planning and the inequity of neoliberal urban governance through invented spaces of participation. They actively seek to contest invited spaces of participation, thus inventing new spaces of participation (Miraftab 2009: 41). One of the characteristics of insurgent planning practices is flexibility/fluidity: planners should strategically move across the invited and the invented spaces of citizenship (Miraftab 2009: 35). Therefore, for a more radical planning approach, "If concerns of some groups in society (especially the disadvantaged and urban poor) cannot be tackled at the preconceived level of government new practices will have to be invented" (Albrechts 2015: 107).

The exclusion of informal street trading activities in urban governance in the global South has bred insurgent street trading organisations that represent and consist of informal traders. Their purpose is to lobby for participation and service delivery beyond the government's control.

Additionally, these organisations seek to reclaim the informal trader's right to the city (Miraftab 2009; Duminy 2011). The aforesaid researchers' view is that planners and other government officials must pay attention to the social use values of public land in the city, without privileging the rights and interests of private-property owners (Duminy 2011: 7).

2.2 Conclusion

The question therefore arises as to what links advocacy planning and participatory planning have to street trading. It should be noted that street trading consists largely of poor and marginalised groups. They are faced with challenges of repressive and exclusionary policies and lack of participation in the preparation of plans by local government. Street traders have been actively involved in urban advocacy protests and have collaborated with organisations in this regard. This comes as a means of having a voice, and it arises from evictions to adjacent locations without consultation.

Municipalities could approach the reality of street traders by realising that when proposing solutions or development plans within CBDs it is essential not to only look at the end goal of orderly development and beautiful inner-city spaces, but also to consider all dynamics associated with the inner city, i.e., livelihoods of affected parties and the right to choose an occupation and conduct business in the streets of the CBD. Street trading has largely suffered from normative approaches to planning. Planning, therefore, needs to take a turn, to consider the positive effects of street trading given its exponential growth. There is no one-size-fits-all in approaching street trading in an inclusive model; however, advocacy planning prompts a multi-stakeholder and inclusive intervention. Moreover, it calls for collaboration between government officials, street traders and their allied representative organisations through a series of meaningful and inclusive engagements to execute alternative plans that citizens need.

Street trading could, therefore, be looked at in the context of communicative/collaborative planning as this is a communicative, dialogical and interactive process of community-based participatory governance which is built on social justice and consensual community agreement to transform spaces and territories through policy and action planning (Healey 2003, cited in Gunder 2010: 302). In addition, a link between street trading, participation and communication could be established to explore inclusive and participatory street trading models; however, this is generally distorted by powerful private parties and research is limited in terms of dealing with such complexities. As street traders demand participation, they may be advocated for by street trading organisations. Street trading organisations are a bridge between municipal

officials and street traders: they represent the interests of street traders. In policy-making and preparations or design of plans, all affected parties are required to participate; street trading organisations will present the preferences of the street traders to the policymakers and collaborate to generate consensus. Plans must be communicatively and collaboratively discovered and designed: this is based on Habermas's view on communicative rationality that this research adopts.

In the manner of contestation, communities advocate for themselves through organising protests to oppose exclusion. In Ladysmith, professional experts developed a serviced trading space with trading stalls and a taxi rank. The plan was to relocate street traders and taxi rank from the CBD to an adjacent area a few kilometres away from the CBD. To some experts, this might be seen as an intervention to the provision of services, while to the street trading community it is seen as an exclusion in decision-making and a step back in development. In opposition to this approach, informal street traders organised a march that symbolised disagreement with the move and other reasons embedded therein.

Apartheid planning was largely characterised by citizen exclusion and liberalism. A criticism from Sandercock regarding exclusion and liberalism was that this kind of association is highly dependent on orthodox social control and scientific reasoning as ideal models in achieving democratic development (Sandercock 2003: 38, cited in Rodriguez 2014: 15). As a response, affected public communities express their disagreement on how they are governed through urban advocacy approaches such as protests or marches.

Evidence of this can be seen in the rise of street trading organisations in, for example, in the cities of Johannesburg and Durban, where communities have embarked on marches to contest repressive and exclusive policies and bylaws that seek to displace them from vibrant spaces within CBDs. Such organisations provide a vital and essential aid in community-initiated advocacy. During Operation Clean Sweep in Johannesburg, the City of Johannesburg brutally evicted street traders from the CBD. Street traders contested this brutal action, aided by different advocacy organisations (lawyers and other interest groups) who challenged the City's decision in court, leading to the victory of street traders over the City (Bénit-Gbaffou 2016). Bénit-Gbaffou further mentions that this victory would not have been possible if it had not been for the street trader organisations operating in Johannesburg (SANTRA and SAITF) and the aid of lawyers notably from SERI (Socio Economic Right's Institute).

CHAPTER 3: LITERATURE REVIEW ON INFORMALITY AND STREET TRADING

3.1 Introduction

As African populations urbanise rapidly despite a lack of formal jobs, informal employment offers many people a means of sustaining their livelihoods. Recently, in South Africa, there has been some recognition and movement towards supporting street traders and the informal sector as a whole, and to protect their rights. For example, in 2018 the South African Local Government Association (SALGA) collaborated on research with the Socio-Economic Rights Institute of South Africa (SERI) to produce two reports geared towards recommendations for the informal trade sector. These reports are titled *Informal Trade in South Africa Legislation, Case Law and Recommendations for Local Government* and *Towards Recommendations on the Regulation of Informal Trade at Local Government Level*.

Before any further discussion, it should be noted that street trading falls under the widely debated concept of the "informal economy". Definitions and understandings of what constitutes the informal economy are contested. Moreover, in the urban planning context, the street trading sector has not seen the paradigm shift to participatory models of planning that have happened incrementally in the human settlement sector. In addition, state intervention has been limited in terms of formulating strategic policies towards enhancing street trading (Willemse 2011: 8; Brown 2015: 239; Bénit-Gbaffou 2017: 4). This makes it more difficult to theorise on the practice of street trading in terms of exploring different inclusive models of governing informal traders in streets (Bénit-Gbaffou 2017: 5).

3.2 Defining street trading and the informal economy

3.2.1 The informal economy

The duality in the economy was identified by an economist named Boeke in the early 1950s; he described the urban (formal) economy as being profit-generating and capitalist of nature, and the rural (informal) economy as a static and survivalist agricultural system (Gerxhani 2004: 276). Certainly how one defines the informal economy shapes ideas of planning, managing and integrating practices. The informal economy is defined by Willemse (2011: 7) as individuals or groups of individuals who conduct informal trading on a small scale, mostly on public streets, providing a variety of products and basic services to clients. What these activities have in common is that they are outside the institutional framework of economic activities.

Generally, in all cities and small towns the informal economy exists. There are those who conduct their businesses on street pavements, those who pay rent to formal landlords, and those who illegally occupy unused buildings and public spaces. They target places of larger consumer threshold and foot traffic such as taxi ranks where they offer services and products including fruits, vegetables, traditional concoctions, hair salons and barbershops, cell phone and laptop repairs, and food. Generally, prices are affordable for their consumer base.

Various schools of thoughts have provided concepts that offer theoretical definitions of the informal economy. According to WIEGO (2013, cited in Moloi 2014: 15), the *dualist school* was popularised by the International Labour Organisation in the 1970s, from studies conducted in developing countries. The contributions of these studies revealed that the informal economy comprises income generating activities performed by the poor and the marginalised, and that such activities bear no relationship to and are different from those of the formal economy. Similarly, Abdou and El Adawy (2018: 85) argue that poor people engage in informal economic activities for the purposes of gaining money, and that the informal economic activities are opposite to and have no connection to formal economic activities. The dualist school argues that the informal economy acts as a means of securing livelihoods and self-employment in periods of economic and political crises (Abdou and El Adawy 2018: 85), but that these activities are indicative of the massive failure by formal sectors, including government in developing countries, to provide employment, which in turn increases unemployment and poverty. As a result, dualist school interventions and policy suggestions recommend that informal economic activities require government intervention, through creating more jobs in the formal sector and a plan to help in the formalisation of informal businesses through providing credit and development services (Chen 2012, cited in Abdou and El Adawy 2018: 82). This view has increasingly been critiqued as it holds a disempowering narrative that centres on a linear process that shifts informality into formal employment and enterprises. It also fails to acknowledge the interconnectedness of the so-called formal and informal economies.

The second dominant theory related to informal economies is the *structuralist school* which gained popularity through Caroline Moser's work in the late 1970s, and Castells and Portes in the late 1980s (WIEGO 2013, cited in Moloi 2014: 15). Concepts and ideas of this school analyse the workings of capitalism in creating strong relations and connections between formal and informal economic activities; for example, how formal organisations work with those in the informal economy to reduce costs and increase profits (Abdou and El Adawy 2018: 85).

According to the WIEGO, this school states that the informal economy (informal employment and informal firms) should be viewed as a subordinate micro economic unit that increases the rate of production and competitiveness through reduced costs for formal firms in capitalist markets. This means that formal capitalist firms purchase ready-made products from the informal economic units at lower costs to use them as input. The capitalist firms then sell their outputs at higher costs for higher profits. This school concludes that under the conditions of globalisation, competition between formal capitalist firms is high and therefore they take advantage of lower costs in the informal sector (informal employees and informal suppliers) which results in the persistence of informal economic activities.

The third school of thought is the *legalist school* which, according to WIEGO (2013, cited in Moloi 2014: 16) was popularised by Hernando de Soto in the 1980s and 90s. According to De Soto (1989, cited in Moloi 2014: 16) the informal economy is made up of micro-entrepreneurs who operate informally out of legal frames to avoid time and costs of formal registration. According to Olarinmoye (2017: 54), De Soto maintains that micro-entrepreneurs will persist in producing and operating informally as long as government rules and regulations suppress private enterprises through imposing higher costs on doing business. This view offers an insight into the benefits of the formalisation process by government, since adopting a model of formalising informal businesses makes it possible to collect tax revenues.

The fourth school, known as the *illegalist school* holds the same views as those of the legalist school, but add that not only do those involved in the informal economy cut the costs of operating formally but they are also engaged in illegal activities (WIEGO 2013). According to the illegalist school of thought, informal entrepreneurs choose to operate illegally to avoid being taxed, to avoid adhering to commercial regulations, and to avoid paying electricity bills, rental fees and other formal costs of operation (Maloney 2004, cited in Tala and Zhanje 2015: 229). Additionally, Tala and Zhanje (2015: 229) reveal that the illegalist school holds the view that informal entrepreneurs in some cases deal in illegal goods and services, for example, the selling of drugs on the streets. Popular narratives hint that street traders may sugar-coat or hide their illegal and shady dealings by also selling fruit and vegetables. In this narrative, informality is associated with “underground” or “black market” due to shady dealings (Moloi 2014: 16). Frequently these suspicions of illicit trade are directed towards foreign informal traders, and dealing with these discriminatory views is one of the challenges faced by foreign nationals involved in informal economic activities.

According to Roy (2007: 148), the recognition and management of informality is back on the agenda of international development, policy and urban planning. However, two contrasting views, drawing from some of the schools above, dominate the current discussions on informality. The first view stems from Hall and Pfeiffer's Urban 21 report (2000, cited in Roy 2007: 148). This report focuses on what they call "informal hypergrowth" due to urbanisation in cities. They assert that the urban poor have built informal settlements in cities without following formal regulations for urban development. This leads to developed cities being invaded by informal economic activities in public spaces, thus causing an explosion of informality as cities are rendered ungovernable and in a crisis situation. This view exacerbates the notion of the duality in the economy, that formality is legal while informality is illegal and a problem that needs intervention.

The second view stems from Hernando de Soto's two books *The Other Path (1989)* and *The Mystery of Capital (2000),* in which he argues for informality as a solution to a crisis. According to De Soto (1989, cited in Roy 2007: 148), informality can be seen as a spontaneous response to a crisis caused by the state's incapacity to satisfy the basic needs of the poor. De Soto presents informality as "heroic entrepreneurship" (De Soto 2000, cited in Roy 2007: 148). For example, citizens see a need for profit maximisation through entrepreneurship because weak economic development policies means that the state has no capacity to curb growing unemployment. Therefore, for income generation, citizens use public spaces for economic activities outside of the legal government framework. Although they operate out of legal frameworks, they are able to generate income and solve their own unemployment crises. While Hall and Pfeiffer (2000) argue that the urban poor have built their own spaces of participation and development without following the formal procedures of the city government, De Soto argues that informal sector entrepreneurs operate separately due to their inability to trade their assets in formal capitalist transaction systems (Roy 2007: 148).

Informal economies include different levels of power, inequality and exclusion (Roy 2007: 148), which are not adequately recognised by either Hall and Pfeiffer, or De Soto. Roy recognises that legalising, integrating and modernising the informal economy into a manageable formal economy, as Hall and Pfeiffer desire, may be problematic as long as the informal economy is equated with poverty and top-down management. Additionally, the separate sphere of informality that De Soto mentions, makes it too easy for governments to dismiss collaboration and negotiation with role players in the informal economy when imagining the formalisation, integration and modernisation of a country's economy.

While scholars whose work aligns with these different schools have attempted to provide definitions of the informal economy, Castells and Portes (1989: 12) suggest that "the informal economy is a common-sense notion whose moving social boundaries cannot be captured by a strict definition without closing the debate prematurely''. That is to say, the consistency of informal trading is ever-evolving, as people engage in the informal economy for various reasons and in various ways.

Dewar (2005, cited in Willemse 2011:1) states that the informal economy has been viewed by some as a "symptom of developmental backwardness"; it is perceived as a developmental problem that needs to be fixed. Phrases such as "the irregular economy" and the "shadow economy" (Moloi 2014:12), when referring to the informal economy, lead to the perception that the sector operates by means of unregulated and unregistered activities. Definitions such as these that imply the existence of informality outside of the institutional framework of economic activities, and the lack of formal business registration, can inadvertently also imply that the informal economy makes no contribution towards tax and that informal workers purposefully resist being regulated.

In response to the informal economy being referred to as the "illegal/shadow economy/underground/black-market", the network for Women in Informal Employment: Globalizing and Organizing has deemed these generalised labels as exclusionary. According to WIEGO (2019), the majority of informal workers are trying to sustain their livelihoods honestly against all challenges, and that rather than working in concealed spaces, they work in public spaces and make huge contributions to communities and economies. Such contributions include the supply of affordable and convenient goods and services to local citizens, and at the same time they serve as innovative self-employment approaches to sustain household dependants (Sassen 2014).

David *et al.* (2013) offer an insightful revision of the definition of the informal economy. They state that the informal economy comprises workers and entrepreneurs with no prescribed or standard income, who produce legal goods and services, even though they are not registered. These entrepreneurs and workers would welcome any approaches that aim at reducing barriers imposed by high registration fees, tax fees, other business related costs. They further explain that most workers with uncertain wages would "welcome more stable jobs and workers' rights" (David *et al*. 2012: 12).

This study draws from the expanded definition of David *et al*. (2013). Moreover, the informal economy is increasingly recognised as a positive enabler that affords the opportunity for a large proportion of the poor to gain an economic base in the urban economy (Willemse 2011: 1). Castells and Portes (1989:12) argue that the informal economy is not a set of survival activities performed only by the poor and marginalised, and that it should therefore not be equated only to poverty. There are specific forms of economic activities with formal sector relationships. For example, a formally employed office worker may have a kitchen on a street pavement or in another public space, to sell goods on weekends, thus supplementing his or her income. Although informal workers in developing and less developed countries would be generalised as poor in terms of income, it is important to acknowledge that the presence of informal economic activities cuts across societies in various parts the world.

Complementary to argument of Castells and Portes, the definition released by the International Conference of Labour Statisticians (ICLS) in 2003 sought to capture the entire scope and significance of the informal economy. Here, the informal economy is defined as the "the nature of employment in addition to the characteristics of enterprises and includes all types of informal employment both inside and outside informal enterprises" (*David et al.* 2012: 15). The characteristics of enterprises in this definition capture all employment provided by formal and informal enterprises, including self-employment. Drawing on the more nuanced definitions of the informal economy above, one of the major critiques of narrow definitions of informality is the lack of recognition of the linkages between the formality and informality.

3.2.2 Forward and backward linkages between the formal and informal sectors

Critics of the dualist school oppose the disconnection of formal and informal economies. Some of the above-mentioned schools of thought illegalise and criminalise informal trading, suggesting that informal traders operate illegally without regulations and that they deal in illegal goods and services. It should be noted that informal traders battle with restrictions from local governments in terms of obtaining legal permits. For example, limited permits for a large number of existing traders are issued to restrict the number of traders permitted (Skinner and Reed 2020: 13). Additionally, while it is noted that there are role players in the informal economy who deal with illegal goods and services, not all informal trades engage in illegality (Skinner and Reed 2020: 15). Moreover, formal businesses are not necessarily excluded from dealing in illegal trading; therefore, the illegalist school is biased against the informal economy.

Regardless of the perceived duality in the economy, informality is closely linked to the formal sector (Portes and Sassen-Koob 1987; Guha-Khasnobis *et al*. 2006, cited in Mendez 2017: 551). Similarly, Skinner and Reed (2020: 16) argue that street traders are intimately connected to the formal economy through their supply chains: they source goods from formal suppliers and sell them to formal enterprises. In addition, David *et al.* (2013: 11) and Roever (2014: 3) also emphasise that the informal economy is linked to the formal economy as it produces for, trades with, distributes for and provides services to the formal economy. Böhme and Thiele (2014: 5) explain that the usage of an industry's product as an input in other productive activities is referred to as forward linkage, while backward linkage refers to an industry's purchase of intermediate products. In most instances, the formal sector uses informal sector products as production inputs (forward linkages), and then causes materials and machinery to flow back into the informal sector (backward linkages) (Mendez 2017: 552). Forward linkages exist if the informal sector sells products and/or services to the formal market where they will be used as input (Mendez 2017: 553). Research shows that backward linkages from the formal to the informal dominate over forward linkages from the informal to the formal economy (Meagher 2013: 6; Böhme and Thiele 2014: 6; Mendez 2017: 553). This indicates that the informal sector purchases inputs at higher prices from the formal sector, and then sells these as outputs at lower prices to other actors in the formal sector (Meagher 2013: 6). This relationship directly benefits the formal sector as a whole.

Approaching the reality of the informal economy as an intrinsic part of our economic activities shapes a more positive view of the informal economy. A critical approach is the integration of the informal economy with the formal economy through formalisation in order to achieve full linkages that also benefit the informal sector. WIEGO (2020) lists different forms of formalisation of the informal economy i.e. registration, taxation, organisation and representation, legal frameworks, social protection, business incentives and support, and more that could achieve this. Organisation and representation are forms of formalisation that would enable collaborative and communicative negotiations among informal traders and local government practitioners. For example, street traders are represented by advocacy groups, in terms of organisation; these groups serve as stakeholders in government meetings and represent the needs of street traders in development plan formulations and implementation. In addition, fostering partnerships with representative informal traders' organisations in ways that offer training and networking into the formal sector could bring more equitable transaction relationships; i.e., street traders may form cooperatives that produce and supply inputs for local

formal sectors. This in turn would enhance local exchange and local economy and may cut logistics costs for formal retailers. Linkages are then possible through a collaborative and representative relationship and delegation of informal trading space management.

Exploring literature and understanding linkages are relevant in the formal and in the street trading sectors. In achieving favourable linkages, government needs to acknowledge the informal sector through meaningful development and service delivery. Backward linkages to the informal sector can be achieved through participatory or inclusive approaches to the governance of street trading and provision of tailor-made and adequate support and service delivery such as infrastructure, designated trading spaces and business trainings, and so forth. This will result in productive spaces for street traders in terms of managing spaces properly in collaboration with local government, thus allowing them to sustain their livelihoods (Chen *et al.* 2018). While the mandate of government is to build a vibrant and developmental socio-economic environment for its citizens, it is also crucial to provide services that enable forward linkages for informal businesses through sustained livelihoods, inclusive and participatory governance (Skinner, Reed and Harvey 2018).

3.3 Street trading

According to Bromley (2000: 1), "street trading is simply the retail of goods and services in streets and other related axes such as alleys, avenues and boulevards". Attracted by a high population of commuters, street traders in South Africa, and around the world, are strategically located in public spaces such as parks, busy streets, transport hubs and adjacent to shopping malls. The informal street trading economy is practised in various ways. Street traders sell goods, services or a mix of both. Some traders have fixed trading stalls provided by the municipality, while others have stalls self-built from various materials. There are also traders who have fixed locations but no structure, using umbrellas instead and laying down large plastic groundcovers where they display their products. Mobile vendors, on the other hand, move around with trolleys, containers or boxes, selling from one point to the next, from building to building (Bromley 2000: 2).

Roever (2014: 1) reflects on street trading as a vibrant urban informal economic sector around the world, offering easy access to a wide range of goods (vegetables, fruits, prepared food, building materials, garments, crafts etc.) and services (auto repairs, haircuts etc.) in public spaces. Street trading in South Africa, and in many other countries, is one of the activities

within the informal economy, and it is therefore essential to further understand the larger scope of this economy.

