

Exploring the Dangerous Disconnect Between Perspectives, Planning, Policy, and Practice Towards Informal Traders in Durban, South Africa

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Abstract

While cities pursue recognition on the global scale, low-income populations are often negatively impacted by urban growth. Informal workers in Durban, South Africa have fallen victim to this trend, as the municipality's focus shifts to drawing international investment and cleaning up the city. In this article, I explore the question: How do municipal employee perspectives, current planning and policy documents, and current practice in the city align regarding treatment of informal traders in Durban, South Africa? I find a disconnect between current well-intended perspectives and planning with policy and its enforcement in practice. This disconnect must be addressed to protect informal traders in Durban.

Keywords: Informal Trade, Street Vending, Informal Economy, Social Planning, Urban Governance

Introduction

While cities pursue recognition on the global scale, low-income populations are often negatively impacted by urban growth. Informal workers in Durban, South Africa have fallen victim to this trend, as the municipality's focus shifts to drawing international investment and cleaning up the city. Informal traders, defined as anyone who trades goods or services and is not employed in a position that complies with official tax and business regulations, are very prominent in the municipality. A recent census estimated there are nearly 50,000 informal traders in the metropolitan region (StreetNet International 2010). Though many people depend on informal work as their main source of income, traders generally lack support in the inner city and must adhere to strict guidelines. Meanwhile, municipal staff and planning documents speak of supporting traders and respecting their field as a vibrant contributor to the municipality's economy and culture (eThekweni Municipality 2016a).

Given that Durban is a globalizing city, it is undergoing changes in labour structure (Buechler 2006). Durban was previously industrial-focused and relied mostly on production and port activities. Now, the economy is much more diverse, with a growing interest in the financial, real estate, and creative sectors, but a shrinking portion of production jobs. This change in labour structures has been noted in several lines of global cities theory (Cohen, Dear, and Scott 2006; Buechler 2006). However, this change has a devastating effect on low-income populations. Traditionally, low-income people in Durban worked in agriculture or production, but since those jobs are decreasing,

people are increasingly becoming unemployed. To cope with this, many work informally as traders, trolley pullers, mealie cookers, taxi drivers, recyclers, etc. The municipality recognises this trend in their public documents, stating that “when jobs are shed in the formal sector, it often means that people seek employment in the informal sector” (Machen 2011).

It is an essential time to ensure that informal traders in Durban are adequately protected and provided for, since it is an ever-growing field and necessary for many families’ survival. The municipality has been increasing regulation of traders in recent years, to both protect the traders and improve the city for international investment. Heavy regulation of informal trade has played out negatively in other cities that are striving to be global, since informality is perceived as unsightly and forbidden from areas where the municipality is trying to attract international tourism and capital (Schindler 2014; Donovan 2008). However, regulation may also play out in favour of informal workers, since they have increased access to safe and clean work environments (Alfers, Xulu, and Dobson 2016; Donovan 2008).

Despite well-intended municipal perspectives, planning, and policy, current practice is increasingly punitive toward informal traders. This punitive practice arose as the municipality began preparations for the 2010 FIFA World Cup and has continued with efforts to renew the inner city (Xulu 2015). The municipality is conducting formal “clean-up” operations to make the city appear desirable for foreign investment. This paper focusses on informal traders, since they are one of the largest segments of informal workers in the city (along with paratransit). It is also a prudent time to examine planning and policy documents since the new Inner City Local Area Plan and associated Warwick Precinct Plan, where the majority of traders work, were approved at the end of 2016 (eThekweni Municipality 2016b; eThekweni Municipality 2016a). Additionally, the municipality approved a new bylaw applicable to traders in 2016 and plans to amend another in 2018 (Xulu 2015; eThekweni Municipality 2017; eThekweni Municipality 2015). Thus, this paper will examine informal trade in the inner city, with around 21,000 estimated traders, specifically referencing Warwick Junction where the markets are located, with over 8,000 estimated traders (StreetNet International 2010). In doing so, the paper will explore the question: How do municipal employee perspectives, current planning and policy documents, and current practice in the city align regarding treatment of informal traders in Durban, South Africa? This exploration will help inform where there is a disconnect between good intentions and the current punitive practice towards traders.

Study Area

Durban is the third largest city in South Africa. It is a regional municipality with a population of 2.44 million and an annual budget over 26 billion rand (roughly \$2.6 billion Canadian; (eThekweni Municipality 2011). Further, it is outperforming the national economy in terms of GDP, Gini coefficient, and unemployment rate (Machen 2011).