A similar definition is given by Skinner (2006, cited in Horn 2011: 2), who states that the informal sector consists of those businesses that are not registered in any way, are generally small scale, and running their businesses on street pavements and other informal arrangements, instead of in formal business premises. In keeping with this view, street traders receive less attention from municipal officials in terms of participatory governance and service delivery compared to formal businesses. The street pavements on which street traders operate are highly restricted by municipal bylaws and street traders are thus vulnerable to forced evictions from such spaces, resulting in disturbed livelihoods.

3.3.1 Street trading as a livelihood strategy

Street trading is regarded as a livelihood strategy, as the urban poor and the marginalised are unable to secure formal employment and resort to street trading as self-employment. According to Chambers and Conway (1992: 9), livelihoods are capabilities, assets and activities that an individual or group of individuals undertake to sustain and fulfil the essentials of living. According to SERI-SALGA (2018: 6), some municipal bylaws and policies perceive informal street trading as a form of social assistance rather than a legitimate economic activity. These municipal provisions give preference to traders who are only on the municipality's register or only allow one person in a household to obtain a trading permit. Therefore, these provisions treat informal street trading permits as a government-issued privilege rather than a livelihood strategy or a business. Viewing informal trading as a nuisance that needs to be addressed rather than economic role players that need support and empowerment limits the full potential of the informal street trading economy to thrive. Rather than seeing street trading as an issue to be fixed, unemployment itself should be seen as a challenge that needs to be fixed. Street trading is one possible solution to the challenge of unemployment, and it is for this reason that informal self-employment must be fully understood, supported and sustained by governmental and non-governmental entities.

Chambers and Conway (1992: 9), in their definition, mention that a livelihood is sustainable when it can cope and recover from shocks and stresses, maintain its assets and capabilities, and can open opportunities for the future. The implication of this is that a livelihood strategy is accompanied by threats and opportunities to success. A sustainable livelihood framework (SLF) is the tool used to understand substantially the context and scope of a livelihood. This

framework enables scholars and policy makers to make proposals that could enhance and sustain a livelihood. Below is a diagrammatic representation of the SLF adopted from Krantz (2001):

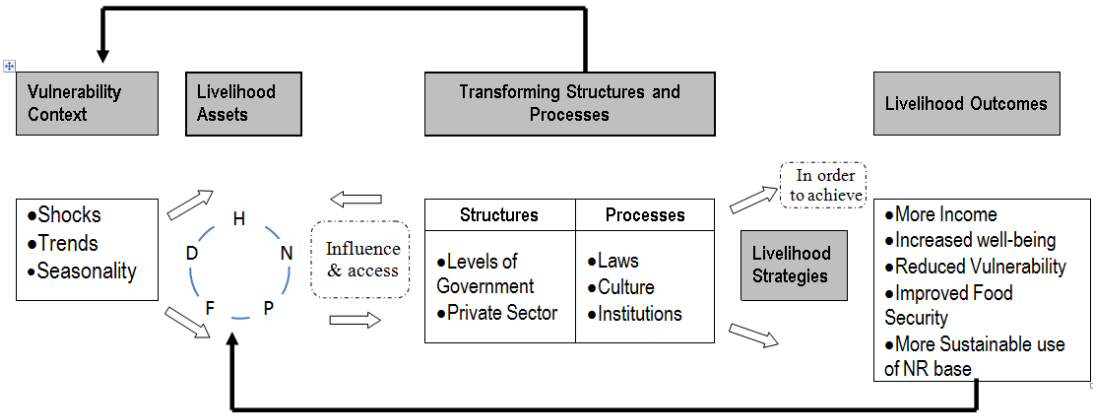

Figure 1: The SLF diagram (Krantz 2001)

In unpacking the components of this framework, street trading will be used as an example of a strategy to be explored. This framework divides the livelihood into five key contexts, which are:

Vulnerability context which includes the shocks and trends faced by the communities. In particular, street traders are vulnerable in terms of governance. It has been mentioned that street traders are seen as a problem and therefore local government uses repressive tools to restrict and ultimately get rid of street traders. Street traders are also vulnerable to displacement from the CBDs and markets which are strategic areas of economic activity, to outlying areas that have less strategic positioning for foot traffic. Street traders are also at the mercy of environmental issues; most traders have no adequate infrastructure and are therefore exposed to severe weather conditions which threaten their success and also their own health. Moreover, according to Tambunan (2009, cited in Willemse 2011: 8), street traders are faced by four common constraints which are economic pressures, sociological challenges, adverse political conditions and policies, and operational challenges. These challenges add to the vulnerability of street traders. This is also largely influenced by transforming structures and processes, as discussed below. It is important to note the vulnerability of those involved in street trading and the reasons behind engaging in this activity. High unemployment levels, poverty and inequality are the most pressing issues that lead to informal employment.

Livelihood assets include the resources possessed by communities and how they use them to formulate livelihoods which include human capital (education, business skills), social capital (connections with useful networks, membership with organisations), financial capital (financial resources), natural capital (land to produce, livestock), and physical capital (infrastructural services to support livelihoods).

Transforming structures and processes include the government and private sector, as well as the laws, culture and institutions that mould or break the sustainability of livelihood activities. Private companies see street traders who trade on pavements in front of their establishments as a nuisance and creators of unnecessary competition. Government entities see street trading as backward development that needs restriction and eradication, as they are contributors to pollution and crime, and seen as contributors to land use conflicts. As a way of getting rid of street traders in CBDs, local government design repressive and restrictive policies directed towards the eradication of street traders. The processes or models of engagement with street traders lack participation by all stakeholders. Therefore, structures and processes have the ability to positively transform the livelihood or to constrain its success.

Livelihood strategies are strategies that contain the variety of choices open to the citizens to achieve livelihood goals. The Constitution of South Africa, 1996, promotes the sustainability of any activity that is chosen by citizens as a means of living.

Livelihood outcomes are the results of the implementation of livelihood strategies. These are influenced by the availability and the usage of the livelihood assets, such as a piece of land that an individual can grow food on, for example. The produce from that land can then be sold in the street, in informal markets or even formal markets, or can even be used for personal consumption. The usage of the natural asset (land) and human capital (agricultural skills, entrepreneurial or education skills) has yielded more income, food security and in some way reduced vulnerability in terms of unemployment.

The SLF is a tool that can be further explored in deepening the understanding and engagement between government entities and the poor. There are implications for policy makers in using this tool: according to Meikle, Ramasut and Walker (2001: 21), policy needs to see people as citizens and not clients. This implies that from the beginning, citizens should be central in creating their own livelihood strategies. Therefore when planning for them, it is imperative to let them play a major role in deciding on what is good for them. This also prompts a shift in terms of planning: from a positivist approach to a more people-centred and participatory

approach. Moreover policy must address limiting structural constraints, and must recognise and support multiple livelihood strategies (Meikle, Ramasut and Walker 2001: 21).

Small towns such as Ladysmith, which is the location of this study, generally have high rates of informality, poverty and unemployment. While the conceptual frameworks of the informal economy and the sustainable livelihoods approach are useful for thinking through informal practices and unravelling inclusive approaches, in this study I will also use the advocacy and communicative/collaborative planning theories. These theories recognise the value in participation for realising democratic rights for street traders, and that informal street trading is a means of sustaining livelihoods for the poor and unemployed, and a legitimate response by citizens to various exclusionary challenges.

3.4 Street trading in South Africa

Street trading in South Africa is regarded as a means of survival for the poor and the unemployed. According to the information calculated from the 2018 South African Quarterly Labour Force Survey, a significant share of the workforce in South African cities are engaged in informal employment such as street vending, market trading, domestic working and waste picking (Rogan 2019: 1). Approximately 30% of total employment in South Africa is informal, 24% in eight major SA cities and 48% in rural areas (Rogan 2019: 1). This implies that informal employment accounts for a major share of the economic activities that sustain livelihoods, especially in places like small towns that are largely rural with high levels of poverty and unemployment.

Because of high levels of poverty and unemployment in South Africa, people resort to street trading in order to make a living to support their families and as a means for self-employment and sustaining their livelihoods. This activity undertaken by the people should not be ignored as the government has no capacity to employ large numbers of people to alleviate poverty; instead there should be support mechanisms that help informal traders. Instead of being supported, however, they are faced with a number of problems, either from local government action, or from the negative attitudes and claims made by the people towards them. These may include their association with congestion in public spaces, pollution, and the selling of goods beyond their expiry date. In addition, there is policy contradiction, in terms of which national laws and policies state that the informal economy should be supported and enhanced, while local government bylaws and policies regarding informal street traders state the opposite. General patterns of such local bylaws and policies show that local authorities are trying to rid

the towns of informal street traders by formulating repressive policies, where the street traders are forcibly removed from their spaces of operation. Moreover, because of government projects that seek to beautify city and town centres, municipal officials designate spaces outside of the CBD and away from the customers targeted by the informal street traders. In this way, local authorities chase away informal street traders. Furthermore, most spaces have no adequate infrastructure that supports the daily business of the street traders.

Informal street trading has a long history. According to Terblanche (2001: 3), informal trading began when people were no longer able to sustain themselves in the formal economy. It is evident that education is the key to gaining access in the formal economy as job postings require certain levels of education in order to be considered for a position. One needs either a qualification from a recognised tertiary institution or a matric certificate to be considered for a job in the formal economy. At the same time, there are various procedures to be followed and fees to be paid when registering a business to be considered in the formal economy, and the majority of the poor do not have access to all required resources. Hence, they resort to other ways of sustaining their livelihoods, such as by engaging in informal economic activities, and in particular, to informal street trading.

From the time of apartheid to the democratic era, informal street trading existed and still does exists, even more so today, well into the democratic era. From the former homelands, established by the colonial government, people would migrate to the big cities such as Johannesburg, Cape Town and Durban. They did this in search of employment, because challenges in obtaining formal employment prompted people to resort to alternative forms of survival, one of these being informal street trading. A good example was the coffee-cart trading that emerged as long ago as the 1930s: carts containing basic needs such as food and drinks were used by traders to sell to the black population residing in townships (Terblanche 2001: 3). Informal trading still starts today in much the same way: an individual in an urban or rural setting starts by sourcing smaller or basic products to sell from house to house within the community. Products might come from home gardens (such as vegetables and fruits), or they may be services offered, such as hairdressing or fixing of appliances. From selling to the local communities, the traders may then move towards seeking space in CBDs to attract daily commuters.

During apartheid, times were even more depressing to those who wanted to be entrepreneurs, especially if the potential entrepreneur was black, as support systems for small business

establishments were available only to white entrepreneurs and not to black business entrepreneurs (White Paper on Small Business 1998, cited in Terblanche 2001: 3). During these times, the government put in place repressive laws and policies that restricted street trading; for example, the issuing of street trading licenses was the tool that was employed to control the number of street traders in a particular setting. However, this did not stop people from engaging in street trading. The number of street traders grew, and the government resorted to arresting and imprisoning traders who had no permit, confiscating and impounding their goods (Matjomane 2013: 5). South Africa was under the rule of an authoritative government at the time, and rights of the people, such as the right to the city and the utilisation of space for survival, were seriously violated.

According to Matjomane (2013: 5), a further restriction to the expansion of street trading was the establishment of trade-free areas, with informal street traders not being allowed anywhere near these zones. Trading in CBDs was highly restricted, mainly through the implementation of apartheid laws that controlled movement within the CBDs, laws that sought to segregate public amenities by race, and the pass laws that sought to control the movement of blacks. It is therefore clear that informal street traders suffered under the rule of an authoritative government, being deprived of a strategic space of trade (CBD) where there was an influx of people who could serve as potential clients for exchange of goods and services.

3.5 Summary of South African legislation and policies governing street trading

South African national legislation and policy directives are essential in shaping local government policies and bylaws, particularly in enhancing the informal sector at large. The democratic era has seen the restructuring of the governmental system, serving to bring government closer to the citizens. Three spheres of government were established, i.e., national, provincial and local government. Local government legislative and policy frameworks should reflect the provisions of higher order legislation, especially national legislation. The very first piece of national legislation recognised as the principal piece of legislation, is the Constitution of the Republic of South Africa, 1996. Therefore, any provincial and local street trading legislative and policy frameworks are subject to the Constitution.

a) Constitution of the Republic of South Africa Act No. 108 of 1996

Section 22 of the Constitution (South Africa1996a) states that “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”. The citizens are not limited in choosing their ways of

improving their standard of living. However, such activities are to be regulated by law, and relevant regulations will determine the legitimacy of these activities.

Moreover, Section 152 of the Constitution clearly states that the mandate of local government is to be inclusive, democratic and accountable for local citizens or communities in terms of social and economic development. Livelihood strategies that local citizens embark upon should be supported by local government through empowerment and involvement of citizens. Furthermore, the Constitution states that community organisations should be involved in the matters of local government. Therefore, street traders can nominate representatives among themselves to form an organisation that will represent them to the local municipality in matters affecting their development. They are also free to join organisations that have been already established.

b) National Small Business Act No. 102 of 1996 (amended in 2003)

According to Abor and Quartey (2010: 221), the National Small Business Act divides small businesses into five categories, which are:

survivalist enterprises, which include street traders, subsistence farmers, and micro enterprises such as spaza shops and minibus taxis;

very small enterprises, which operate in formal markets and have access to technology but exclude mining, electricity and manufacturing sectors;

small enterprises, which are more established compared to very small enterprises, and *medium enterprises*, including businesses in the mining, manufacturing, electricity and construction sectors.

Informal street trading falls within the category of survivalist enterprises and is considered a small business by Act No. 102 of 1996. The act provides guidelines for organs of state in order to promote small business in the Republic of South Africa and to provide support for issues related to it (South Africa 1996b: 1). The act was amended in 2003 to establish a Small Enterprise Development Agency whose functions are to build sustainable and competitive enterprises, facilitate entrepreneurship and to create of a conducive environment for small enterprises through the delivery of non-financial resources and service delivery (South Africa 2003: 4). Provincial government has the authority to formulate its own small business act and align it with the national legislation; however, there are no records of a provincial small

business act in KwaZulu Natal where the study area (Ladysmith) is situated. Moreover, local governments seem to ignore the provisions of the act and proceed with policies directed towards repressing street traders and thus creating unfavourable conditions. Instead of being recognised as a form of small business as outlined by the National Small Business Act, No. 102 of 1996, street traders in many municipalities face fear and insecurity over forceful evictions.

c) White Paper on National Strategy for the Development and Promotion of Small Business in South Africa, 1995

The primary focus of this policy framework is to create a user-friendly environment where SMMEs can trade adequately. The policy strives to facilitate greater equal distribution of income, wealth and economic opportunities. This is aligned with empowerment of SMMEs in terms of using the knowledge provided to grow their businesses to sustain their livelihoods. Moreover, there is an interesting point in the policy regarding the principle of cooperation between the private sector (SMMEs) and the government in order to realise hopes and aspirations for the informal economy. The policy points out that it is expected that traders take full responsibility in their daily operations, growth and sustainability of their businesses (South Africa. Department of Trade Industry 1995).

d) The 1998 White Paper on Local Government

The White Paper on Local Government of 1998 presents a vision of a developmental local government, its focus being primarily on working with local communities to find sustainable ways to meet their needs and improve the quality of their lives (South Africa. Department of Constitutional Development, 1998). This White Paper acknowledges all forms of activity that citizens undertake to improve the quality of their lives and therefore urges local municipalities to include citizens and to assist them.

Furthermore, the White Paper encourages local municipalities to think critically about their operations and relations to local communities within their jurisdiction, as they have the authority to develop their own strategies, directed towards the social and economic development of their communities (South Africa. Department of Constitutional Development, 1998).

e) Local government policies and bylaws

Local municipalities have the authority to formulate their own bylaws that will regulate activities within their area of jurisdiction. Such bylaws should not be in conflict with national

and provincial laws and policies that are directed towards the realisation and improvement of people's livelihood strategies. In the South African context, it is evident that local policies and bylaws that regulate street trading are in conflict with national legislation and policies, particularly when local bylaws are a legacy left by the apartheid regime, and have not yet been reformulated during the democratic era in an effort to transform local government to be more inclusive. While national government encourages the support and sustainability of livelihoods of citizens, local planning bylaws and regulations often take precedence over these national frameworks. As Lund and Skinner point out, the daily threats and opportunities in relation to street trading at local government level are shaped by local bylaws (2000: 50). In light of this, multi-stakeholder participation and citizen inclusion is fundamental in ensuring progressive and developmental local legislation instructed by national frameworks. This study's focus on participatory planning aims to offer contributions towards thinking through local inclusion around this issue.

Local government in small towns seem to have inherited the repressive nature of the old government system. They continue to put in place restrictive measures, designating informal trading sites away from the CBD, prompting the police to remove traders who have no permit, and demarcating areas where trading is prohibited without consultations. Restrictions are imposed on areas that are strategic for street traders, such as areas that have a large threshold of potential clients. In 2018, The Zululand Observer newspaper reported a case where uMlalazi Local Municipality in the small town of eShowe in KwaZulu Natal, South Africa, conducted an operation to enforce trading bylaws. Street traders who had no trading permit were evicted with, the local newspaper reported, the motivation of curbing crime and ridding the town of illegal traders involved in selling unlawful goods and services (Zululand Observer 2018). In a similar case, the Alfred Duma Local Municipality, the local government of this study's focus, designated land away from the CBD for informal traders, and attempted to force displacement of traders from the CBD to the newly erected trading site (StreetNet 2012). These two small town cases illustrate that local government in smaller urban hubs are still repressive in their approach to street trading,

Lund, Nicholson and Skinner (2000: 57) suggest that bylaws should be written and communicated in a language that street traders understand, thus granting ease of access and promoting understanding of the rules they are expected to uphold. Meetings or gatherings can be very useful when communicating the bylaws and policies to the street traders, and this should be done in a language understood by the majority.

Local bylaws and policies should reflect the provisions of inclusion outlined by the Constitution and other pieces of national and provincial legislation and policies. However, there seems to be major conflict between these policy frameworks and the enforcement of laws and municipal regulations. Tensions and protests around this government enforcement are frequent (Matjomane 2013). Policies and bylaws focus on the management of street trading rather than the governance; they focus on what shouldn't be done instead of what should be done. As Bénit-Gbaffou suggests, bylaws are more often than not about protecting the municipality rather than empowering the street traders (Bénit-Gbaffou 2017: 4).

3.6 Street trading in South African small towns

The picture of small towns in South Africa is painted as follows:

> "the tin roofs of informal settlements blend into layers of government housing: standard houses that are 'copied and pasted' onto the edges. Then the suburbs start. Older houses with small, well-tended gardens fade into larger, wealthier properties as the town centre approaches. On the way out of town, the pattern repeats itself in reverse. Welcome to small-town South Africa" (Schermbrucker and Jack 2019).

As mentioned previously, the body of literature on street trading in large South African cities is vast (Sassen 2014; Bénit-Gbaffou 2016; Roever and Skinner 2016; Bénit-Gbaffou 2018; Skinner, Reed and Harvey 2018). However, when it comes to small town related literature, this is very limited. Small and medium sized towns are highly diverse, with a variety of economic activities ranging from tourism, agriculture or mining, and in different states of improving, remaining static or deteriorating (Khumalo 2015: 32). This study explores the small town of Ladysmith, in the province of KwaZulu Natal. Ladysmith is largely rural and has high percentages of poverty and lack of service delivery. In Ladysmith, as the 2018/19 IDP states, the dominant land use in the area is commercial agriculture, which spans over 63.8% of the geographic area (Alfred Duma Local Municipality 2018: 104).

While there are some street traders who source agricultural products from farms in the area, modern commercial agriculture often leapfrogs local business services and deals directly with corporate suppliers and buyers in large town and cities (Fourie 2018: 8). As a result, Fourie (2018: 8) states, the informal sector in small towns is not always driven by agricultural activity. Therefore there is a crucial need to support and stimulate non-agricultural local economic development in small rural towns, which is where informal economic activities such as street and market trading play a significant role (Khumalo 2015: 33). Moreover, Fourie (2018) adds

that the main inflows of income in many small towns are government salaries, and welfare, tourism and transport businesses in some cases. Incomes in small towns are relatively low and the informal sector plays a vital role in providing affordable services, serving as a means of side business for maximising incomes for residents involved in other formal business.

Small towns are often regarded as habitable and harmonious places that offer the potential for prosperous urban development, but in South Africa they are also subject to urban ills such as socio-spatial segregation and urban fragmentation (Owusu 2008, cited in Zoomers *et al.* 2017: 249). Some of the issues that exist in cities are also evident in small towns. For example, small town urban centres also experience urbanisation, and are accompanied by the growing informality and exclusionary practices that are associated with large cities (Van Noorlos and Steel 2015, cited in Zoomers *et al.* 2017: 249). Due to their size, small towns, in comparison with larger cities, offer an opportunity for testing models of economic and social development. As Schermbrucker and Jack (2019) support this by stating that, "from a practical perspective, small towns present an easier opportunity to build models of spatial integration; greater land availability, less complex infrastructure planning and fewer vested interests than large cities".