The municipality itself aims to be the most livable, vibrant, and caring city in all of Africa by 2030, which speaks to its lofty global goals (eThekweni Municipality 2011). It is known as a cultural melting pot, characterized largely by Zulu, Indian, and mixed-race individuals with vibrant traditions (Machen 2011). However, due to the shifts in economy and labour structure that come with becoming a global city (deindustrialization, polarization, etc.), 21% of the population experiences unemployment (Cohen, Dear, and Scott 2006; eThekweni Municipality 2011). This unemployment is feeding into an ever-growing informal economic sector in the inner city, with street traders and informal supporters for these traders, such as paratransit, trolley pullers, and recyclers (Dobson et al. 2009; eThekweni Municipality 2016a; StreetNet International 2010).

Despite the negative connotation that could come with unemployment, many of these people are resilient and make their livings informally. This informality is often more connected to cultural heritage than formal employment. There is a widespread recognition in the city that those involved in the informal economy are a vital part of their society, so planning and policy are attempting to embrace cultural heritage and create better work spaces for informal traders in the urban realm (eThekweni Municipality 2016a; Dobson et al. 2009). This was approached early on through the Warwick Market project, which invested over 40 million rand to create a vibrant market space for informal traders through urban design interventions (Dobson et al. 2009; Alfery, Xulu, and Dobson 2016). Today, it is being addressed with the new Inner City Local Area Plan (eThekweni Municipality 2016a). This paper focusses specifically on the inner city, located on the northern edge of the port, and the Warwick Precinct, which is the southwest corner of the inner city and entrance to the central business district.

Background

The Warwick Junction Pilot Project in Durban is largely recognised in academic research. Authors like Lund and Skinner have written extensively about the history of trade in the inner city from colonial times through Apartheid and into the current planning regime (Chazan 2010; Skinner and Valodia 2003; Skinner 2008; Lund and Skinner 2004). Since the early 1990s, when the Warwick Junction Pilot Project first started and involved traders in the development of and investment in organized markets, Durban has been recognised for its success with informal trading (Skinner 2008; Skinner and Valodia 2003; Lund and Skinner 2004). Often, literature about informal trade in other cities states that traders lack organization and collective voice to negotiate with the local government for space in the public realm (Forkuor, Akuoko, and Yeboah 2017; Goodfellow 2016; Roever and Skinner 2016; Brown, Lyons, and Dankoco 2010). These studies reference Durban as the best example of involving trading associations in local governance and management processes of the markets (Goodfellow 2016; Roever and Skinner 2016).

While Durban had early success integrating the informal economy into their economic development and planning strategies, momentum died down when the FIFA World Cup was hosted by Durban in 2010 (Mkhize, Dube, and Skinner 2013; Skinner

2008). The FIFA World Cup brought on relocation and punitive enforcement of informal traders to clean up the inner city for the eyes of the world (Mkhize, Dube, and Skinner 2013). This was the beginning of the disconnect between perspectives in planning and actual policies and practices towards informal traders. After a decade of successful support for informal workers through the Warwick Junction Pilot Project, practices started to become punitive toward informal traders in the mid-2000s (Xulu 2015). This type of punitive practice toward informal traders occurs in many other cities in the world and is more common when thinking about how traders are treated by their respective local governments (Forkuor, Akuoko, and Yeboah 2017; Schindler 2014; Donovan 2008). These cities aim to formalize traders and keep them out of the public realm in response to the global ideals of what a city should look like (Schindler 2014; Brown, Lyons, and Dankoco 2010; Donovan 2008). Formalization into market spaces may come with benefits like better workplace health and safety, but decreases opportunities for marginalized people who depend on work as traders (Alfers, Xulu, and Dobson 2016; Donovan 2008; Williams and Round 2007).

Moving forward, Durban has not fully returned to its previous collaborative state that is so highly praised in the literature. Thus, the disconnect with practice remains. The Informal Economy Monitoring Study reviewed the current state of informal work in Durban after the 2010 FIFA World Cup and noted policy recommendations to move the informal economy forward (Mkhize, Dube, and Skinner 2013). Current policy needs include listening to and addressing traders' needs to do their work both efficiently for themselves and cleanly for the city (Goodfellow 2016; Roever and Skinner 2016; Mkhize, Dube, and Skinner 2013). Other studies call for various sectors within the local government to work toward a common goal for regulation and enforcement of informal trade (Schindler 2014). Researchers also recommend holding multiple aspects in balance like celebrating traders' vibrancy while protecting them from risks, or reducing inequality while promoting full economic inclusion (Goodfellow 2016).

Most research on this topic involves interviews with traders or speaks from the perspective of informal workers (Mkhize, Dube, and Skinner 2013; Brown, Lyons, and Dankoco 2010; Donovan 2008; Lyons and Snoxell 2005). Some studies do engage with municipal staff, market leaders, or other citizens (Brown, Lyons, and Dankoco 2010; Williams and Round 2007). Considering municipal perspectives is important to understanding motives behind policies and, ultimately, how they will come into practice. This paper will consider municipal perspectives, planning, policies, and practices regarding informal trade in Durban, and build on past literature about informal trade in Warwick Junction.