As informality is persistent and growing in larger cities, the gap in the literature suggests that participatory planning models can be piloted in small towns. Judging by scale, small towns should be more inclusive due to their size, which suggests that there should be a high potential of being manageable. However they can be more repressive as a result of power relations emanating from conservative planning departments, risk-adverse officials, powerful ratepayers' associations, corruption and inefficient and under-resourced municipalities, all of which hinder the livelihoods of the poor (Schermbrucker and Jack 2019).

As noted by the Final Draft of National Spatial Development Framework 2019 (South Africa. Department of Rural Development and Land Reform 2019), small towns have a smaller population, lower residential densities, fewer employment opportunities and fewer and/or smaller economic activities than cities. These latter two features drive informal activities such as street trading for employment and livelihood sustainability in small towns. However, as in cities, street traders face repressive policies that hinder informal activities. The lack of employment opportunities, coupled with police harassment of informal activities, are push factors that prompt small town residents to move to larger cities in search of a better quality of life (Jacobs and Du Plessis 2016: 171). This in turn acts to hollow out small and medium

businesses within the town as people leave for perceived greener pastures in big cities. The question therefore arises as to how we ensure participation and inclusive economic development to retain and grow populations in small towns.

The response to this question lies in filling the gap on the missed opportunity to break the legacy of apartheid planning in small towns. Through a series of communicative actions and meaningful participatory planning that will benefit the majority instead of the minority, pull factors to retain the population could be created. As noted above, these inclusive models can start in small towns due to their size, and then progress to larger cities with major inclusive innovations.

South Africa has seen a rise in urban advocacy in the form of frequent community protests, ranging from peaceful to violent. These protests have been prompted by popular unrest emanating from lack of service delivery and normativity in planning decision making (Alexander *et al.* 2018: 27). Of particular interest here, are the various protests that have been identified in the street trading community contesting evictions from CBDs and repressive policies that foster exclusion (Bénit-Gbaffou 2018; Lindell 2019). Protests exist both in cities and in towns, which implies that both spaces face similar issues. Policy towards street trading in Ladysmith has problematised street trading. For example, the Ladysmith CBD Regeneration Strategy, in its problem statement, talks about "Problems for the CBD such as traffic congestion, a shortage of parking, informal trading" (Alfred Duma Local Municipality 2010). This policy language denotes a normative planning approach that favours evictions and exclusion of street traders from central urban land as they are listed as problematic. A report by StreetNet (2012a), for example, outlines how the Ladysmith informal traders embarked on a march to protest relocation to new trading stalls.

3.7 Precedent Case Studies

This section presents participatory planning practices that local governments in developed, developing and less developed countries undertook in urban centres to transform and successfully engage with informal traders (Street and market traders). This section aims to motivate a shift in the documentation of best international practices that serve as examples for local government practitioners in South Africa in the governance of the informal economy.

I. The NYPD will longer enforce unlicensed street vendors in New York City, USA.

Street trading in New York City, USA, was first regulated in the early 1690s and was completely banned in the 1700s, and since then, city regulations have been modified to restrict street vending (Bluestone, 1991 cited in Benson 2006). According to Guse (2020) "The city has a decades-long cap on street vending licenses that makes it all but impossible for a new vendor to break into the business". Permitted traders would be given seasonal permits allowing them to trade from April to October; also, for specific types of trading activities e.g. green cart vendors that sell fresh produce instead of cooked or processed food (Guse 2020). This was all done as a strategy to limit the number of street vendors within the city as possible.

This limitation lead to the vulnerability of street traders in accessing trading space within the city; those without permits were evicted and detained by the police (NYPD). Street traders were therefore forced to enter corrupt negotiations with city officials to avoid detention and eviction i.e. bribing city officials to speed up the permit process or to acquire a trading permit immediately.

However, a delimitation of power for city officials including the NYPD towards street traders was announced by the city Mayor de Blasio in June 2020. The mayor announced that the NYPD will no longer trace and detain unlicensed street traders and that other civilian agencies deeply rooted in the interests of their communities will instead enforce regulations for mobile food sellers and street vendors at large. The Street Vendor Project[3], which is an organisation that represents 2000 vendors in New York City reported that this meant a major first step towards the decriminalization and legalisation of street trading in the city however, more still needs to be done. This change came after a series of protests by the people, contesting the brutality of the police towards the vulnerable.

[3] Streetvendor.org

Although this kind of reform has not seen further implementation stages, it represents an alternative and inclusive approach by considering social movements and organisations in the governance of informal street trading in New York. As the mayor notes that civilian agencies with interest deeply rooted in their communities will regulate and enforce street trading activities within the city, this is a realisation of role players in the informal economy.

This case study is an indication that the restriction of informal businesses in the centres of cities that have achieved a "world-class" status like New York have exacerbated spatial and socioeconomic inequalities (Lemanski 2007). South African policies drawn from practices and procedures of northern global cities yield no different results. Street trading activities are overshadowed by negative narratives and are restricted in CBDs with a hope of formalising them incrementally.

II. The limitation of Municipal Power towards street trading in Ahmedabad, India

In Ahmedabad (India) during the first half of the 20th century, municipal bylaws that regulate "public nuisance" delegated powers to municipal authorities and the police to forcefully remove any nuisance on street pavements, restrict street vending activities, and issuing fines to law offenders (Roever 2016: 34). Street vendors began disputing the precarious implementation of the regulations. Moreover, a union organiser and lawyer named Ela Bhatt founded the organisation Self-Employed Women's Association (SEWA) in the early 1970's. The purpose of this association was to challenge the aforementioned limiting, exclusive and repressive powers of the local government towards street trading delegated by public nuisance bylaws (Roever and Skinner 2016: 368). Additionally, the birth of SEWA lead to the establishment of a new organisation in the 2000s, which was named the National Association of Street Vendors in India (NASVI). Both these associations have stood for the rights of the street traders through various strategies, including public interest hearings, protests, negotiations and advocacy at national level (Roever 2016: 34).

The success of the SEWA was noted in the early 1970s when the association was still new. The latter filed a case that petitioned the High Court of Gujarat for the issuing of trading spaces and licences in a historic trading area of Manek Chowk (Ahmedabad). The argument was that municipal authorities and police as directed by law evict and fine and tax street vendors, however, they do not adhere to their mandate of issuing trading permits as regulated by the same law. The petition supported the case with provisions of the Constitution of India, which clearly states and guarantees that the rights of the people involved in any occupation, business,

or trade must be protected. The outcome of the case was that the court granted the request to issue licences and trading spaces in Manek Chowk (Roever 2016: 34-35).

A series of additional court cases concerning the abuse of the rights of street vendors by municipal laws and authorities prompted the Supreme Court of India to evaluate the claims and petitions around street vending livelihoods. Practices such as non-issuing of trading permits, eviction of street vendors from public spaces were unlawful and unfavourable to the livelihoods of street vendors (Roever 2016: 35). These considerations were therefore later reflected on India's National Policy for Street Vendors (2009) and in the National Vendors Act of 2014.

The level of advocacy in India's informal street trading sector is robust, noting SEWA and NASVI's successful engagement in advocating for the rights of the vulnerable. Additionally, the review of national laws and policies was remarkable in protecting the rights of street vendors and working in favour of both the citizens and government. This demonstrates that the national government in India is trying and showing progress towards the informal economy through inclusive policies and legislation. In light of this well-structured representation, legislative and policy frameworks, participatory planning models might be possible to design in India.

III. Delegating the management of markets to informal traders in Bamako, Mali.

Commune I is one of the six municipalities in the district of Bamako in Mali. Commune I piloted and implemented a successful participatory approach to innovate market trading through delegating the management of informal trading markets to informal traders. The "delegated management approach" in Commune I (Bamako) emerged as an alternative to direct management of informal markets by the municipality. In the direct management approach, the municipal staff and finance committee oversees the management of informal markets (Sissoko 2013: 39). This common practice did not produce positive outcomes in terms of resource mobilisation and the maintenance of informal markets in Bamako, therefore, the delegated management approach emerged as an alternative solution (Sissoko 2013: 39).

Since 2005 Commune I delegated the management approach of its five informal markets (BanconiFarada, BanconiFlabougou, Boulkassoumbougou, Djelibougou, and Doumanzana) to the informal traders. This approach was financially and technically supported by the Netherlands Development Organisation (Sissoko 2013: 39).

According to Sissoko (2013: 37) “Bamako is the nerve centre of the country for job seekers”, while the town’s unemployment rate is above the national average (11% in Bamako against 8.8% nationally and 6.6% in rural areas). Additionally, in Bamako, the informal economy has the largest part of jobs with more than 87% (88.5% for women and 85.3% for men). The public sector, NGOs and international organisations, the private formal sector and domestic workers represent therefore only 13% with 14.7% of men and 11.5% women (2007 ANPE situational analysis report of the market). These statistics clearly point out that the major economic activity in Bamako is largely informal; the favourable approach would be to enhance and ensure that the informal sector works in favour of the poor and local government through careful negotiations and agreements.

Thus, the delegated management approach lead to a stable and dynamic partnership between informal traders and local authorities, and increased tax collection that contributed to the development of informal trading markets (David et al. 2012: 22).

The steps involved in this innovative approach are summarised below Sissoko 2013:

1st Step: Identification and Mobilisation of actors

The initial step was the formation of a portfolio committee that included direct and indirect actors. Direct actors included the municipal finance committee and officials, and informal trader’s associations. While indirect actors included external and interested parties such as NGOs, neighbourhood leaders, participatory development committees, women’s associations, decentralised state services, the National Directorate of Local governments and the national revenue collection services. This was followed by the analysis of different interests amongst different stakeholders involved. The clarification of roles and responsibilities facilitated a successful dialogical engagement. This model was ensured that it aligns with national policies and that various meetings and training sessions take place.

2nd Step: Support of market users cooperatives

The second step included the foundation of a new organisation “JIGISEME”, this served to unite all Market Committees and be an umbrella for all existing informal organisations within the municipality. The organisation received training and coaching from the Netherlands Development Organisation and a guide that focuses on how to manage informal markets and the establishment of market cooperatives. The municipal officials were also trained in dealing with this innovative type of management approach.

3rd Step: Tax payer's census

A taxpayer's census was conducted to determine the potential of the market in tax collection. The market cooperatives in collaboration with the elected officials were responsible for conducting the census. The market census of those selling fruits and vegetables included the peak hours of business; some traders come in the morning and leave early in the afternoon, therefore peak business hours were ideal in conducting the census. Seven thousand five hundred and twenty-five (7525) traders were identified in the municipality, and 94% of those were during the morning peak hours. The results helped in informing policymakers on favourable hours for tax collection and understanding the nature of the traders. The data was stored for future use in the development needs of the informal markets.

4th Step: Delegated Management contract

To ensure understanding and accountability, the fourth step included the preparation of the delegated management contract. The nature of the contract stipulates the aims, outcomes, obligations, and responsibilities of each stakeholder. This critical stage must be treated with care, as there are varying views and conflicts of interest amongst stakeholders, negotiations are tough at this stage. An intense engagement is required; unless consensus is reached quickly, it may take time to complete the contract.

5th Step: Implementation of the contract, monitoring and evaluation

The approach was at an experimental nature; therefore, the municipality was obliged to implement a monitoring and evaluation system, which also included learning. This was aligned with the contract and a quality assessment of the approach. To identify and rectify mistakes and challenges, regular evaluation meetings were held. This helped to review achievements and make proposals for the improvement of services. It must be noted that those involved as facilitators must be dedicated and be willing to listen and mediate.

The objectives of the delegated management approach led to desired outcomes i.e. increased tax collection in the informal economy, a conducive working environment for the informal market traders, improved service delivery and maintenance and a participatory partnership between all stakeholders (David *et al.* 2009, cited in Shora 2018: 35). Developing countries and less developed countries that are largely informal can learn from this delegated management approach.

These types of interventions and partnerships can have an impact on strengthening the development of the national economy as they directly improve the working conditions of the informal economy productivity through greater recognition of the challenges faced by this sector and alleviate exclusion and conflict between street traders and the local authority. Even though, there were challenges such as poor financial management and bookkeeping, insufficient monitoring and evaluation, and lack of appropriate communication among stakeholders (Sissoko 2013: 42). The weaknesses encountered in Bamako offer opportunities for improvement for other towns and cities; this case study is a good example of a participatory approach that countries with high levels of informal economies can explore and pilot.

IV. Street Trading in Durban

Before the 1990s' street traders in the Warwick junction area in Durban were largely considered as illegal. Although permits were given to the few, traders were prone to evictions by police officers, and they were subject to laws that forced them to move every half hour enforced by municipal officials (Lund and Skinner 2003, cited in Conley 2018: 4). Minimal trading permits and "move-on" laws served as restrictive measures as few traders were allowed in the city.

In 1996 the city took a new approach to informal trading through an area-based management lens. This approach included teams with designated responsibilities such as planning, implementation and operation (Dobson and Skinner 2009 cited in Lande 2014: 28). The project aimed to create a supportive and participatory environment that will enhance and increase informal trading and other local economic opportunities through innovative area-based management that aimed to foster relationships with all stakeholders involved (Chen *et al.* 2018: 20). According to Skinner 2008a (cited in Lande 2014: 28), Durban's street trading management which was experienced from 1996 to 2004 is widely recognised as a progressive approach, was adopted mostly in the inner city Warwick junction area.

Notably, the success of this initiative was through a commitment to the inclusion of all participants, which included a series of meetings between local street traders and market traders, and then joint meetings that included local government and other stakeholders (Chen *et al.* 2018: 21). Additionally, a central office in Warwick junction was used as a shared space for general community meetings. This is interesting in terms of innovative usage of public space and allows all traders to be present due to convenience and proximity to trading spaces as opposed to traveling to city hall.

According to Grest 2000 (cited in Bénit-Gbaffou 2015: 53), the area-based management approach also consisted of a project manager, who worked in collaboration with relevant city departments such as planning, business development, health, and the police, who had an onsite management office which worked to ensure the participation of informal traders and their committees. The role of advocacy organisations is noted in this Durban case. For example, SEWU had been working to empower and advocate for the street trading organisations by putting endless pressure on the council (Bénit-Gbaffou 2015: 53). Seeing SEWU's activism more and more organisations partnered and thus the birth of the federation of street traders organisation the Informal Traders Management Board (ITMB) in 1995. The board, because of the SEWU influence was trained to make strategic inputs into the policy formulation process, inputs that represented the interest of the street traders.

This was also marked by the rise of organisations working with the municipality to innovate and support this approach to street trading. Asiye eTafuleni (AeT) worked with the local municipality and street traders in creating an inclusive environment for traders, they focused on participatory planning where they believed that the urban poor must have a voice in planning and design processes (Asiye e Tafuleni n.d). The presence of dedicated organisations proves to be of importance for street traders, their approach is to demand from the government that they formulate policies that will point towards acting in the interests of the people and do away with repressive regulations.

As this approach had strong roots in communication and participation tools, the latter proved to be very significant in realising the different infrastructural needs of traders; they were provided with infrastructure that suits their trade (Skinner 2008b cited in Lande 2014: 29) and greatly improved the trading environment.

According to the EThekwini municipality (2001), the formulation of the Durban informal economy policy was consultative; interviews and workshops were conducted with various stakeholders including the street traders and members of the public. The policy recognises the contribution of the informal economy in the city's economy through job creation and convenience to daily commuters and residents (EThekwini Municipality 2001).

Nevertheless, this innovative approach in Durban was referred to as the “moment” due to its short life span (Bénit-Gbaffou 2015: 52). One of the reasons that lead to the failure of this approach was a proposal for a mall on the Early bird Market (Warwick) in preparation for the 2010 FIFA soccer world cup without committing to inclusive consultation (van Schilfgaarde

2013: 31). Traders were excluded from these plans while the police violently evicted and confiscated the trader's goods on road intersections in Warwick. This marks that the city lacked long term planning and commitment to the initial inclusive approach, leading to further deterioration of the model. Major issues still prevail which prompt street traders to protest against the municipality; they include issues with permits, extended waits for site allocation which drives traders to pay illegal bribes to speed up the process, illegal evictions and abuse towards street traders by police officers are also seem to be of big concern.

Lastly, despite the progress made in relation to informal traders in Durban, the municipality continues to uphold a number of By-laws that manage street trading in punitive ways. These by-laws enable demarcating restricted areas, confiscation of goods, regulation of abandoned goods, and evicting people without permits. Street trading grows rapidly and requires a long-term strategic approach, most cities and towns can learn from the lessons of the EThekwini Area Based management approach. The weaknesses of the approach will better work as lessons for improvement to other cities and town across Africa.

V. Street Trading in Johannesburg

The city of Johannesburg is seen as an economic hub and a gateway for international and local immigration as a globalising city. The South African Cities Network 2012 (cited in Matjomane 2013: 19) maintains that big cities like Johannesburg attract immigrants from outside of the country and it is growing rapidly at 1.9 % exceeding the rate of national growth. The rate of urbanization in Johannesburg is so rapid, therefore an exponentially growing number of people move to Johannesburg for better opportunities (employment or business). Street trading is one of the easiest business opportunities there is, and hence it is unavoidable growth in Johannesburg and other urban areas at large.

In Johannesburg, like many other towns and cities, street trading is a contested activity. This is perpetrated by clashing interests that local municipalities have; promoting street trading for the sake of poverty alleviation while simultaneously promoting street cleanliness and the city image, which a researcher named Pezzano calls the "municipality's double agenda" (Matjomane 2013: 19). Therefore as a solution to balancing the double agenda, the municipality (City of Johannesburg Metro) registered a certain, limited number of street traders who maintained the "legal" status and those left out, and newcomers were then termed "illegal".

In October 2013, the metro police of Johannesburg on orders from the municipal mayor brutally evicted all illegal street traders from the inner city without notice, and this was termed "Operation Clean Sweep". The evicted traders with an illegal status were those who were not registered with the municipality and didn't belong to any street trading organisation, which made them unaware of the language of rights (Bénit-Gbaffou 2016: 1102).

> "On the 27th of September 2014, the City sent an SMS to block leaders to join a meeting for the 30th of September. The Metro Police announced at that meeting that on the 1st of October, the City would conduct a Clean Sweep, as the Mayor complained that the city was unclean, congested, and unsafe. They wanted to work with block leaders, to identify those who have smart cards, and clean sweep illegal traders. Then to the surprise of traders, the metro police started on De Villiers and King George Streets and chased everyone, and it then continued, street by street, block by block, destroying kiosks and stalls and chasing all traders without notice. Metro police officers only said that this was the mandate of the Mayor" (Bénit-Gbaffou 2016: 1108).

It is clear that the municipality failed to plan efficiently for street traders, there were seen as contributing to the uncleanliness of the CBD. This also reveals that the mayor ignored the empowerment of the citizens and threatened the livelihoods of many street traders who came to Johannesburg for better opportunities and those who are originally from the city. There is no evidence of progressive and long term planning for current and expected street traders, but the main concern was to keep the city clean, attractive and free from street traders.

Street trading organisations proved to be very useful and helpful to street traders in the Johannesburg CBD. Bénit-Gbaffou (2016: 1102) mentions that the Operation Clean Sweep could have been successful if it weren't for street trading organisations; they fought for the legitimate rights of street traders and opposed such a way of solving urban issues through constitutional court statements. In light of these oppositions, the municipality was therefore compelled to find other legal ways of solving issues, which also prompted alterations in their repressive and restrictive policy. The decision of the court opened doors to all street traders in the CBD, however, before this, Operation Clean Sweep agreed with the municipality, block leaders and leadership from street trading organisations.

Among all street trading organisations operating in Johannesburg; South African National Traders and Retailers Alliance (SANTRA) and South African Informal Traders Forum (SAITF) were the two who successfully fought for the freedom of street traders in the constitutional court on the grounds of unlawful forced eviction of street traders (Bénit-Gbaffou 2016: 1108). Street trading organisations acted as advocates for the repressed and those with no voice (street traders). This case study shows the importance of advocates who believe and

stand up for the rights of the marginalised, and challenge the single interest of the municipality directed towards keeping the city clean while ignoring the livelihoods of the citizens. Advocates also share knowledge and information, for example, street trading organisations may design modes of communicating the rights, municipal plans and policy contents to street traders and information and training for business improvement. It is therefore important for street traders to organise themselves and join street trading organisations to make their voices stronger and have a support system.

3.8 Conclusion

From the reviewed literature's perspective, certainly how the informal economy is defined shapes ideas of planning, managing and integrating informal trading practices. Perceptions that illegalise street trading practices have emerged to be the drivers that perpetuate difficulties in adopting sustainable participatory planning approaches towards street trading at the local government level. Different reasons have been attributed to the exclusion and repression of street traders in CBDs; among them is vast documented literature on informal street trading that explores municipal strategies for the exclusion of street traders from the CBDs instead of exploring participatory approaches for the enhancement and support of informal livelihoods (Bénit-Gbaffou 2015). This kind of literature motivates repressive policy directives and procedures of planning towards street trading governance and sustainability. Further, it contains elements of longing for a specific image of 'world-class' cities with formal businesses in formal buildings, with limited informal street traders. World-class cities already portray social and spatial inequalities, these aspirations are therefore problematic for developing countries such as South Africa with persisting inequalities from apartheid legacies (Lemanski 2007).

The South African Constitution is in democratic support of the informal economy; it emphasises that all livelihood strategies that local citizens embark on should be supported by local government through empowerment and involvement of citizens. In light of this, current local practices are in contradiction with the constitution. The exclusion of street traders is evidenced through repressive local bylaws and policies of local government that restricts street trading within CBDs, and relocate street traders forcefully to adjacent locations far away from the vicinity of the CBD (as is the case in this study on Ladysmith).

The literature on informal trading has emphasised how some methods of formalisation of street trading, such as imposing high registration and permit fees, once more penalise and exclude

informal traders. Participatory literature, therefore, proposes formalization through delegation of street trading governance to the street trading communities with little local government intervention. Moreover, the usage of taxes and fees related to street trading is better negotiated with street traders and used for the enhancement and sustainability of street trading livelihoods.

The literature on small towns offers insight into the potential and possibilities of small urbane nodes as areas of piloting participatory models of planning. Street trading in small towns is no different in form from that of larger cities. CBDs in small towns are less complicated in terms of scale as opposed to that of cities, therefore this advantage allows piloting participatory planning approaches which could be further developed to scale up and be applied in larger urban centres at the city level.

Communicative/collaborative and advocacy planning theories have led to a major shift in the planning epistemology in terms of community development and engagement. These theories have emphasised sustainable development through meaningful community participation. At a lens of advocacy planning; street trading communities have formed organisations and have marched against the unfairness of local government practices to wads their businesses. In this view, street trading communities have alternative plans for their governance; they fight for inclusion and participation. Advocacy planning proposes participatory planning models of engagement that identifies street traders as legitimate decision-makers in collaboration with local government. This will ensure pluralism in governance, deconstructing unitary planning approaches whereby decisions lie solely to government. Collaborative/ communicative theory of planning further emphasises dialogical communication between citizens and practitioners for meaningful and consensual development. Therefore, these theories maintain that sustainable and progressive approaches to the governance of street trading are possible only through meaningful participatory planning. Nevertheless, it is worth noting the power discourses at play among practitioners and powerful elites that influence repressive and exclusive decision-making. Street traders do not only receive repression from local practitioners but from private business owners who claim that street traders compete and kill their businesses. Therefore, in theory, those role players influence normative planning practices.

CHAPTER 4: CASE STUDY

4.1 Introduction

Cities are human settlements characterised by large and generally diverse communities of people living in areas of high residential density, often with a variety of employment opportunities, and high-intensity business and commercial areas (South Africa. Department of Rural Development and Land Reform 2019: 15, 20). A small town in contrast is a place where people and services are geographically concentrated in a distinct and identifiable area. While towns can vary in size, they tend to have smaller populations, lower residential density, fewer employment opportunities and fewer and/or smaller economic activities than cities. Limited research and literature on street trading has been carried out in relation to small towns. In small town centres, highly repressive regulatory environments can exist simultaneously with the potential for growth and development of the informal economy.

This case study was selected with the intention of exploring how participatory planning approaches were experienced and applied, or not, to street trading activities in Ladysmith. The study also explores how local government could improve participatory and dialogical consultation with street traders.

4.2 Ladysmith case study

Ladysmith is a small town in Alfred Duma Local Municipality, which was once known as Emnambithi/Ladysmith Local Municipality. It is a Category B municipality situated in the northern part of KwaZulu-Natal, in the UThukela District Municipality. The name Emnambithi/Ladysmith was changed after the merging of Indaka and Ladysmith local municipalities to form a new single municipality currently known as Alfred Duma Local Municipality. It is home to a population of 356 276 people housed in 36 wards, with 29 of those being rural wards, some of which are administered by the Traditional Authorities (Alfred Duma Local Municipality 2018: 10).

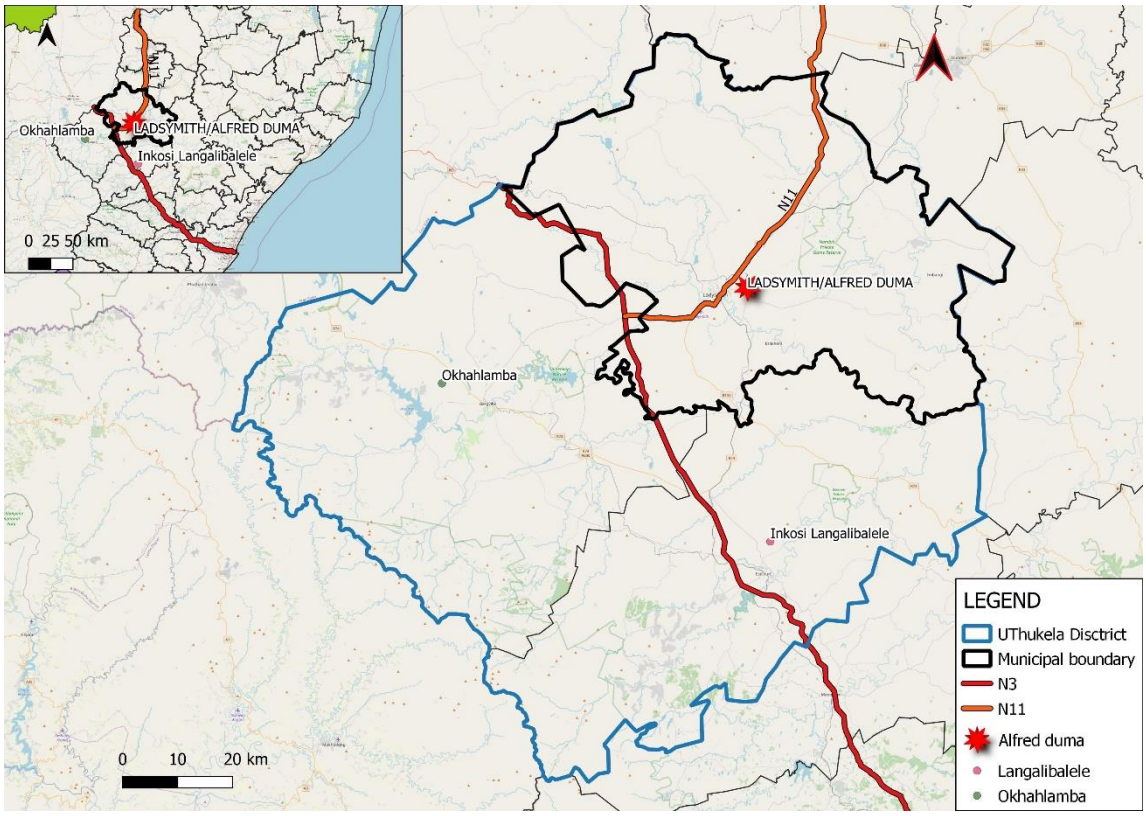

Figure 2: Ladysmith Locality Map (Created by researcher)

Ladysmith is strategically located at the N11 intersection of the N3 national road that links the major city of Durban to the province of Gauteng, and the N11 that links it to Mpumalanga and the Free State. Figure 3 illustrates the zoning layout of the Ladysmith CBD where the N11 (Lyell Street) cuts through the Ladysmith CBD, and this is where street trading activities are focused. Locating close to commercial malls, public transport routes and nodes is a tendency of street traders in most urban centres (Bromley and Mackie 2009).

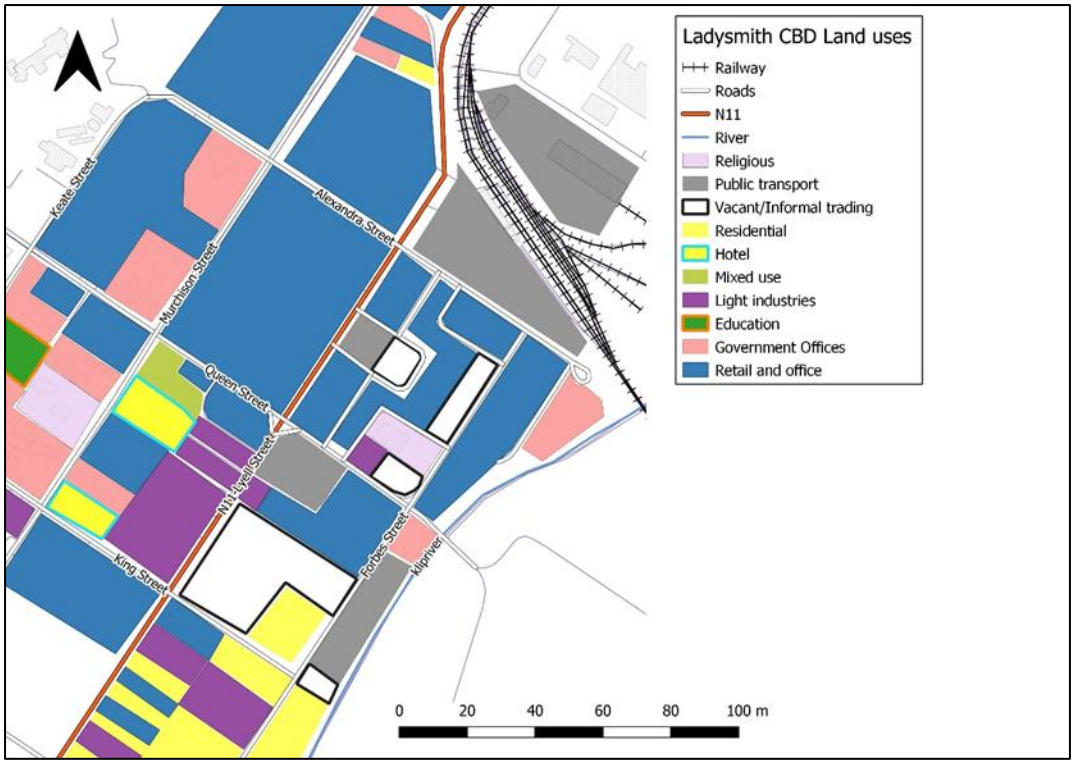

Figure 3: Ladysmith CBD Zoning map (Created by researcher)

In Ladysmith CBD, street trading is located particularly near taxi and bus ranks, as well as scattered along road intersections on Lyell Street and in surrounding alleyways, the Ladysmith CBD Land Use plan on figure 3 indicates existing commercial land uses and major roads, street traders are found concentrated on the pavements of such land uses as illustrated in figure 4. This location enables them to take advantage of daily commuters from in and around the Ladysmith area. Although some street traders are strategically clustered in one setting, there is no recognised informal marketplace in the CBD, like those found in larger cities such as the Warwick Markets in Durban. The large cluster of street traders in the space adjacent to Mackson's, a private supermarket, does start to resemble an informal market setting however, and this informal cluster of traders will henceforth be known as the Mackson's 'market'. This large group of street traders, through negotiations with the private landowner, were able to transform a piece of privately-owned land into a trading market without municipal assistance. The street traders in the 'market' area and on the street sell a variety of goods and/or services. Some have fixed structures while others use umbrellas and plastic sheets for protection and display of products.

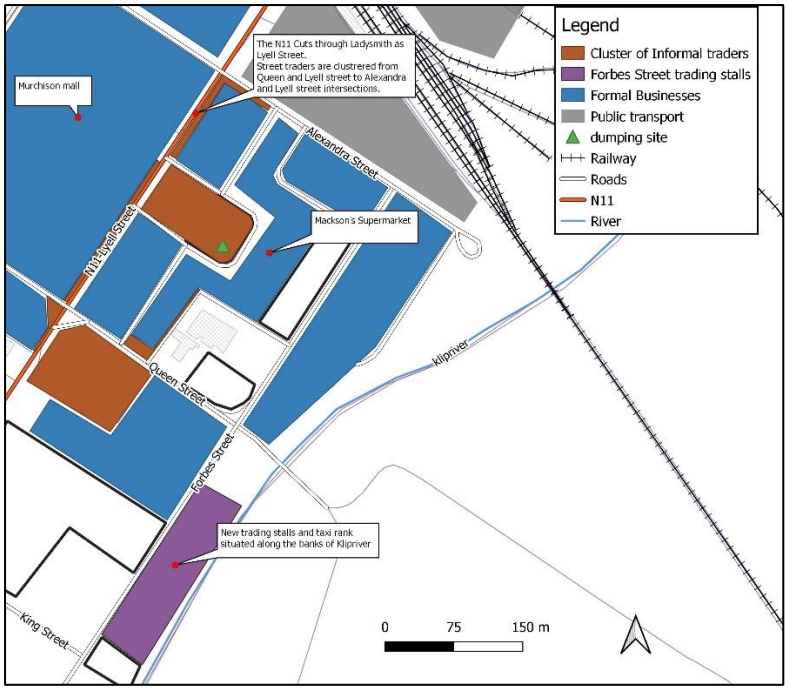

Figure 4: Location of Street traders within the CBD (Created by researcher)

Services such as water, toilets and storage are limited in areas where street traders operate, and this really undermines the productivity of street traders in Ladysmith. They depend on a single tap, which is within walking distance from the trading stalls, and they also negotiate with neighbouring shop owners for these services at a price. Some street traders have large storage containers and offer storage services at a price; however, these containers are not enough to accommodate all of the traders' storage needs.

Ladysmith street traders are represented by the Informal Traders Support Services organisation (ITSS). This organisation is affiliated with Ubumbano Traders Alliance in Durban, as well as with StreetNet (Horn 2014). These organisations advocate for the fair and just recognition and treatment of street traders in cases of municipal injustices towards traders in Ladysmith.

The relocation of street traders to Forbes Street

In the 2009/10 financial year, the town of Ladysmith received funding from the department of Cooperative Governance and Traditional Affairs (COGTA) under the KZN Small Town Rehabilitation Programme. The aim of the programme was to create a safe and clean environment that would result in investment retention, attraction and expansion in KwaZulu Natal's small towns (COGTA 2017: 10-11). The expected outcome of this COGTA programme, according to COGTA (2017: 11) was to create productive, inclusive and sustainable towns.

Therefore, in compliance with this programme and with the Ladysmith CBD Regeneration Strategy of 2010, the Forbes Street and Lyell Street urban design frameworks were prioritised. The current Mackson's 'market' is located directly opposite to the entrance of Murchison Mall in Lyell Street; therefore, it was earmarked to be part of the Murchison Mall overpass extension and parking. In light of this municipality rehabilitation project, street traders and taxi operators on Lyell Street were instructed to move to a location on Forbes Street, where a new taxi rank and the informal trading stall building were erected by the local government.

Emanating from the KZN Small Town Rehabilitation Programme, the Ladysmith CBD Regeneration Strategy of 2010 noted that the concentration of street traders on Lyell Street taxi ranks and adjacent to the Murchison Mall entrance were without facilities. The municipality had previously provided Wendy houses (wooden stalls) but due to harsh weather conditions, these were damaged and in disrepair (Alfred Duma Local Municipality 2010). Under the Small Town Rehabilitation Programme, this strategy was formulated and it included the Urban Design Framework for Lyell Street and Forbes Street.

According to the Strategy: *"It is important to note that it is the intention of this project to develop a set of urban design directives and subsequent intervention projects through a process of incremental detail and sufficient participation by all local role players to ensure a pragmatic and supported set of interventions"* (Alfred Duma Local Municipality 2010: 7).

Practicality and commitment to the participation of role players were entrenched positively in the Strategy; however project implementation omitted the full participation of street traders and was also not aligned with their experiences. Participation from initial to implementation stages of the project and design parameters was essential, and collective bargaining in terms of design parameters and location of new street trading zones would have been useful.

The Mackson's property identified for the Mall extension was not municipal property, however, and it was unclear how the municipality obtained the right to evict and relocate street traders from that property prior to obtaining development rights. These informal traders did not wish to relocate. StreetNet (2012) reported on 16 August 2012 that there had been an on-going battle between the Alfred Duma Local Municipality and informal street traders operating within the CBD of Ladysmith since 2009. Street traders complained that they were given short notice to relocate, and that the new area on Forbes Street was not ideal because it was far from the CBD and prone to floods due to its location near the banks of a river. The incidents that followed were the forced evictions of informal traders from their spaces of operation by the

police, and the mysterious burning down of informal trading shacks on numerous occasions, with no known cause of fire.

Street traders became mistrustful of cooperating with the local municipality; they felt violated and harassed by law enforcement officers and police. These forced removals therefore prompted the ITSS and street traders to march and protest the manner in which the municipality handled their livelihoods in the CBD. The march took place on 07 August 2012. Among their grievances were the forced relocation to the new trading stalls on Forbes Street, that no meaningful consultation had taken place with informal traders in the construction of the stall buildings, and a general lack of service delivery by the local government (StreetNet 2012). The affiliates of ITSS, Ubumbano Traders Alliance in Durban and StreetNet, reached out to convey the message that the Ladysmith Municipality needed to find resolutions through social dialogue with street trade organisations and street traders.

Forums for negotiations

Currently Ladysmith has a public forum called the Informal Chamber Committee that meets four times a year. The forum includes all street traders and their representatives, municipal departments such as local economic development, town planning, public safety and waste management. The purpose of this forum is to negotiate any issues that informal traders and the municipality have, and thus pave a way forward. Additionally, another forum, which is a steering committee comprising elected representatives of informal traders and municipal departments, meets monthly to discuss the issuing of new trading permits.

Street traders and formal sector relationships

With mistrust around municipal cooperation and lack of support, street traders in Ladysmith have established relationships with private businesses. These are strategic partnerships that traders use to survive; however, they come at a price. Private business owners allow street traders to access trading spaces/land, water, toilets and storage facilities for a negotiated price. These relationships show a deep linkage between formal and informal businesses in Ladysmith as formal businesses do gain an income from informal traders through shared services (Mendez 2017; Skinner and Reed 2020). Street traders in this study complained that as much as they receive services for which they paid from private businesses, these are often overpriced. This illustrates how even in informal trading, a lack of municipal services and planning of public

spaces to accommodate traders, leaves traders open to exploitation by the larger formal businesses in the private sector.

Alfred Duma Local Municipality Integrated Development Plans

The Alfred Duma Local Municipality Integrated Development Plan (IDP 2019/2020) highlights the need to support and manage the informal sector as approximately 65% of unemployed individuals turn to informal employment as an alternative means of income in Ladysmith (Alfred Duma Local Municipality 2019: 250). Local informal policies in Ladysmith are still under preparation as per the IDP. In the meantime, the informal economy is regulated by means of Ladysmith bylaws and demarcation of trading areas. These are determined by the demarcation plan informed by the Ladysmith Town Planning Scheme.

As per the requirements of the National Small Business Act (South Africa. 1996b), street trading in Ladysmith is regulated by the Alfred Duma Nuisance Bylaws, specifically section 17 subsection (1), (2) and (3). Subsection (1) of the bylaw provides for the designation of restricted areas for informal trade in order to constrain nuisance. Subsection (2) gives exemption to newspaper sales at intersections or the sale of goods by non-governmental organisations or developmental organisations who may apply for exemption for their traders. Although these organisations apply on behalf of street traders, traders can also go individually to lodge an application for exemption at the Local Economic Development (LED) offices. Subsection (3) gives power to the municipality to issue trading permits for the sale of goods and services, and can thus limit the number of permits for an area with prescribed conditions. The provisions of the Ladysmith (Alfred Duma) bylaws in relation to street trading appear to be shaped by Businesses Amendment Act 186 of 1993. According to the Constitution, however, Alfred Duma municipal bylaws are expected to uphold the Bill of Rights and treat street traders with dignity.

The departments of public safety, waste management, town planning and building have been engaged in a process of obtaining inputs and comments regarding the demarcation of sites for informal trading within the municipal areas. However, the process of obtaining inputs has been on the Alfred Duma IDPs for over 5 years since the 2015/16 IDP, with phase one of this consultation meant to be finalised by the 2018-2019 financial year. This delay reflects a problematic implementation process and the lack of priority or urgency given to supporting street trading livelihoods. The 2019/2020 IDP clearly shows how negatively street traders are perceived by the municipality. For example when commenting on how the physical

improvement of the Ladysmith CBD as a catalytic project for attracting investment will be carried out, the IDP states that to do this street traders will be "relocated in a sensible manner that promotes safety and convenience", in order to keep the town aesthetically attractive for investment (IDP 2019: 385). As illustrated by the protests in 2012, past ideas of relocation of street traders in "a sensible manner that promotes safety and convenience" certainly did not include meaningful participation of street traders from the initial planning stages of development.

4.3 Conclusion

The rights of street traders are entrenched in various pieces of national legislation and policies (Constitution of the Republic of South Africa, 1996; National Small Business Act, No 2 of 1996; Integrated Urban Development Framework 2016). The KZN province and the Alfred Duma Local Municipality are expected to comply and align with the provisions of superior legislative and policy frameworks. However, in light of what has been discussed above, municipal practices in Ladysmith have been repressive and not aligned with the national legal frameworks. This is evidenced by the forced evictions and exclusion from development decisions of street traders in Ladysmith. Although Ladysmith municipality recognises the need for support of street traders, this is not reflected in practice or in project implementation. Participation from initial to implementation stages of the projects and design parameters is essential, and collective bargaining in terms of design parameters and location of new street trading zones would certainly have been useful.