Methods

In this qualitative assessment, I conducted an informal survey of municipal staff perspectives, reviewed planning and policy documents, and searched social media and promotional materials for examples of current practices in eThekweni Municipality

(Durban), South Africa. To gain insight into the perspectives of municipal staff, I employed a convenience sampling strategy and targeted contacts that I made while working for the municipality. They were contacted by email in November of 2017 with research details, a request for consent, and nine open ended questions. Responses were collected until December 2017, and then analyzed using NVivo 11.

In addition to the survey, I analyzed planning and policy documents addressing informal trade in the inner city. I reviewed all current documents in use that address informal traders. This includes the Inner City Local Area Plan, the Warwick Precinct Plan, the Informal Trading By-Law and the Nuisances By-Law. While reviewing the documents, I extracted details from sections that highlighted provisions and restrictions for informal traders in the city.

Finally, I reviewed the municipality's weekly bulletin and Facebook page for stories about current practices regarding informal traders. I retrieved stories about new planning, education, or enforcement strategies applied to informal traders. Then, I recorded details of each story to represent current practices in the city.

Results

Perspectives

Over November and December 2017, 18 municipal staff members were recruited for the survey, and 11 completed the survey questions. Of the 11 who completed the survey, only three were women. The sample was racially representative of the population in Durban. The survey was very interdisciplinary and represented seven municipal departments, including planning, health, and transportation. Overall, consistent themes appeared among staff perspectives of informal traders. It is important to note that general questions were posed about the informal economy in the entire city, but most answers only catered to traders—not paratransit workers, recyclers, and other roles in the informal economy.

Municipal staff understand the informal economy as work that lacks controls such as taxes and fees (10/11 respondents) and involves trading goods and services (8/11). Only one individual noted that the informal economy is “in different sectors and not just the street trading,” but the connection to street trading is suitable since traders are the most prominent subgroup of informal workers. A definition of the informal economy, based on responses from municipal staff, is as follows: A sector that lacks the controls of formalized businesses, is primarily conducted as trade of goods and services, takes place in the public realm, and benefits unemployed and low-income individuals.

According to this definition, most municipal staff view informal trading as playing a positive role in the city with some negative impacts. They recognise that informal trade provides job opportunities and access into the economic market (7/11), sustains low-income and unemployed individuals (9/11), and contributes to the local economy (3/11). However, most (9/11) go on to complain about a laundry list of negative impacts

including refuse dumping, odor and noise nuisances, damage to city infrastructure, impeding pedestrian movement, and taking up public space. One municipal employee aptly described the informal economy as an “economic paradox” since they “need it to sustain marginal communities . . . but [it] continue[s] to contribute to a plethora of negative impacts.” This comment captures the tension accompanying the informal economy, since it does play both positive and negative roles in the city.

Coping with the tension between these positive and negative roles has become the primary planning activity in the inner city. One participant recognizes that “there is a contradiction and tension, but this is part of the historical, capital, and colonial system,” suggesting the problems are deep-rooted into current practice. Another participant suggested that “the negative can be minimized and mitigated in the city if the informal economy participants and organizations worked better together, meaningfully and respectfully.” This is a call for future planning and policy interventions in the inner city. Many of the participants (9/11) highlighted examples of where planning and policy are falling short to support work that informal traders rely on. These examples include lack of bylaw enforcement, allowing corrupt officials to take advantage of traders, poor management, lack of supporting infrastructure (e.g., waste bins, toilets, etc.), poor work conditions, too many new entrants, and no training programs. Durban needs better policies that are carried into practice to support informal traders, and the municipal staff is aware of this gap in planning.

All the municipal staff recognise that better planning and policy are needed to regulate street trading. Along these lines, four suggested that the municipality needs to be more proactive in planning for and accommodating the needs of traders. A few (3/11) noted that such policy and planning will require collaboration not only between municipal departments, but also with the community members the regulations would affect. There is currently a lack of adequate consultation, and existing policies are neither robust nor communicated well to traders (4/8). One of the participants suggested that new plans should “clearly articulate the vision of if and how informal economy activities will be accommodated within an area.” Currently, even municipal staff have differing perspectives on how policies should be interpreted, so informal traders with less access to information should not be expected to do the interpreting. One responded that the “policies have ambiguity which favours traders,” while another stated that the policies are “based on some rational notion of what informality is, how many [traders] can exist, and how [they can] be regulated, which have all failed to date.” This suggests that some find current policies to be beneficial for traders yet have room to improve. However, others see them as failures that have not successfully regulated informal trade in the city.