CHAPTER 5: RESEARCH DESIGN AND METHODOLOGY

5.1 Introduction

Research design is the conceptual framework for conducting research. It includes the techniques for data collection, measurement and data analysis (Kothari 2004: 31). In order to carry out a successful and well-structured research study, it is imperative to employ an appropriate research design. This study's advocacy, communication and radical planning theoretical frameworks shaped the design of this research. This research was designed to collect data through direct engagement with participants. It is hoped that because of this, the recommendations will be useful for an advocacy and empowerment stance that seeks to bring change in the way street trading is approached and perceived in Ladysmith, as well as in other smaller and larger urban nodes.

5.2 Qualitative research methodology

A research methodology refers to the way in which a researcher systematically applies various steps in solving a research problem, and the logic behind the steps taken (Kothari 2004: 8). A qualitative approach takes into account people's perceptions, experiences and views on a particular phenomenon under investigation (Kothari 2004: 5). In addition, qualitative research in its understanding of social life is characterised by generating words rather than numbers as data for analysis (McCusker and Gunaydin 2015: 537). A qualitative research method was adopted in this study because it explores the manner in which street traders in Ladysmith experience participatory planning in the Ladysmith CBD. The application of the qualitative approach in this study was motivated by this researcher's eagerness to capture the participatory planning experiences of street traders as the users of public space, and the views of municipal officials as they regulate land use in Ladysmith. The key to allowing participants to express their experiences is through the usage of open-ended questions, in which participants can shape and expand on the research questions depending on how an issue has been experienced (Creswell 2009: 9). Open-ended questions are well suited to exploring participant views of a phenomenon, and this is what has been done in this study (Zainal 2007: 3). Furthermore, this study uses a case study research type, which is explained in detail in the following section.

5.3 A case study in research

According to Yazan (2015: 134), case studies frequently use qualitative research methods. Case studies do not necessarily have a well-structured or defined protocol, as they are context-specific pieces of research (Yin 2002, cited in Yazan 2015: 134). This can make them confusing to emerging researchers, especially in determining how a case study differs from other types of qualitative research. Yin defines case study research "as an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used" (Yin 1984, cited in Zainal 2007: 2). This is a research method that looks closely at real life events of how certain phenomena or experiences are applied or occur in specific contexts.

Zainal (2007: 2) further clarifies that the objective of case studies is to explore and investigate contemporary real life phenomena through the detailed analysis of various events, in specific locations, and within the context of social and economic relationships of these locations. Furthermore, case studies can highlight a particular developmental factor, implying that cases are developed as they evolve due to a sequence of particular interrelated events, occurring during a period of time at a particular place (Starman 2013: 31).

Debates concerning case studies focus on whether they are qualitative research types or methods. According to Starman (2013: 30), some authors see case studies as research types, while George and Bennett (2005; Gerring 2004) see case studies as research methodologies. Simons (2009, cited in Starman 2013: 32) offers a useful definition, suggesting that a case study is a detailed study of a variety of experiences and of the uniqueness of a particular project, policy, institution, programme or system in a real life context, from multiple perspectives. Stake (2005), Thomas (2011) and Flyvbjerg (2011) state that case studies are not a research method because they examine complex real-life situations, and that they are instead a type of approach we choose to apply in whatever method we choose, i.e. qualitative or quantitative methods. Case studies can be broad and complex, or focused and contained. Therefore different methods of collecting data depend on the context of the case study itself.

Case studies are critiqued as having a disadvantage due to a bias towards the researcher's verification. In other words, a researcher may be tempted to simply try and verify their own preconceived concepts (Starman 2013: 40). To avoid this bias, secondary data from

documented studies and literature from leading researchers are used to supplement and verify any claims made. As a strength however, case studies have the advantage of producing context-dependent knowledge. Case studies can produce knowledge that is practical since the information that is acquired is based on practical experiences embedded within a specific context (Flyvbjerg 2006: 221).

5.4 Sampling method and participant list

Population refers to the object of study, which may include individuals, group of individuals, organisation or the conditions they experience (Kruger 2002, cited in Moloi 2014: 57). The population of interest on this study comprises stakeholder representatives who are directly involved in informal street trading within the Ladysmith CBD. This study used a purposive sampling method in data collection. Purposive sampling is used in qualitative research because participants are selected based on their experiences of the phenomenon being investigated (Creswell and Creswell 2017: 217). Additionally, participants are purposively sampled, guided by the researcher's need for particular information (Boeije and Hox 2005: 595). This study explores the participatory planning approaches experienced by street traders and local practitioners in Ladysmith. Therefore, sampling included Ladysmith street traders and municipal authorities in their respective departments so that they could express their views and experiences on participatory planning and street trading management. The table below offers a further breakdown of the selected sample from this population.

Table 1: List of participants

Participants' organisational affiliations	Role
Department of Local Economic Development	The LED is responsible for the enhancement of the local economy in Ladysmith, such as informal street trading.
Department of Town Planning and Human settlements	The Town Planning Department develops bylaws and is responsible for the demarcation of informal trading sites for street trading.
Department of Public Safety	The Department of Public Safety enforces the bylaws concerning illegal street traders within municipal areas.

Ladysmith Street Trading Committee	Street Trading Committee members are representatives and leaders elected by street traders to be part of the monthly committee meeting. They are also members of local organisations.
UThukela District Informal Chamber Committee	The informal chamber is a committee that sits quarterly and consists of all informal traders within Ladysmith, and municipal departments such as LED, Town Planning and Public Safety.
Office of the Speaker	Presides over meetings and ensures that communities (street traders) participate in municipal forums.

5.5 Data collection methods and tools

5.5.1 Primary data collection

In a qualitative research design, researchers examine the views and perceptions of people in the context of the spaces or phenomena they experience every day. Therefore, data collection methods that are used should be flexible and sensitive to the social context. Qualitative researchers for this reason often use direct observations and qualitative interviews (Kothari 2004; Boeije and Hox 2005: 595). The fieldwork of this study adopted direct observations and qualitative open-ended interviews to enable street traders and municipal practitioners to reflect on participatory planning practices that affect the Ladysmith CBD, and the livelihoods of the role players in the informal economy. The fieldwork took place in April, June, July of 2019, and in January 2020. Interviews with traders were conducted at the participants' trading stalls and municipal officials were interviewed in their offices.

Given the vulnerability of street traders to being evicted and goods being confiscated, it was understandable that some of the street traders were initially nervous about consenting to an interview, and to having their trading stalls and/or environment captured on camera. Traders gave consent for photographs of their trading stalls on condition that they did not appear in the image. This suggests that street traders were insecure in their trading spaces and remain suspicious of any questions in relation to their trading activities. Reasons for such insecurity, as indicated in the introduction and literature review, may be past experiences of exclusion and repression from officials. Given this, it is understandable that traders may be sceptical about

being asked questions concerning business operations, for fear of being asked for trading permits or of being evicted. However, after careful clarification of the interview questions and the reasoning behind each question and the study itself, street traders agreed to conduct the first interview.

a) Observations in the field

Fieldwork observations took place on the 27 April 2019 and the 28 June 2019. During this stage, photographs were also taken to capture the context under which street traders operate in urban spaces. This ensured a better spatial conception of the area, and knowledge about the availability of infrastructure services for street trading purposes. Additionally, conversations with street traders at this initial stage assisted in identifying which groups played a role in the governance and regulation of these spaces. Observations also included attending the quarterly Informal Chamber Committee meeting which was held on 17 July 2019. The existence of this meeting came up during an interview with an LED official, and I expressed my interest in observing the meeting, after which an invitation was extended to me by email.

b) Interviews

As mentioned above, the collection of primary data entails the use of qualitative interviews. Interviews were used in this study as tools for collecting primary data, interview questions are attached as **appendix A**. The interview questions were structured in a manner that established a framework for follow-up questions to validate claims. Interview questions were designed bearing in mind information from the literature review, media coverage from the Ladysmith case study, and from questions that emerged from the initial field observations. Participants were able to choose between, or switch during the course of the interview, the language in which they preferred to be interviewed: languages to choose from were English and isiZulu. According to Zhang and Wildemuth (2009: 4), a researcher must understand the language and culture of interviewees, and its meaning for the research setting. Therefore, being sensitive to language and offering a bilingual approach to interviewing enabled participants to express their views and experiences without language communication barriers during interviews. These interviews were audio-recorded with the consent of participants. In cases where participants consented to be interviewed but refused to be recorded, field notes were written during the interview. Secondary data was also used in this study to review literature from journals and books to engage practitioners in the field of informal trading economic activities and participatory planning. However, Kothari further cautions that when a researcher uses secondary data, it very important to check its reliability, suitability and adequacy (Kothari

2004: 111). This also included the use of reports from the Alfred Duma municipal website and various websites of organisations.

The number of participants was determined by the point of data saturation, which is a point where no new information was emerging from the interviews (Guest, Bunce and Johnson 2006; Boddy 2016).

Sources and dates of primary data obtained are illustrated in the table below:

Table 2: Primary data sources

Interviews conducted	Date
7 x Ladysmith street traders. Some were elected trading committee members and leaders or local trading organisations.	28 June 2019
1 x participant from the Department of Local Economic Development	09 July 2019
1 x participant from the Department of Town Planning and Human Settlements	17 July 2019
1 x participant from the Department of Public Safety	24 January 2020
1 x participant from the Office of the Speaker	24 January 2020

5.6 Data analysis

According to Kothari, coding refers to the "process of assigning numbers or symbols to interview responses so that they can be put in a limited number of categories" (2004: 123). Then, thematic analysis is used to analyse classifications and present themes that relate to the data (Alhojailan 2012; Roberts, Dowell and Nie 2019). The data analysis phase for this study used coding and a thematic analysis that grouped translated data according to themes that addressed the research questions of this study. The initial step after data collection was to transcribe the recorded data; then the transcribed data was translated from isiZulu to English to allow for data analysis. Eight themes emerged from the analysis of the data: these comprised descriptive themes that described the nature of participatory planning and street trading in Ladysmith, and reflective themes that drew on the narratives and experiences of participants.

The interpretation of data linked the findings with the literature review, theory and precedent case studies using the lens of participatory planning. This was done to avoid generalisation of interpretations, and to make inferences based on a broader literature spectrum.

5.7 Ethical considerations

Methods of data collection and analysis should always be sensitive to the social context (Boeije and Hox 2005: 595). The approval of this research was granted by the DUT's Institutional Ethics Research Committee (IREC), with the ethical clearance number IREC 077/18.

The guidelines of IREC were followed in terms of seeking permission from all participating parties by issuing formal letters of information stating the rights of the participants. Written consent was sought from and granted by participants. For the recording of interviews and taking of pictures, verbal consent was sought from and granted by the participants. Prior to the commencement of the interview, participants were informed about their rights and were given a letter of information stating that they may withdraw from the interview should they wish to.

All interviews were done in the language preferred by participants to avoid communication barriers. All participants were treated with dignity and respect. The questions asked during data collection were carefully designed to protect each participant's privacy and identity. Street traders are referred to as ‘participants’ in this study, while officials are referred to according to their departmental positions: these techniques were used to ensure the anonymity of the participants.

5.8 Conclusion

This chapter presented the design of this research study and the methodology followed in the collection of data. This study was therefore carried out using a qualitative research methodology where data was collected from participants using interviews and field observations. The collected data is further presented and analysed in the following chapter.

CHAPTER 6: FINDINGS AND ANALYSIS

6.1 Introduction

This chapter presents the findings of this research and the analysis of data emanating from individual interviews with street traders and municipal officials, including field observations and notes taken from the Informal Chamber Committee meeting, as detailed in the methodology chapter. The research findings are presented according to the posed research questions as set out in Chapter 1.

6.2 Governance and non-participation

6.2.1 Restrictive bylaws and demarcation

Governance and participation are important in the regulation of street trading as they ensure that local frames of governance such as bylaws enable street traders to participate in decisions that support their livelihoods and uphold the rights of street traders as entrenched in South African legislative and policy frameworks.

Findings on the governance practices of street trading in Ladysmith indicates that nuisance bylaws and the demarcation of trading spaces are used to control and restrict street trading in the CBD. According to municipal officials, street traders are expected to comply with these tools as they restrict overcrowding in the CBD. A municipal official responsible for the enforcement of nuisance bylaws explained this:

"Street trading bylaws are meant to control overcrowding; that people mustn't trade anywhere" (Official 3, 2020).

The interview responses from municipal officials and the majority of street traders further revealed that a demarcation plan is used to delineate areas that are restricted and permitted for street trading within the Ladysmith CBD:

"Through demarcation of sites for street trading, we demarcate target markets for informal street traders" (Official 2, 2019).

"…it comes to demarcation, they check if that space will not contradict any bylaws" (Participant 2, 2019).

"…they then decide if that area is demarcated for trading or not and whether the permit will be issued or not" (Participant 7, 2019).

As noted in the case study chapter, street trading as a business is regulated in terms of the Ladysmith local bylaws as per the provisions of section 22 of the South African Constitution and section 6 of the National Small Business Amendment Act No. 26 of 2003. The said provisions enable municipalities to control street trading activities. These pieces of legislation also instruct municipalities to investigate whether restricted areas and evictions could result in the end of business. Hence, the Alfred Duma Municipality is expected by law to exercise reasonable decision making in demarcating areas that are strategic, and to ensure a target market for street traders. Generally these are public spaces with high transport and pedestrian movement.

The process for formulation of bylaws and demarcation plans has a very weak form of participation. An official interviewed reflected that regulations are drafted solely by council and then a call is made on the public to comment on the draft regulations. If there are no comments, it is assumed that there are no objections (Interview, Official 3, 2020). Another official revealed that in his/her view, it too hard for traders to comply with regulations because they do not understand them (Official 2, 2019). This kind of system does not allow for full participation of affected communities; instead it allows planning *for* citizens instead of planning *with* them. Participatory negotiations at the initial stages of drafting the regulations could make a significant difference in reaching consensus. It could also ensure that regulations are derived from the experiences of affected individuals or communities, making them more responsive and relevant to traders. The language barrier and the usage of technical terms in the bylaws may well be confusing and hard for traders to understand. The language of bylaws should be clear, inclusive and in a language understood by traders (Lund, Nicholson and Skinner (2000: 57). This would result in ease of access to information stipulated by the regulations, and traders would also be able to identify and contest injustices posed by bylaws.

In the Informal Chamber Committee meeting of 17 July 2019, street traders collectively agreed that the demarcation regulations are too restrictive; this consequently puts them at constant risk of being evicted as many traders are in need of legal space. This finding resonates with the findings of Skinner and Reed (2020: 13) who show that, frequently, limited permits are issued for a large number of existing and entrant traders. The municipality may have reasons for limiting trading spaces, but the lack of cooperation with traders and the limited opportunities

presented by the municipality for working collectively with traders do not assist in finding alternative solutions that work for both of them. Municipal bylaws and policies are generally more focused on ensuring the control of informal traders and strict compliance with bylaws, than with facilitating participation or conditions that are more favourable for informal traders (SERI-SALGA 2018: 6). As per the reflections from street traders, the choices made by practitioners in governing tools in Ladysmith are restrictive; this further exacerbates the exclusion of street traders from the demarcation of adequate trading spaces.

6.2.2 Zoning, land use and project implementation

The inclusion of street traders in land use zoning and management is significant in urban development and project implementation. The location of street traders is shaped by zoning and land use regulations, therefore informal street trading activities need to be regulated equally as much as formal businesses do. Findings of this research revealed that municipal policies such as the Ladysmith IDP and the CBD Regeneration Strategy prioritised the need for supporting street traders by providing adequate trading stalls and services, and demarcating new trading spaces. These processes may have had a 'good' intention but their implementation suffered from a lack of participatory methods in which to include street traders themselves in the planning design.

It was reported earlier in the Ladysmith case study, that a trading area was identified on Forbes Street and that a taxi rank and an informal trading stall building were built. The taxi rank and street traders were expected to relocate from Mackson's 'market' on Lyell Street to Forbes Street. However, street traders resisted the relocation for various reasons:

"Firstly, they were taking us away from the CBD where there is food and placing us in hunger. Secondly, then we asked in a meeting: who did they (municipality) communicate with in the construction of "that hall" because we were never told" (Participant 2, 2019).

"…that location is just not safe for us; we wouldn't want to see ourselves being filtered by flood water filters at the UThukela dam" (Participant 4, 2019).

The above statement from an organisation leader clearly shows that their source of income is in fact the CBD. The current location of street traders at Mackson's 'market' on Lyell Street is closer to the taxi rank and the entrance of Murchison Mall: this location is strategic to these traders given the high volume of people utilising transport and visiting and/or working at the Mall – these being their targeted customers. However, participation of the street traders in the

demarcation and design of the new stalls was not invited even though having access to their target market is what affects their livelihood. Further, the second respondent's statement characterises the location of the new trading stalls as dangerous and unsafe due to its location along the banks of the Klip River. Figure 5 and 6 illustrates the location of these stalls and their surroundings.

Figure 5: Location of new trading stalls on Forbes Street (pictures by researcher, 27 April 2019)

Figure 6: Surroundings on Forbes Street (pictures by researcher, 27 April 2019)

Figure 6 validates the concerns of the participant on flooding and the new location of trading stalls on the bank of the Klip River. In addition, the pedestrian and vehicular movement on this road was observed to be very low while Lyell Street was busy with pedestrian and vehicular movement (personal observation 27 April 2019). This location therefore conveys a lack of consideration on the part of the municipality in relation to possibilities of sustaining livelihoods, compared to the location on Lyell Street. According to Brown, Sanders and Reed (2018: 64), zoning is a land-use planning approach used to provide orderly community growth

and development by separating land uses that are deemed incompatible. It is unclear, from the traders' point of view, why they are incompatible with the busy trading spaces of the CBD. Indeed, this is the very place they strategically need to be to get the foot traffic required to make a living. Street traders are strategically located in economic nodes close to transport hubs and malls in CBDs; thus, land-use planning should delineate zones for informal economic activities within the CBD in the same way that land is delineated for formal commercial zones. Street trading presents an opportunity for planners to rethink how public spaces should be designed, i.e., sidewalks and alleys are too narrow to accommodate pedestrians and other activities, thus causing pavement congestion (Mehrotra 2020; Skinner and Reed 2020: 16) . These could be redesigned to accommodate trading activities rather than simply eradicating them from the CBD.

6.2.3 Non-participatory design of trading stalls

The observation of trading stalls in Ladysmith showed that street traders have designed their own trading stalls using low-cost material such as planks, corrugated iron and iron frames. Figure 7 below demonstrates the materials used by traders to build trading stalls at the Mackson's 'market'.

Figure 7: Low cost trading stalls (pictures by researcher, 27 April 2019)

The problem with the above stalls is that they lack a good aesthetic appearance and design. One of the objectives of the Ladysmith CBD Regeneration Strategy (2010) was the beautification of the CBD to attract investment. In light of this, colourful and caged trading stalls were installed on Lyell Street to retain some of the traders in the CBD; these are shown in Figure 8.

Figure 8: Trading stalls built by the municipality (pictures by researcher, 27 April 2019)

The construction of these trading stalls was a step towards the support of informal traders in the CBD by providing adequate structures. These are linear trading stalls along Lyell Street. They are colourful and add a more pleasant aesthetic view to Lyell Street, but they are not very suitable for street traders. During an interview, a street trader complained:

"…see those cages built there (along Lyell Street); those are not adequate trading structures. They do not offer protection against strong winds, rain or even the hotness of the sun…" (Participant 4, 2019).

Moreover, the picture illustrates that traders use fabric or nets as protection against the sun and harsh weather conditions. In addition there are stalls that remain unused. This low level of use of these stalls illustrates strongly how an exclusive approach in the design of trading stalls by the municipality is not a productive approach. The enclosed, protected design idea evidenced by street traders in their current self-constructed stalls appears to have been disregarded by the municipality, which introduced a different design of caged trading stalls. It is essential for willing professionals to engage in extensive negotiations and participatory approaches together with the street traders in the design of infrastructure aimed at supporting them (Skinner and Watson 2020: 128). Drawing from Mehrotra (2020: 132, 133), the design of new trading stalls on Lyell and Forbes Streets should have been driven by the low cost material stalls traders had initially designed for themselves, because they designed these based on their needs.

6.2.4 Perceptions of municipal practitioners

The data from Ladysmith municipal officials shows that they perceive street traders as "informal" because they do not comply with municipal bylaws, and because they are competing with formal businesses (Interviews, Officials 1-2, 2019; Official 3, 2020). One of the officials

further reflected that street traders needed to pay tax to enable the municipality to provide them with the services they require. These views are likely to position street traders as difficult to govern and the local linkages they have with formal businesses overlooked. Local municipalities may find it hard to identify different inclusive approaches to street trading governance because of these disempowering perceptions (Bénit-Gbaffou 2015). These perceptions bear characteristics of the legalist school of thought as reviewed in Chapter 2, which popularised the idea of informal traders operating without a legal framework, and avoiding paying tax and other costs of operating formally. This school of thought sees street traders as creating competition with formal businesses who pay all costs and comply with legal frameworks (Tala and Zhanje 2015: 229). However, De Soto (1989) deviates from this view and suggests that informal business will continue to grow and operate informally as long as government rules and regulations suppress private enterprises through imposing higher costs of doing business.

Some municipal officials, however, have alternative perceptions of street traders. One official interviewed reasoned that street traders are not that different from formal businesses, the only difference are their business inputs, e.g., costs of packaging are higher in formal businesses because of branding, leading to higher product costs, while street traders use simple packaging for a similar product, with concomitant lower product cost (Interview, Official 4, 2020). Therefore, street traders contribute to food security for poor households because their prices do not compete with those of formal businesses. Additionally, a mutually beneficial relationship can emerge where street traders attract customers to the formal businesses such as Murchison Mall (Skinner and Reed 2020: 15). The data thus concludes that there are different perceptions among officials in the governance of street traders in Ladysmith, suggesting that complex power dynamics may well be at play in relation to decisions for the inclusion and development of street traders within the municipality itself.

6.3 Conditions for decent work

6.3.1 Approaches to trading space and permits

Adequate services such as trading spaces, storage, water and electricity are critical factors that contribute to conditions of decent work for informal street traders. Inclusive participatory governance in making decisions about street traders should include the delivery of these services. Ladysmith municipal officials, when asked about street traders' access to basic services, insisted that they rely on the list of needs from street traders in order to provide those

services (Officials 1 and 2, 2019). This suggests that municipal officials approach the provision of dignified working space for street traders incrementally as per the needs of street traders. However, based on that incremental approach, the data shows that street traders operate in diverse and inadequate working spaces as further discussed in the following sections.

It was found that for trading space security in Ladysmith, street traders identify a trading space and submit an application to the LED department, describing the location and type of business in order to get a trading permit. These applications are then reviewed in a monthly committee meeting that takes place in municipal offices, with street trade leaders and municipal officials forming part of the committee. The final decision is taken using a demarcation plan that shows areas permitted for trading. Evidence of this is illustrated by interview responses below:

"…a person writes a general letter stating that 'I'm so and so, requesting a permit to trade in such a place' then listing everything that will be sold and including a phone number and ID number" (Official 2, 2019).

Similarly, the public safety official validated the recent claim that *"The permit is issued by LED. Before a person starts trading, they must go and apply at LED to say 'I want to trade in a certain area'"* (Official 3, 2020).

A leader of the street traders' association further detailed the process involved in applying for a trading permit including the involvement of street trade's committee leaders in decision-making:

"*We normally hold meetings with the municipality to discuss permits…let me say; you write an application letter, if the area you identified has a demarcation number you write it down and submit it to the municipality. Then we have meetings with relevant stakeholders and public safety is also present. The application letter is then read at the meeting, they then decide if that area is demarcated for trading or not and whether the permit will be issued or not"* (Participant 7, 2019).

This data indicates that there is some recognition of street traders through inclusion of leaders as stakeholders in the review of trading applications to allocate trading spaces in Ladysmith CBD. Nevertheless, the demarcation plan emerged as restrictive, not well understood and not well communicated to street traders. When applying the lens of participatory planning, the initial and missing step was to collaborate and negotiate with street traders to reach consensus regarding the demarcation of trading zones, which would have helped traders understand the

decisions taken during the review of trading permits. Additionally, this would also ensure that trading spaces are allocated in favourable locations that will enable decent working conditions and customer confidence, thus boosting the livelihoods of street traders in the Ladysmith CBD.

6.3.2 Limited access to water is a reduced earning potential

The data in Ladysmith shows that the provision of water infrastructure close to street traders is lacking, which results in major unfavourable working conditions for street traders. Water is one of the most vital services street traders need to do business and for their health as well. Below is figure 9 showing a tap used by street traders at the 'market'; from here they collect water and store it in buckets in their trading shacks, which are a distance away:

Figure 9: Water source (picture by researcher, 27 April 2019)

Street traders in the Ladysmith CBD have very limited access to water:

"We don't have water at all; we get it from a tap outside the toilets near the car wash. I work with people, they need water, and I need water." (Participant 5, 2019).

"I do braiding only, because I have no access to water" (Participant 4, 2019).

The absence of water for some traders, and the long distance to access of water for others, have forced Ladysmith street traders such as salon owners to limit the services they can provide, adding to the limiting of customers and loss of income. Further, this results in hygiene threats for both traders and customers, and contributes to customer confidence issues, thus reducing earning potential for traders (Carr 2020: 24). Therefore, the provision of water would improve street trader's access to working conditions and the potential to generate income. It would also ensure a better public health approach to planning for trade in the city.

6.3.3 Lacking access to toilets costs time and money

The health and hygiene of any formal or informal business is dependent on the availability of toilets within the vicinity of the premises or trading spaces, for customers and for traders. For Ladysmith informal street traders, the data in relation to sanitation shows that access to toilets is limited. According to interview responses from street traders, they mostly depend on public toilets at taxi ranks; however, these toilets are further away and in a very poor and unsanitary state. Clean and working toilets are accessed in the Murchison Mall and in surrounding formal business premises at a fee.

"We use public toilets and toilets from neighbouring shops such as salons" (Participant 4, 2019).

"As in now I'm holding it but I really need to go for a pee! Even if I have R2 to use the nearer toilets but they are closed and not working" (Participant 5, 2019*).*

The street traders therefore survive under difficult and unfavourable working conditions. People urinate anywhere and it smells:

"...look at the puddle of water over there, that's pee! People pee on cars and our storage containers, my container has a hole at the back, I want you to see it (inviting me in to see the hole inside) *you see it, two holes, corroded by pee"* (Participant 2, 2019).

Figure 10: A picture illustrating sanitary challenges (picture by researcher, 28 June 2019)

Figure 10 shows evidence using trading shacks to urinate, which in turns corrodes and damages trading stalls. Street traders have attempted to write a notice "*Akuchanywa la*" meaning

“urinating here is prohibited” in an attempt to stop this; however due to limited access to toilets, public urination continues. This shows that Ladysmith street traders attempt to keep their spaces clean and desire sanitary working conditions; therefore, this should drive the municipality to engage with street traders actively to find solutions to these challenges, rather than perceiving them as being the problem.

6.3.4 Bargaining for private overnight storage

Street traders in the ‘market’ and on Lyell Street are struggling in terms of storage spaces for safekeeping of goods overnight; storage is only available through negotiations with private owners, at a fee (Participant 4, 2019). While some street traders pay for transport to move goods from home to work stations daily, others are more fortunate and own vehicles to move goods home for safekeeping (Participant 1, 2019).

Whatever means are possible for accessing overnight storage facilities, this is cutting deeper into profits being generated by street traders as formal businesses impose high storage fees. The street trade leaders explained:

"We go around requesting to keep our stuff in neighbouring shops. They want high fees because they know we will pay whatever cost there is and we need their storage facilities. We have no storage facilities of our own" (Participant 7, 2019).

"Most of them store here in my container in the afternoon, and then I lock with my two padlocks. Thieves break in when they want to, not even when they want; they break in constantly. We are suffering badly because of thieves. We are not safe, there are no police" (Participant 2, 2019).

Some traders, like Participant 2 above, own secure containers and they allow fellow traders to store goods for safekeeping at a price. One of the storage owners mentioned that street traders pay R250 monthly for the storage service. However, these facilities are at risk because they are broken into, which therefore further shows security issues for these traders in their stalls (Interview, Participant 3, 2019).

The data shows no evidence of municipal assistance concerning the provision of storage facilities that are specifically for street traders in the Ladysmith CBD. This further exposes street traders to unfavourable working conditions, yet they survive amid storage difficulties. The above data therefore displays evidence that street traders have already entered negotiations with formal businesses to access storage facilities without any municipal intervention. Therefore, drawing from an inclusive and participatory planning point of view, in the design

of trading stalls along Lyell Street, the municipality overlooked the importance of overnight storage facilities. The design is suggested to have omitted the needs of street traders, therefore showing a non-inclusive approach.

6.3.5 "Informal" status deprives traders of a right to electricity

It was observed that at the fixed trading stalls at the Mackson's 'market', no electricity connections were in place. Traders use alternative sources to cook, such as coal and gas. A local trading association leader revealed at an interview that they tried getting electricity but that, because they are considered "informal", they failed:

"*You see! I failed to get electricity. As you can see the electricity is connected; the only thing missing is the recharger-prepaid meter to punch in an electricity token. Everything is working, but we were told that we have no right to obtain electricity because we are "informal". We lose a lot of business, we should be selling cool drinks here and all but we can't"* (Participant 2, 2019).

The above statement implies that because the street traders are "informal" they have no right to an electricity service and would only be eligible if they were "formal". This further suggests that service delivery in Ladysmith takes an incremental form and that there is a need to formalise these small businesses. Drawing from De Soto's notion in the literature, there is evidence that street traders earn a very low income that does not enable them to cope with the high costs of registering a formal business as imposed by government, which is why most of them operate without being formally registered (Olarinmoye 2017: 54).

The data indicates that Ladysmith traders are able to access services at a price; this would mean that they would be able to pay for municipal services if the municipality and traders engaged in meaningful negotiations towards taxation and the usage of that tax for the development of Ladysmith street traders' services.

6.3.6 Waste and pollution

The issue of waste and pollution emerged as a topic of concern in each of the interviews with street traders and the informal chamber committee meeting. This problem is exacerbated by the dumping structure that is placed in close proximity to where street traders in the Mackson's 'market' are clustered. Street traders addressed the issue at the informal chamber committee meeting: officials endorsed the contention that the issue of waste management needs to be tackled through collaboration between the street traders and the municipality, because street

traders are also contributors to waste. At an interview, a street trade respondent acknowledged their responsibilities towards waste and hygiene:

".... we won't expect the municipality to be responsible for hygiene. It is in our hands as street traders to keep our space clean, we must work together to keep it clean because it the place that WE work in" (Participant 5, 2019).

The above statement indicates that traders are aware of their actions that generate waste and that they are accountable for it. However, there is no other place for garbage disposal besides the bins situated in the CBD and in proximity to the street traders. This is evident in figure 11 below where corn peels and other waste is scattered around the bin:

Figure 11: Dumping site within the CBD and next to trading stalls (pictures by researcher, 27 April 2019)

Traders who are closer to the bins in the 'market' complained that they only see one person from the department of waste management deployed to clean and burn the garbage. Dissatisfied by this, they end up helping with waste collection in the area through paying homeless people to pick up waste and litter and put it in the bin to prevent it from scattering around their trading stalls. This challenges the perceptions that street traders are major contributors to pollution. The picture is more complicated than that; indeed in this study and elsewhere it is shown that they can help minimise waste from pollution (Matjomane 2013). The above waste is also generated by formal businesses in the Ladysmith CBD, but adversely affects street traders. Informal waste recycling is one of the activities that street traders engage in (Dias 2016: 377); however in this study no data emerged on this in relation to the market in Ladysmith. Informal

waste picking and recycling markets in Ladysmith is an area for further study as it could indicate another shared benefit of informal street trading in the city.

Access to dignified conditions such as trading spaces, water, toilets, electricity, storage facilities and clean environment are vital for any business, including those of informal street traders. The data bears evidence that Ladysmith street traders, especially at the Mackson's 'market' and in Lyell Street, are lacking in terms of access to dignified working conditions and they feel excluded from these services. Therefore, this evidence suggests that the municipality's approach to the provision of services for dignified working conditions is currently insufficient and that the street traders turn to private owners for help. These relationships with private owners can end up with street traders being exploited and having to pay high fees as they have no alternative means of accessing services. Traders lose customers and use most of their profits to pay for these private services. A developmental approach in the provision of services and mitigating tensions between local authorities and street traders would be possible through meaningful and inclusive development by adopting participatory planning practices such as active collective bargaining in forums or meetings (Horn 2014; SERI-SALGA 2018; Skinner, Reed and Harvey 2018).

6.4 Street traders' struggle for inclusion

The findings revealed that street traders in Ladysmith have united and formed local membership based organisations (Interviews, Official 1 and Participants 2 and 7, 2019). The leaders of these organisations are responsible for organising and representing traders in committee forums with the municipality and the organisation of street traders. These organisations exist so that street traders are able to advocate for inclusion, participation and decent working conditions. The ITSS stood out as a recognised local organisation and it extended its alliance to Ubumbano Traders Alliance in Durban and StreetNet as an approach towards strengthening advocacy alliances. Other local informal trade organisations are Intuthuko Yabadayisi and Zamanani. All of these organisations meet with their street trade members and discuss the issues they face collectively, and then write letters to challenge municipal decisions that affect them. A street trader who is also an ITSS leader confirms:

"We write the letter to the municipality and stipulate all our dissatisfaction and needs and then they issue a date for the meeting so that we can talk face to face" (Participant 2, 2019).

Drawing from the theory of insurgent planning, Ladysmith street traders and their local organisations have created a space for participation. In this space they collectively exercise

their rights to participate in local government development plans and receive adequate services (Miraftab 2009; Albrechts 2015). The committee member further explained that in their strategies, they choose to stay away from planning and engaging in protests because those with ulterior criminal motives take advantage of their peaceful strategy:

"We stopped our protest/strike actions because we are avoiding those who use our strikes as personal opportunities for themselves to burn and break in shops, that is not us, which is why we resolved to stop the protest actions"(Participant 2, 2019).

This illustrates that street traders in Ladysmith do not exercise their right to protest and prefer to engage with local government peacefully. They have created spaces of participation with the aim of retaining dignity for themselves and their business activities. This also indicates that Ladysmith street traders have the ability to self-govern, drawing from the presence of membership-based associations such as the ITSS, Intuthuko Yabadayisi and Zamanani, and the leaders of these organisations. This is further evidence that traders view themselves as reasonable business people who care about the city; therefore the municipality should engage in participatory and collaborative negotiations with them, to solve challenges and sustain the livelihoods of traders in Ladysmith.

6.5 Alternative survival arrangements

Street traders deal constantly with non-inclusive and repressive local government in terms of service delivery and recognition in cities and towns, therefore survival arrangements are vital for their livelihoods.

The data shows that street traders in Ladysmith feel marginalised and are not satisfied with municipal promises. Eight years after street traders marched on the street of Ladysmith with cries of exclusion and service delivery (StreetNet 2012), little has changed. The contents of the letter that was read by association leaders to municipal officials at the Informal Chamber Committee meeting complained that traders were really tired of "empty promises and fruitless meetings". Additionally, most street traders and association leaders conveyed their lack of trust in their negotiations with municipal officials (Interviews, Participants 1-7, 2019). This was also evidenced by the observation of trading spaces, which are polluted and not adequately serviced.

"It would be very nice to be accepted by the municipality. They should be truthful to what they promise us, but they are not truthful" (Participant 7, 2019).

"The change I would like to see is if the municipality provides us with adequate and safe trading stalls with electricity, water, and they should not be costly."(Participant 4, 2019).

Apart from organising to fight for municipal inclusion, street traders have also adopted strategies of survival to aid their businesses amid restrictions and limited service delivery. Paying for private services, such as storage, water and toilets are examples of these strategies. However the costs of these come at a high price for some traders. Some of street traders have chosen to limit the services and goods they provide because they lack tailor-made infrastructure (Interviews, Participants 2 and 4, 2019).

6.6 Formal and informal linkages

The informal economy has been associated with creating illegal competition with formal businesses because of their operations without legal frames and their locations close to formal businesses in CBDs (Willemse 2011; Roever and Skinner 2016). These associations have exacerbated the exclusion of informal traders in land use management and development.

Interviews with street traders revealed that Ladysmith street traders have informal arrangements with surrounding business to access water, toilets and storage spaces at an agreed price (Interviews, Participants 1-7, 2019). Street traders further added that they have no choice but to pay any fee imposed by formal businesses for their services because these businesses must pay bills as well.

"We pay every day because when we use toilets from shops, they want us to pay because they also pay for water bills and rental, and the little money I make goes to toilets as well" (Participant 5, 2019).

"They want high fees because they know we will pay whatever cost there is and we need their storage facilities. We have no storage facilities of our own" (Participant 7, 2019).

The data therefore shows that formal businesses are not always in competition and in fact actually make an income from traders. Street traders pay for services that contribute towards the income of formal businesses, enabling some formal businesses to generate an income through providing services to street traders to survive in their trading spaces. Consequently, the data derives that financial linkages between street traders and formal businesses in Ladysmith do exist. These include street traders paying formal businesses to access services that the municipality has failed to provide. This factor tends towards dismissing of the idea of competition: rather street traders and formal businesses appear to trade together with some

significant benefits to formal business (Meagher 2013; Roever 2014). Moreover, Ladysmith street traders emerge as willing business people who pay high fees on a daily basis to sustain their businesses.

Currently street traders in Ladysmith do not pay any registration fees. However an official pointed that they are in the process of imposing a fee structure as a form of formalisation and enabling street traders to pay tax:

"There is no application fee for now. Still, you know the municipality must also make money. So we are following right things such as why must they be charged, so it's those things that we are still fixing" (Official 1, 2019).

Therefore, judging from the street traders' willingness to pay private businesses for services, the municipality may well be successful in charging for permits. What needs to be negotiated is an engagement with street traders to draft and sign a memorandum of understanding and an agreement on the fee structure, and importantly, on the usage of those funds towards the development of street trade businesses in the CBD. For example, in Bamako, Mali, a taxpayer's census was conducted by traders and officials to determine the potential for traders to pay tax. This exercise helped in understanding the nature of traders, and the collected tax was used towards the provision of services for traders in Bamako (David et al. 2012).

Drawing from the reviewed literature on linkages, Roever (2014) reports that many street traders try to keep the street clean and safe for their customers, and they create jobs not only for themselves but also for porters, security guards, transport operators, storage providers, and others.

6.7 Participatory planning

The mission of the Alfred Duma Local Municipality is set out in the IDP (2019: 325) as promoting public participation in a manner that supports cooperative development and governance. The strategic goal is also to improve effectiveness of public participation in the municipality (Alfred Duma Local Municipality 2019: 326). The overall IDP has set out participatory planning approaches to improve its cooperative development and governance. This is done through holding community meetings with citizens to discuss and consider their inputs as receivers of development. Drawing from the IDP, this should be inclusive of street traders as citizens and stakeholders who are affected by the development of the Ladysmith CBD, particularly in the extension of the mall and the development of Lyell Street as a street that houses the majority of traders in the Ladysmith CBD.

The municipality further indicates in the IDP that "Some sections/departments within the Municipality such as Public Safety, Waste Management Section, Town Planning and the Building section have been engaged in a process of obtaining inputs and comments regarding the demarcation of sites for informal trading within the municipal areas" (Alfred Duma Local Municipality 2019: 251).

As discovered in the present research, the municipality portrays a framework for participatory planning by using meetings as tools for cooperation and inclusion. This is expected to enable the municipality to deliver services based on the needs presented by people. Regarding the demarcation of trading sites for informal traders, it was mentioned that municipalities are looking for inputs for the demarcation of these sites within the CBD. The municipality reflects an inclusive approach in the demarcation of sites; however, for it to be even more inclusive, the needs of street traders should be a driving force and this requires meaningful cooperation between municipal officials and street traders.

The Integrated Urban Development Framework of South Africa (Department of Cooperative Governance and Traditional Affairs 2016: 83) notes that the issue with local plans such as the IDP is that economic development strategies and policies are often dominated by wishful thinking, while practice and implementation do not resonate with the provisions of such local plans. This leaves a gap between national to local policy frameworks and the practices of implementing officials who repress and restrict street trading activities in the CBD. This certainly appears the case in Ladysmith, where participation is planned for on paper, but the experiences of traders in the city suggest exclusion and marginalisation in plans that directly impact on their livelihoods.

6.8 Formalisation

The formalisation of informal trading takes different participatory forms, including simplified, affordable and progressive fees and procedures. Organisation and representation is a form of formalisation that entails self-governance of traders, with communication channels that would enable collaboration between street traders and government, through their leaders from membership-based associations/organisations (WIEGO 2020).

However, municipalities impose high tax fees that traders cannot pay due to the limited income they earn. Taxation is therefore another form of exclusionary measure taken by municipalities to restrict street trading in CBDs (Skinner 2008b; Olarinmoye 2017). This research found that street traders in Ladysmith do not pay any rental fees to the municipality in their demarcated

areas; they also do not pay any application fee for the permits. It was further established that the municipality proposes to implement a fee structure that will enable the taxation of traders for the services that would be provided to them. An official explained:

"If we conclude the payment issue, these places can be able to work better because they would know that they are responsible for fees" (Interview, Official 1, 2019).

The above statement fits with exclusionary perceptions that see traders as operating out of illegal frameworks, associated with the non-payment of tax and negative public image by municipalities (Willemse 2011; WIEGO 2019); therefore taxing them is a way of registering and formalising them. In Ladysmith, street trade leadership exists in the form of membership-based organisations (e.g., ITSS), which foster channels of communication between traders and local government. Therefore, it is necessary that the municipality use these communication channels to consider the actual needs of street traders and agree on a fee and self-governance structure suitable for both traders and the municipality.

Formalisation of street traders should be considered in an inclusive and participatory approach. This research found that Ladysmith traders survive under difficult and less than decent working conditions with a shortage of trading spaces, lack of infrastructure and non-existence of storage facilities on trading sites. Drawing from these challenges, a participatory approach in formalisation would mean that the mentioned challenges could be a driving force that the municipality must consider in their taxation approach. The existing forums such as the monthly steering committee meeting and the Informal Chamber committee meetings should be the channels of negotiations used to negotiate collectively for the necessary services for decent working conditions. This would strengthen linkages between the municipality and the street traders, as both would benefit from the formalisation structure. It should be noted that formalisation is not a linear process but that it can take different approaches; also, it may take time and will require dedication and effort from all the parties involved (WIEGO 2020).

6.9 Review restrictive regulations

Legislation is constantly amended to fit the democratic era. Therefore, policies need to be constantly updated as well to ensure compliance with relevant legislation. In Ladysmith, municipal officials revealed that bylaws concerning the informal economy are very old and still need to be reviewed. During an interview, a municipal official stated that:

"...they are way too old; I won't even reveal the year because they're too old...as you know time changes and the place changes that means we have to review... Most areas were vacant

and restricted previously but now there are informal traders generating profits for a living operating under restriction, so the policies are still tight and repressing informal street traders." (Official 1, 2019).

Furthermore, another official mentioned that bylaws are updated but some of the clauses remain:

"...these are old bylaws that we enforce, we try to amend them but some of the contents remain." (Official 3, 2020).

These comments imply that municipal officials recognise that policies should change in order to comply with legislation, and to respond to socio-economic challenges within different contexts over time. The IUDF (South Africa. Department of Cooperative Governance and Traditional Affairs 2016: 85) notes that informal traders are seen as undesirable, marginal and survivalist, thus municipal regulations restrict these business activities, rather than supporting them because they are sources of livelihoods and future businesses. Drawing from Bénit-Gbaffou (2017), these perceptions have been motivated by repressive and restrictive apartheid planning policies towards the informal economy, and in addition policies and bylaws focus on the controlling and management of street trading instead of empowerment through participatory planning practices. Therefore old policies in Ladysmith lack innovation, and reflect the legacy of apartheid planning practices that saw street trading as a nuisance, thus further exacerbating the exclusion of street traders in the post-apartheid period.

The IUDF (South Africa. Department of Cooperative Governance and Traditional Affairs 2016:85) suggests that policies should accommodate informal economic activities supported by a planning system that does not see informal trading as a problem. This research has established that channels of communication and collaboration between traders and municipal officials do exist in Ladysmith; therefore, these should be used to engage meaningfully with traders in the review of policies and bylaws.

6.10 Conclusion

In this chapter, findings from interviews with key informants and direct observations were presented and analysed. The types of problematic issues such as permits, tax, demarcation plans, bylaws, relocation, and lack of services were identified as forms of exclusion of traders. This chapter concludes that there is some recognition of traders in the Ladysmith urban and economic development policies; however, implementation takes a non-inclusive form. The

absence of services that support traders in the CBD poses a major threat to their health and businesses. Although there is some leadership and representation by trader associations, the action on services delivery comes from personal negotiations between trader and formal businesses. These personal negotiations therefore indicate that there are deep linkages between formal and informal businesses in Ladysmith through private service provision and storage facilities. The structure of participatory governance of traders in Ladysmith is therefore inconsistent at best. There is potential to develop a participatory and inclusive governance structure in Ladysmith, by using and enhancing communication in all available forums. The municipality requires a better understanding of how street trading is linked into the fabric of the city, and some of the benefits it brings should be seen as challenging dominant assumptions about street trade in the city.

CHAPTER 7: SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSIONS

7.1 Introduction

The extent of participatory planning approaches which the Alfred Duma Local Municipality applies to Ladysmith CBD informal street traders was explored in this study. As evidenced by the interview responses and direct observations at the Alfred Duma Local municipality in Ladysmith, the absence of meaningful participatory planning approaches exacerbates the exclusion of street traders. This chapter presents a summary of the findings, followed by a conclusion and recommendations. The data was collected using qualitative methods of research and then analysed, and an exploratory single case study was done. The findings of the research are context dependent as opposed to generalisable. However, given the shared policies around participation and urban planning, as well as similar municipal structures and trader organisations in other urban areas in the country, these findings do hold interest and relevance for urban planners and local governments more broadly. The conclusions and recommendations presented in this study can further be explored in the context of cities and other small town centres. Small towns could present themselves as small nodes to pilot developmental approaches to participatory planning; these could then be further innovated and applied at city level.

7.2 Summary of findings

The main purpose of this study was to explore the ways that, and extent to which, participatory planning approaches are applied to street traders in Ladysmith. The sub-questions were formulated to address the research question and are restated as follows:

- How does the municipality approach the reality of informal street traders in Ladysmith?
- How are informal street traders organising their campaign for participation and service delivery?
- How does the municipality plan to address current and future development of street traders using participatory planning tools?

This section discusses the prominent findings from this study in line with the sub-questions.

Sub-question 1: How does the municipality approach the reality of informal street traders in Ladysmith?

Findings of this research revealed that there is lack of consistent governance and a participatory approach to Ladysmith street traders. The inclusion of traders is prioritised in local policies but implementation takes a restrictive turn as traders play no active role in the demarcation of new trading sites within the CBD. The demarcation plan was deemed by street traders as too restrictive, leading to trading spaces being hard to secure.

Municipal bylaws and the demarcation were found to be restrictive towards the demarcation of trading spaces in the CBD. Most notably, the demarcation plan is informed by the bylaws that enable the planning department to demarcate permitted and restricted zones for trading, thus the data constantly referred to the demarcation plan as restricting many trading spaces within the CBD. The restrictive nature of these frameworks causes the focus to be on ensuring the control of informal traders rather than facilitating conditions that are more favourable for informal traders to develop their small businesses.

Policies directed towards street trading are out of date and need to be reviewed. The older the policies, the more repressive they are, which contradicts Sustainable Development Goal 11 to make cities and human settlements inclusive, safe, resilient and sustainable (United Nations 2015). This, therefore, sees the continuation of the exclusion of street traders in the Ladysmith CBD. Municipalities shape the informal trading sector in their local communities through policy interventions as instructed by national government. The persistence of the exclusion of street traders is exacerbated by misalignment between legislation and municipal practice. While national urban development policies, e.g., the National Development Plan 2030 (NDP) (South Africa. National Planning Commission 2012) and the IUDF (South Africa. Department of Cooperative Governance and Traditional Affairs 2016) approach the reality of the informal economy through emphasis on creating an enabling business environment, inclusion and participatory planning, local government continues to manage traders in an exclusionary, top-down manner.

The CBD regeneration projects that prioritised the development projects for street traders were non-inclusive in the sense that traders were not consulted on the design standards of trading stalls or the location of new municipality-approved trading spaces. The approach of the Ladysmith Regeneration Strategy of 2010 prioritised participatory development and inclusion

of traders in the CBD regeneration projects (Alfred Duma Local Municipality 2010). However this approach was not echoed in implementation stages as traders were excluded from the process of design and location of trading stalls. Street traders objected to the relocation and to not being consulted on this project from the initial stages. Direct personal observation by the researcher confirmed that the new trading stalls on Forbes Street were located on the bank of the Klip River, away from foot traffic necessary for trade, and in a location prone to severe flooding. Reviewed literature conveyed that urban centres are gradually being privatised through the zoning of land for large corporate commercial development while land for informal livelihoods is limited. The municipal approach of delineating land away from the Ladysmith CBD without negotiating with street traders translates to non-inclusion in land use distribution and project implementation.

Discriminatory perceptions that align with the illegalist school around street trading are evident in some of the municipal official's interviews. Despite all the efforts that the municipality has made in trying to enhance the livelihoods of street traders, there are still exclusions in the allocation of spaces in the CBD. The municipality's eagerness to boost investor confidence by making the CBD clean, while allocating street trading spaces in alternative locations away from the CBD, illustrates the view that they negatively infringe on the urban fabric. This type of conduct is repressive and is related to reviewed literature regarding the notion of planning for modern, global cities without thinking through the inclusion of informal economic activities (Bénit-Gbaffou 2015: 9).

The municipality established channels of direct communication that enabled communications and negotiations between themselves and the informal trading communities, through monthly committee meetings with local membership-based organisation leaders. The street trade committee meets every month to make decisions on applications for trading permits and general issues set out in the monthly agenda. Although most of the street traders themselves are not part of the committee, they do communicate concerns with their representatives to be addressed at committee meetings with municipal officials. The sustainable livelihoods framework lists government as a structure that moulds or builds livelihoods. In line with this, municipalities should utilise communication channels to negotiate the provision of services that will enhance dignified working conditions through service delivery. It was noted in the literature that the success of Durban's street trading management approach was through commitment to the participation of all participants; this included a series of joint meetings, which included local government and other stakeholders (Chen *et al.* 2018: 21). This was a

progressive approach that entailed the improvement of working conditions for traders in Durban.

In relation to the above, the data in Ladysmith revealed that municipal channels of communication with traders do not yield favourable results in discussing the provision of services that will ensure decent working conditions for traders. This is evidenced by the lack of adequate services such as trading spaces, water, toilets, electricity, storage and clean environment as described by traders. The municipality's discriminatory perceptions are a driving force because the 'informal' status of traders limits their legitimacy in terms of participation and service delivery. In this situation, the current communication structures for negotiations for trading space conditions appear to fail traders, and are limited in their ability to address issues of participatory planning. This may be because of the technical push to only address issues of demarcation rather than broader issues of traders' concerns around service delivery and decent work.

Sub-question 2: How are informal street traders organising their campaign for participation and service delivery?

Ladysmith street traders organise their campaign for participation and service delivery through established local membership-based organisations (The Informal Traders Support Services (ITSS), Zamanani and Intuthuko Yabadayisi). The leaders of these organisations get together with traders to organise and discuss their issues collectively. The leaders then meet with municipals officials to submit and discuss the demands made. Evidence from these organisation leaders indicate that despite their attempts at advocating for inclusion and service delivery, exclusion and lack of basic services remain a challenge.

Alternative survival strategies for street traders include negotiations with surrounding private businesses to access services such as toilets and overnight storage facilities at a price. However these negotiations are done by traders in their individual capacities to bargain, and not for collective access. Trader organisations have not yet been successful in mobilising around infrastructural services for a dignified work place.

With these relationships, linkages between formal and informal businesses have been established in Ladysmith. Evidence from the data indicates that these businesses trade together, with formal businesses generating income by providing overnight storage and sanitary facilities for traders. This further implies that Ladysmith traders are willing to pay for services indirectly to formal business as they trade together.

It was established that Ladysmith traders do take action in cleaning the streets and taking care of their trading spaces. It was further established that street traders have opted for peaceful advocacy instead of engaging in protests. This is evidence that street traders have the ability for self-governance and that they are civilised business people.

Sub-question 3: How does the municipality plan to address current and future development of street traders using participatory planning tools?

This research established that the municipality is leaning towards formalisation through taxation as a plan to address the needs of traders. The municipal officials are of the belief that traders infringe tax regulations through operating informally, thus a step towards formalisation would be to implement a fee structure for informal businesses. Decisions with regard to the system of taxing traders are still under discussion.

The Ladysmith IDP states that the municipality is in continuous negotiations to delineate new trading spaces and to update restrictive regulations to enhance access to services and participation of street traders in development (Alfred Duma Local Municipality 2019). The municipality plans to use participatory planning approaches to improve its cooperative development and governance, which will be done through holding community meetings with citizens to discuss and consider their inputs as receivers of development. The municipality plans to engage with traders through committee meetings with traders' leaders; these structures are already in place. Street traders in Ladysmith have the potential to manage street trading in public spaces: this is motivated by the presence of the leadership of trader advocacy organisations, which also include traders themselves. Delegating the governance and management to street traders and their existing organisations could therefore be possible.

The disjuncture that occurred between participation stipulated on paper, i.e., the Ladysmith CBD Regeneration Strategy (Alfred Duma Local Municipality 2010), and the implementation of trading space designs and location, must serve as a learning curve for the municipality. Street traders must be included in the design and planning for the taxation system right from the beginning, to avoid similar resistance to that which occurred with the relocation to new trading stalls on Forbes Street.

Main research question: In what ways and to what extent are participatory planning approaches applied to street traders in Ladysmith?

Based on the qualitative analysis of participatory planning practices experienced and adopted by street traders and Ladysmith officials, it can be concluded that the extent of participatory planning with street traders in the Ladysmith CBD is weak. The municipality has not planned carefully for street trading; their attempts to enhance the informal economy (design standards, forced relocations) was overshadowed by lack of cooperation between local government and traders. Many areas within the CBD are restricted to make way for formal businesses, which hinders the livelihoods of informal traders in the CBD and exacerbates the problem of exclusion of street traders because they are considered to be invading restricted spaces. Given these findings, it would seem reasonable for the municipality to adopt practical approaches in the governance and development of street traders. There is a need to abandon the legacies of the apartheid regime entrenched in the narratives of practitioners by portraying the negative image of traders.

7.3 Recommendations for improving participatory planning for street traders

7.3.1 Governance and participation

The municipality needs to review its governance structure to accommodate practical and action-driven participation of street traders. Participation forums and street trading membership-based organising groups already exist, therefore the municipality should improve these forums by including private business owners, who are also stakeholders when it comes to street trading. External stakeholders who are interested in the informal economy, such as community leaders, academic students and researchers, would offer different insights in assisting traders and local government. In such forums, street traders should lead the negotiations while local practitioners facilitate and offer constructive expert inputs. External stakeholders would have various roles in terms of mediation, monitoring and evaluation of these negotiations.

Local policies and bylaws should protect and enhance street trading while retaining the image of the CBD (Bénit-Gbaffou 2017). This research established that street traders do clean the dumping site situated next to the formal businesses and trading stalls on Lyell Street, which shows traders to be responsible business people who keep public spaces clean and secure through their presence. The bylaws should allow for the demarcation of trading areas that will ensure the continuation of trading businesses. The Ladysmith case study discovered that traders are located in busy public spaces with high pedestrian and transport presence (near malls,

transport nodes, along public streets). Drawing from this, bylaws should allow for design standards that accommodate street traders in these spaces.

Local government practitioners should desist from imagining how traders would want to be developed. They should engage with traders meaningfully and on a regular basis make practical and implementable decisions. The municipality imagined that alternative locations would bring decent working conditions for traders, while these locations take away business from traders. The design of stalls in the CBD are caged with no overnight storage facilities, and they are open to weather conditions. This means that if there are rainy weeks, traders cannot work. The design should be driven by the needs of traders: they need protection from the sun, wind and rain while they work. Street traders, like all business people, desire a decent space to work. Street traders, this study shows, if enabled to participate, could be strong allies in making a workable and sustainable city.

7.3.2 Train municipal practitioners and traders on participatory governance

Municipal practitioners should be trained on governance and participatory methods to work with street traders to improve municipal practice. Progressive literature has been documented by leading researchers, government and non-governmental advocacy organisations on participatory governance and progressive approaches for street trading (Bénit-Gbaffou 2015; SERI-SALGA 2018; WIEGO 2019; Skinner and Reed 2020). These could be used as case studies to train municipal practitioners on participatory practices that uphold the rights of street traders and promote inclusive urban development. The Department of Cooperative Governance and Traditional Affairs as a provincial government entity that provides funding for the small town rehabilitation programme, should facilitate these trainings to ensure transparency in implementation of projects and the inclusion of traders in development projects.

Street traders also need to be trained on self-management and responsibilities in their trading stalls and public spaces. It is possible to delegate the management of street traders to their organisations, given that they receive proper training on the regulations necessary for managing land activities in CBDs.

7.3.3 Enhance existing linkages and decent working conditions

Existing linkages between formal and informal traders through the provision of storage facilities and transaction relationships should not be ignored but rather enhanced. It emerged from the data that these linkages are not always favourable for traders, as traders are charged

high fees by formal businesses. The inclusion of formal business owners as stakeholders in the governance structure will enhance collective bargaining among formal and informal traders, and the municipality in negotiating reasonable and affordable fees to enhance access and strengthen formal-informal business linkages.

Street traders have a right to decent working conditions: these working conditions are enhanced by access to basic services such as water, electricity and toilets. Ladysmith street traders were discovered to be working under undignified conditions, which are challenging for their business confidence and income generation. The municipality should improve street traders' working conditions by providing tailor-made services that are aligned to the needs of the street traders. The municipality should also encourage informal waste picking and recycling, which will reduce the amount of waste generated and dumped in the dumping bin on Lyell Street. This will assist in mitigating waste and environmental pollution exacerbated by the dumping bin in the CBD on Lyell Street.

7.4 Conclusion

The main question of this study enquired as to the ways in which, and extent to which, participatory planning approaches are applied to street traders in Ladysmith. In addressing the main question, sub-questions that allowed qualitative data collection and thematic analysis were designed. This study explored the local municipality's approach to street traders in Ladysmith, investigated the organisation of street traders in campaigning for participation and service delivery, and analysed the plans the municipality has for future participatory development of street traders. This research concluded that the extent of participatory planning in Ladysmith emerged to be restrictive towards street traders in the CBD. The data collected provided evidence of discourses around the exclusion of street traders; the inconsistency of municipal practices with policies and restrictive bylaws exacerbate exclusions. This data therefore relates to the vast body of literature that reports similar challenges faced by street traders in general (Skinner 2008; Willemse 2011; Roever and Skinner 2016; Bénit-Gbaffou 2018).

The recommendations of this study are largely practical. For implementation they require an inclusive level of advocacy and dedication among street traders and local government practitioners, not only in Ladysmith but also in all small urban nodes as well as in the informal economies in larger city centres. These recommendations also contribute to the theory of participatory planning and democratic development that continues to strive for participatory development in urban nodes and to uphold constitutional rights and livelihoods of citizens.

8. REFERENCES

Abdou, D. M. S. and El Adawy, N. S. 2018. Signals and Policies Required for Informal Markets: Evidence From Egypt & China. *International Journal of Service Science, Management and Engineering,* 5 (3): 84-92.

Abor, J. and Quartey, P. 2010. Issues in SME Development in Ghana and South Africa. *International Research Journal of Finance and Economics,* (39): 218-228.

Albrechts, L. 2015. Breaking out of the box: ingredients for a more radical planning. *Procedia-Social and Behavioral Sciences*, 184 (20): 104-110.

Alexander, P., Runciman, C., Ngwane, T., Moloto, B., Mokgele, K. and Van Staden, N. 2018. Frequency and turmoil: South Africa's community protests 2005–2017. *South African Crime Quarterly*, 63: 27-42.

Alfred Duma Local Municipality. 2010. *Ladysmith Regeneration Strategy*. Ladysmith: Alfred Duma Local Municipality.

Alfred Duma Local Municipality. 2018. *Alfred Duma Municipality Final Integrated Development Plan 2018-2019*. Ladysmith: Alfred Duma Local Municipality.

Alfred Duma Local Municipality. 2019. *Alfred Duma Municipality Final Integrated Development Plan 2019-2020*. Ladysmith: Alfred Duma Local Municipality.

Alhojailan, M. I. 2012. Thematic analysis: A critical review of its process and evaluation. *West East Journal of Social Sciences*, 1 (1): 39-47.

Bénit-Gbaffou, C. 2015. In Quest for Sustainable Models of Street Trading Management: Lessons for Johannesburg after Operation Clean Sweep. Johannesburg, South Africa: University of the Witwatersrand, School of Architecture and Planning, Centre for Urbanism and Built Environment Studies.

Bénit-Gbaffou, C. 2016. Do street traders have the 'right to the city'? The politics of street trader organisations in inner city Johannesburg, post-Operation Clean Sweep. *Third World Quarterly*, 37 (6): 1102-1129.

Bénit-Gbaffou, C. 2017. Governing street trading in contemporary cities. Anatomy of the policy instruments used by the City of Johannesburg in the post-apartheid era. *Urban Research & Practice*: 1-30.

Bénit-Gbaffou, C. 2018. Beyond the Policy-Implementation Gap: How the City of Johannesburg Manufactured the Ungovernability of Street Trading. *The Journal of Development Studies*, 54 (12): 2149-2167.

Benson, J. 2006. *Regulating Street Vendors in New York City: Case Studies*. Master of Science in Urban Planning, Columbia University, New York.

Boddy, C. R. 2016. Sample size for qualitative research. *Qualitative Market Research: An International Journal*, 19 (4): 426-432.

Boeije, H. and Hox, J. 2005. Data collection, primary vs. secondary. *Encyclopedia of Social Measurement*, 1: 593-599.

Böhme, M. H. and Thiele, R. 2014. Informal–Formal Linkages and Informal Enterprise Performance in Urban West Africa. *The European Journal of Development Research*, 26 (4): 473-489.

Bromley, R. 2000. Street vending and public policy: a global review. *International Journal of Sociology and Social Policy*, 20 (1/2): 1-28.

Brown, A. 2015. Claiming the streets: property rights and legal empowerment in the urban informal economy. *World Development*, 76: 238-248.

Brown, G., Sanders, S. and Reed, P. 2018. Using public participatory mapping to inform general land use planning and zoning. *Landscape and Urban Planning*, 177: 64-74.

Campbell, H. and Marshall, R. 2002. Utilitarianism's Bad Breath? A re-evaluation of the Public Interest for Planning. In: Fainstein, S. S. and Campbell, S. eds. 1996. *Readings in Planning Theory*. Third edn. Hoboken: Blackwell Publishing Ltd.

Carr, C. 2020. For street vendors, finding water and toilets isn't just a nuisance, it's cutting into earnings .In: WIEGO Team .eds. 2020. *Street Vendors and Public Space: essential insights on key trends and solutions* (online). Manchester: WIEGO. Available: https://www.wiego.org/resources/street-vendors-and-public-space-interactive-e-book (Accessed 03 March 2020)

Castells, M. 1989. World Underneath: The Origins, Dynamics, and Effects of the Informal Economy. In: Portes, A., Castells, M. and Benton, L.A .eds. 1989. *The Informal Economy: Studies in advanced and less developed countries*. Baltimore: Johns Hopkins University Press.

Chambers, R. and Conway, G. 1992. *Sustainable rural livelihoods: Practical concepts for 21st century*. Cambridge: Institute of Development Studies.

Chen, M., Harvey, J., Kihato, C. W. and Skinner, C. 2018. *Inclusive Public Spaces for Informal Livelihoods: A Discussion Paper for Urban Planners and Policy Makers*. Manchester, UK: WIEGO.

Coetzee, J. and Oranje, M. 2006. Power dynamics in a transforming local authority-planning environment: the Tshwane experience. *Town and Regional Planning*, 50: 1-12.

Conley, P. 2018. Empowering Market Traders in Warwick Junction, Durban, South Africa (online). Manchester: WIEGO. Available : https://www.wiego.org/resources/empowering-market-traders-warwick-junction-durban-south-africa-0 (Accessed 13 November 2019).

Creswell, J. W. 2009. *Research design: Qualitative, quantitative, and mixed methods approaches*. Los angeles: University of Nebraska–Lincoln.

Creswell, J. W. and Creswell, J. D. 2017. *Research design: Qualitative, quantitative, and mixed methods approaches*. 3rd ed. New York: Sage publications.

David, S., Ulrich, O., Zelezeck, S. and Majoe, N. 2012. Managing Informality: Local government practices and approaches towards the informal economy. Learning examples from five African countries. Report prepared for the South African LED Network, SALGA and LEDNA.

Davidoff, P. 1965. Advocacy and pluralism in planning. *Journal of the American Institute of planners*, 31 (4): 331-338.

Davids, I., Theron, F. and Maphunye, K. J. 2005. *Participatory Development in South Africa*. Pretoria: Van Schaik Publishers.

Dias, S. M. 2016. Waste pickers and cities. *Environment and Urbanization*, 28 (2): 375-390.

Department of Cooperative Governance and Traditional Affairs Evaluation and research team. 2017. *Implementation evaluation of Small town rehabilitation programme report*. Available: http://www.kzncogta.gov.za/wp-content/uploads/2017/09/Programme-3-Implementation-Evaluation-STR-Final-Report-2016-2017-.pdf. (Accessed 28 October 2020)

Duminy, J. 2011. Literature survey: Informality and planning. Being a literature survey complied for the Urban Policies Programme of the policy-research network Women in informal Employment: Globalizing and Organizing. Manchester: WIEGO.

Elling, B. 2017. Communicative planning as counter-power. *International Planning Studies*, 22 (3): 226-241.

Ethekwini Metropolitan Municipality. 2001. Durban Informal Economy policy. Durban: Ethekwini municipality.

Fainstein, S. S. 2000. New Directions in Planning Theory. *Urban Affairs Review*, 35 (4): 451-478.

Flyvbjerg, B. 2002. Bringing Power to Planning Research: One Researcher's Praxis Story. *Journal of Planning Education and Research*, 21 (4): 353-366.

Flyvbjerg, B. 2006. Five misunderstandings about case-study research. *Qualitative inquiry*, 12 (2): 219-245.

Fourie, F. ed. 2018. *The South African Informal Sectory: Creating jobs, reducing poverty: why the informal sector should be taken seriously and enabled properly*. Pretoria: HSRC Press.

Gerxhani, K. 2004. The informal sector in developed and less developed countries: a literature survey. *Public Choice*, 120 (3-4): 267-300.

Gibson, J., Hendricks, M. D. and Wells, J. C. 2019. From engagement to empowerment: how heritage professionals can incorporate participatory methods in disaster recovery to better serve socially vulnerable groups. *International Journal of Heritage Studies*, 25 (6): 596-610.

Giddens, A. 1982. *The Theory of Structuration: a Critique*. Los Angeles: University of California Press.

Guest, G., Bunce, A. and Johnson, L. 2006. How many interviews are enough? An experiment with data saturation and variability. *Field methods*, 18 (1): 59-82.

Gunder, M. 2010. Planning as the ideology of (neoliberal) space. *Planning Theory*, 9 (4): 298-314.

Guse, C. 2020. NYPD to no longer enforce unlicensed street vendors, but many sellers remain in legal gray area. *New York Daily News* (online), June 07. Available: https://www.nydailynews.com/new-york/ny-street-vendor-de-blasio-20200607-z4stxaqsdvgllbhyzjqd7p7f6m-story.html (Accessed 08 June 2020).

Hague, C., Kirk, K., Higgins, M., Prior, A., Jenkins, P., Smith, H., Elwood, S., Papadopoulos, A., Hague, E. and Grimes, W. 2003. Participatory planning for sustainable communities. *London: Office of the Deputy Prime Minister*.

Harris, N. 2002. Collaborative Planning. In: Allmendinger, P. and Tewder Jones, M. eds. 2002. *Planning Futures: New Directions in Planning Theory*. London: Routledge.

Harvey, D. 2008. The right to the city. *The City Reader*, *6*(1), 23-40.

Healey, P. 1992. Planning through debate: The communicative turn in planning theory. *Town planning review*, 63 (2): 143.

Healey, P. 2003. Collaborative Planning in Perspective. *Planning Theory*, 2 (2): 101-123.

Horn, A. 2011. Who's out there? A profile of informal traders in four South African city central business districts. *Town and Regional Planning*, 59: 1-6.

Horn, P. 2014. *Collective bargaining in the informal economy: Street vendors.* Manchester, UK: WIEGO.

Huchzermeyer, M. 2011. *Cities with 'Slums': From Informal Settlement Eradication to a Right to the City in Africa*. Cape Town: UCT Press.

Hudson, B. M., Galloway, T. D. and Kaufman, J. L. 1979. Comparison of current planning theories: Counterparts and contradictions. *Journal of the American Planning Association*, 45 (4): 387-398.

Innes, J. E. and Booher, D. E. 2015. A turning point for planning theory? Overcoming dividing discourses. *Planning Theory*, 14 (2): 195-213.

Jacobs, W. and Du Plessis, D. J. 2016. A spatial perspective of the patterns and characteristics of main- and substream migration to the Western Cape, South Africa. In: *Proceedings of Urban Forum*. Springer, 167-185.

Khumalo, S. M. S. 2015. The role of informal trading in economic development : The case study of Mtubatuba. Unpublished Master of Commerce dissertation, University of KwaZulu-Natal, Durban.

Kothari, C. R. 2004. *Research Methodology: Methods and Techniques*. 2nd revised ed. New Delhi: New Age International Publishers.

Krantz, L. 2001. *The Sustainable Livelihood Approach to Poverty Reduction*. Stockholm: Swedish International Development Cooperation Agency.

Lande, K. 2014. A search for progressive street trading management model: Understanding the principles of the Park Station Street Trading Management Model. Unpublished Bachelor of Science with Honours dissertation in Urban and Regional Planning, University of the Witwatersrand, Johannesburg.

Lemanski, C. 2007. Global cities in the south: deepening social and spatial polarisation in Cape Town. *Cities*, 24 (6):48-461.

Levy, J. M. 2009. *Contemporary Urban Planning*. 8th ed. New Jersey: Pearson Prentice Hall.

Lindell, I. 2019. Introduction: re-spatialising urban informality: reconsidering the spatial politics of street work in the global South. *International Development Planning Review*, 41 (1): 3-21.

Lund, F., Nicholson, J. and Skinner, C. 2000. *Street trading*. Durban: University of Natal, School of Development Studies.

Mason, D. P. 2016. Common agency in nonprofit advocacy organisations. *Nonprofit Management and Leadership*, 27 (1): 11-26.

Matjomane, M. D. 2013. Strategies used by Street Traders' Organisations to Influence Trading Policy and Management in the City of Johannesburg. Unpublished MSc in Town and Regional Planning, University of the Witwatersrand, Johannesburg.

McCusker, K. and Gunaydin, S. 2015. Research using qualitative, quantitative or mixed methods and choice based on the research. *Perfusion*, 30 (7): 537-542.

Meagher, K. 2013. *Unlocking the informal economy: A literature review on linkages between formal and informal economies in developing countries*. Manchester: WIEGO.

Mehrotra, R. 2020. Urban design: Imaginations beyond architecture. In: Chen M. and Carre, F. eds. 2020. *The Informal Economy Revisited: Examining the past, envisioning the future* (online). Abingdon: Routledge. Available: https://www.wiego.org/publications/informal-economy-revisited-examining-past-envisioning-future (Accessed 26 August 2020).

Meikle, S., Ramasut, T. and Walker, J. 2001. Sustainable Urban Livelihoods: Concepts and Implications for Policy. London: University of London.

Mendez, P. 2017. Linkages between the formal and informal sectors in a Canadian housing market: Vancouver and its secondary suite rentals. *Canadian Geographer-Geographe Canadien*, 61 (4): 550-563.

Miraftab, F. 2009. Insurgent Planning: Situating Radical Planning in the Global South. *Planning Theory*, 8 (1): 32-50.

Moloi, R. 2014. Exploring the barriers to the sustainability of spaza shops In Atteridgeville, Tshwane. Unpublished Master of Arts dissertation, University of South Africa, Pretoria.

Olarinmoye, A. 2017. Informal sector economic organisations and good governance in Nigeria. *Online Journal of Arts, Management & Social Sciences*, 2 (2).

Roberts, K., Dowell, A. and Nie, J.-B. 2019. Attempting rigour and replicability in thematic analysis of qualitative research data; a case study of codebook development. *BMC medical research methodology*, 19 (1): 66.

Rodriguez, M. B. 2014. Democratic planning processes for diversity, difference and minorities. *URBS. Revista de Estudios Urbanos y Ciencias Sociales*, 4 (2): 9-24.

Roever, S. 2014. *Informal Economy Management Study Sector Report: Street Vendors*. Cambridge: WIEGO.

Roever, S. 2016. Informal Trade Meets Informal Governance: Street Vendors and Legal Reform in India, South Africa, and Peru. *Cityscape*, 18 (1): 26-46.

Roever, S. and Skinner, C. 2016. Street vendors and cities. *Environment and Urbanization*, 28 (2): 359-374.

Rogan, M. 2019. *Informal Workers in Urban South Africa: A Statistical Snapshot*. Women in Informal Employment: Globalizing and Organizing. Available: https://www.wiego.org/publications/informal-workers-urban-south-africa-statistical-snapshot (Accessed 07 November 2019).

Roy, A. 2007. Urban Informality: Toward an Epistemology of Planning. *Journal of the American Planning Association*, 71 (2): 147-158.

Sassen, S. 2014. *Future Cape Town: Why Informal Traders Should matter to a Global City*. Available: http://futurecapetown.com/2014/09/street-traders-in-cape-town/ (Accessed 07 November 2019).

Schermbrucker, N. and Jack, O. 2019. *Small Towns are Missing the Chance to Change Apartheid's Geography*. Available: https://www.groundup.org.za/article/small-towns-are-missing-chance-change-apartheids-geography/ (Accessed 13 November 2019).

SERI-SALGA. 2018. *Towards Recommendations on the Regulation of Informal Trade at Local Government Level*. Available http://www.seri-sa.org/images/SERI_SALGA_Informal_Trade_Discussion_Doc_WEB.pdf (Accessed 11 June 2019).

Shora, B. 2018. *A Cat and Mouse Affair: Exploring Sustainable Measures of Resolving the Vendor-Local Authority Conflict: A Case of Maronder*. Harare: Mwanaka Media and Publishing.

Sissoko, S. 2013. Delegating the management of markets to informal traders: The case of Bamako (Mali). In: David, S., Ulrich, O., Zelezeck, S. and Majoe, N. eds. 2012. Managing informality: Local government practices and approaches towards the informal economy-Learning examples from five African countries. Report prepared for the South African LED Network, SALGA and LEDNA.

Skinner, C. 2008a. Street Trade in Africa: A Review. Durban: School of Development Studies University of KwaZulu Natal.

Skinner, C. 2008b. The struggle for the streets: Processes of exclusion and inclusion of street traders in Durban, South Africa. *Development Southern Africa*, 25 (2): 227-242.

Skinner, C. and Reed, S. O. 2020. Myths and facts about street vendors. In: WIEGO .eds. 2020. *Street Vendors and Public Space: essential insights on key trends and solutions* (online). Manchester: WIEGO. Available: https://www.wiego.org/resources/street-vendors-and-public-space-interactive-e-book (Accessed 03 March 2020).

Skinner, C., Reed, S. O. and Harvey, J. 2018. *Supporting Informal Livelihoods in Public Space: A toolkit for public authorities*. Prepared by WIEGO for the Cities Alliance Joint Work Programme for Equitable Economic Growth in Cities. Manchester, UK: WIEGO.

Skinner, C. and Watson, V. 2017. Extent of informality in urban Africa. Paper presented at the WIEGO 20th Anniversary Research Conference. Harvard University, WIEGO.

Skinner, C. and Watson, V. 2020. The informal economy in urban Africa: Challenging planning theory and praxis. In*:* Chen, M. and Carre, F. eds. 2020. *The Informal Economy Revisited: Examining the past, envisioning the future* (online). Abingdon: Routledge. Available: https://www.wiego.org/publications/informal-economy-revisited-examining-past-envisioning-future (Accessed 26 August 2020).

Smith, R. W. 1973. A Theoretical Basis for Participatory Planning. *Policy Sciences*, 4 (3): 275-295.

South Africa. 1996a. *Constitution of the Republic of South Africa Act No. 108 of 1996*. Pretoria: Government Gazette.

South Africa. 1996b. *National Small Business Act No. 102 of 1996*. Pretoria: Government printers.

South Africa. 1998. *White Paper on Local Government*. Pretoria: Government Printers.

South Africa. 2003. *National Small Business Amendment Act No. 26 of 2003*. Pretoria: Government Printers.

South Africa. Department of Trade and Industry. 1995. *White paper on national strategy for the development and promotion of small business in South Africa*. Pretoria: Government Printers.

South Africa. Department of Constitutional Development. 1998. *White Paper on Local Government.* Pretoria: Department of Constitutional Development.

South Africa. Department of Cooperative Governance and Traditional Affairs. 2016. *Integrated Urban Development Framework (IUDF)*. Pretoria: Department of Cooperative Governance and Traditional Affairs.

South Africa. Department of Rural Development and Land Reform. 2019. *Draft National Spatial Development Framework*. Pretoria: DRDLR.

South Africa. National Planning Commission. 2012. *National Development Plan 2030 (NDP)*. Pretoria: National Planning Commision. Available: https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf (Accessed 21 September 2020).

Starman, A. B. 2013. The case study as a type of qualitative research. *Journal of Contemporary Educational Studies*, 1: 28-43.

StreetNet. 2012. *Ladysmith Informal Traders Unite to Resist Forced Removal of Street Barbers to Flood Prone Area Without Alternatives or Negotiation*. Available: http://streetnet.org.za/2012/08/16/ladysmith-informal-traders-unite-to-resist-forced-removal-of-street-barbers-to-flood-prone-area-without-alternatives-or-negotiation/ (Accessed 01 June 2017).

United Nations. 2015. Sustatinable development goals. Available: https://sdgs.un.org/goals (Accessed 16 October 2020).

Tala, L. and Zhanje, S. 2015. Mushrooming Local Informal Businesses: A Catalyst for Local Economic Development in South Africa. In: Sebola, M. P., Mkhonza, R. M., Dipholo, K. B., Mafunisa, M. J. and Manyaka, R. K. eds. *SAAPAM 4th annual conference proceedings*. Limpopo, 2015. Pretoria: SAAPAM. 223-238.

Tambunan, T. 2009. Women Entreprenuers in Indonesia: Their main constraints and reasons. *Journal of Asia Entrepreneurship and Sustainability*, 5 (3): 37-51.

Todes, A. 2008. Rethinking spatial planning. *Stads-en Streeksbeplanning/Town and Regional Planning*, (53): 9-13.

Turok, I. and Borel-Saladin, J. 2014. Is Urbanisation in South Africa on a Sustainable Trajectory? *Development Southern Africa*, 31 (5): 675-691.

van Schilfgaarde, K. 2013. The Trajectory of Warwick Junction as a Site of Inclusivity in Post-Apartheid South Africa (online). Independent study project (ISP) collection. 1672. Available: https://digitalcollections.sit.edu/cgi/viewcontent.cgi?article=2696&context=isp_collection (Accessed 17 October 2020). (2013). *Independent Study Project (ISP) Collection*. 1672.

Watson, V. 2016. Shifting approaches to planning theory: global north and south. *Urban Planning*, 1 (4): 32-41.

WIEGO. 2013. *History and Debates*. Available: https://www.wiego.org/informal-economy/history-debates (Accessed 07 July 2020).

WIEGO. 2019. *Ending the "Shadow Economy" Myth*. Available: https://www.wiego.org/informal-economy (Accessed 07 November 2019).

WIEGO. 2020. *Rethinking Formalization*. Available: https://www.wiego.org/rethinking-formalization (Accessed 27 January 2020).

Willemse, L. 2011. Opportunities and constraints facing informal street traders: Evidence from four South African cities. *Town and Regional Planning*, 59: 7-15.

Yazan, B. 2015. Three Approaches to Case Study Methods in Education: Yin, Merriam, and Stake. *The Qualitative Report*, 20 (2): 134-152.

Zainal, Z. 2007. Case study as a research method. *Jurnal Kemanusiaan*, 5(1).

Zhang, Y. and Wildemuth, B. 2009. Unstructured interviews. In: Wildemuth, B. ed. 2009. *Applications of social research methods to questions in information and library science*. Westport: Libraries unlimited, 222-231.

Zoomers, A., Van Noorloos, F., Otsuki, K., Steel, G. and Van Westen, G. 2017. The rush for land in an urbanizing world: From land grabbing toward developing safe, resilient, and sustainable cities and landscapes. *World Development*, 92: 242-252.

Zululand Observer. 2018. *uMlalazi Municipality acts against illegal street traders*. Available: https://www.google.com/amp/szululandobserver.co.za/163307/muicipality-acts-illegal-street-traders/amp (Accessed 23 April 2020).

DURBAN UNIVERSITY OF TECHNOLOGY
INYUVESI YASETHEKWINI YEZOBUCHWEPHESHE

APPENDIX A: INTERVIEW QUESTIONS

Semi structured interview questions for Alfred Duma local municipality officials.

Name of Interviewer: Ntobeko Mlotshwa	**Date: 09 & 07 July 2019, 24 January 2020**
Respondents: 4x Municipal Officials	**Time: 11:00 to 13:00**
	Place: Alfred Duma Municipal offices

1. What is your role in the Alfred Duma Local Municipality concerning street trading governance?
2. What is the registration process for street traders?
3. Are there informal trading bylaws or policies that are directed towards street traders and how are they communicated to the informal street trading community?
4. When last were the policies and bylaws reviewed?
5. Are there any informal street trader associations or organisations working with informal traders and municipal departments?
6. How does the municipality ensure the inclusion of informal street traders in development plans? What other participatory tools are being employed?
7. So how often do project steering committee meetings take place?
8. What in your view are the most successful forms of participation in relation to informal street traders? How can we approach and include them to be an inclusive department?
9. What are some of the obstacles to participatory planning around street trading?
10. What are your comments regarding the informal trader's access to basic services? i.e water, electricity, infrastructure; those basic services that help street traders.
11. What are the Municipality's plans for addressing the informal traders' grievances in supporting their economic activities in order to enhance their livelihoods?
12. What were the plans for the current trading space (adjacent to Mackson's supermarket) had the relocation of traders been successful?
13. Are there any identified sites to be demarcated for informal trading currently?

Interviewer: Thank you very much for your time.

SEMI STRUCTURED INTERVIEW QUESTIONS FOR INFORMAL STREET TRADERS.

Name of Interviewer: Ntobeko Mlotshwa	**Date: 28 June 2019**
Respondents: 7x Street traders	**Time: 09: 00 to 13: 00**
Trading structure: Mainly shacks and no structures	**Place: Ladysmith CBD (Lyell Street)**

1. What are the procedures for registration of permit to trade here at the municipality?
2. How do you access basic services such as water, ablution facilities, and electricity for your business?
3. How do you and other street traders access overnight storage?
4. Are you happy with your trading space now?
5. What change would you like to see in order to work better?
6. There was a time when traders were told to move to Forbes Street, how were you informed about relocation and how did you feel about it?
7. How do you address your grievances for inclusion and participation in service delivery the development that affects you to the municipality?
8. Do you belong to any informal traders association?

Interviewer: Thank you very much for your time.