Most of the participants (9/11) called for greater, more consistent enforcement of policies and bylaws with dedicated roles among departments. Two of these went so far as to suggest harsher penalties for illegal informal activities. Another four suggest that the biggest shortcoming of current planning is inconsistencies in practice and

enforcement of policies. Most (7/11) suggest further regulation of the traders is necessary, such as formalized market spaces leading to better management. Some see this regulation as punitive to get rid of unsightly and disorganized spaces, while others see it as protective to promote better work environments and public spaces. One stated that “[informal trade] allows them to earn a living under hard economic conditions . . . on the other hand, it does create more inequality where the municipality starts enforcing harsher bylaws.” Another stated that “the ‘formalization’ of ‘informal’ trade activities may seem like a contradiction, but I believe it is necessary in terms of the bigger picture for a city.” While staff do not agree on the type and amount of regulation, all seem to suggest that regulation is necessary to create the city they desire.

All participants affirmed that the informal economy plays a critical role in their dream version of the city and have many suggestions to improve the state of informal trade. Three suggest that rather than additional punitive regulation, they should expand what is considered legal by providing more permits, alternates to permits such as day markets, and more spaces as opportunities allow. One participant suggests that instead of considering traders informal, their businesses “should be classified as small, medium, and micro enterprises (SMMEs) as part of local economic development” policies. Some of the participants (4/11) noted that trading can be aesthetically improved by getting rid of “structures that look tatty and just lower the standard of the area” and becoming “permeable to allow foot traffic . . . [and] attractions that people have to visit when they come to the city.” Another suggestion (2/11) is that there must be adequate infrastructure for the traders to do their work, be protected from the weather, and deal with waste and recycling efficiently. A few participants (3/11) were more visionary, suggesting a complete paradigm change regarding what is considered formal and informal, rather than just upgrades. One stated that “they should not be treated as informal if we want to grow our economy in a sustainable manner. As long as we don’t change our paradigm, informal and formal economy will co-exist.” Another stated that trading would be “more vibrant, supported, innovative, and part and parcel of our so-called formal economy.” Ideas that call for a paradigm change are innovative and provide essential energy to apply to future planning in Durban.

Planning

The municipality has a collection of plans that address the future of municipal land use from region-wide, long-term plans to finer local- and precinct-level plans. In 2016, the new Inner City Local Area Plan (LAP) was approved by the municipal council. This is the first detailed plan to address Durban’s downtown core in over 30 years. The plan also included a precinct plan, at an even finer scale, for the Warwick Junction neighbourhood—which encompasses informal trading markets. I consider current planning through the lens of the new LAP and precinct plan because they address the informal economy in Durban.

Since there are now over 21,000 informal traders in the inner city alone, the Inner City LAP has made addressing informal trade one of their primary goals (eThekweni Municipality 2016a). The plan suggests that improving connectivity and increasing sidewalk widths will create enough space for 80% more registered informal traders (eThekweni Municipality 2016a). This 80% improvement is only for the 8,000 traders counted in Warwick, so a new total space would be created for 14,400 traders. The distinction of a “registered” informal trader is an important one. The city allows for informal trade through the Informal Trading Bylaw, but requires that traders be registered for administrative and enforcement purposes (eThekweni Municipality 2014, 20). This means the plan is targeted mostly at traders who already follow some of the municipality’s rules and puts those who have not acquired a permit on a lesser standing.

The new plan aims to combat urban management issues in trading spaces by not only creating more space, but also including appropriate facilities and education in all of these spaces (eThekweni Municipality 2016a). These facilities include public toilets, waste management, and storage lockers for personal belongings (eThekweni Municipality 2016a). There are additional ongoing projects to support the occupational health and safety of traders and their children who attend day care on site (Alfers et al. 2016; Dobson et al. 2009). These efforts are in the municipality’s favor as they will foster better cultural capital and make the markets a safer, more desirable tourist destination, which feeds back into their global goals for tourism. The municipality also noted in the Inner City LAP that traders throughout the city actually help deter crime since there are more eyes on the street for prevention and reporting (eThekweni Municipality 2016a).

The Warwick Precinct Plan created under the Inner City LAP, focuses on the Warwick Junction neighbourhood where most of the market space is in the inner city. This is the plan’s vision: “The future Warwick is a safe, mixed-use trade and transport hub and an attractive thriving centre of diverse commercial, social and cultural exchange” (eThekweni Municipality 2016b, 6). This is a beacon of hope for informal traders since trade and transit, two of the largest informal sectors, are recognized at the forefront. The plan goes on to outline the problems in Warwick, noting that “crime and grime” is a loaded phrase that usually refers to urban management, there are tensions with so-called “illegal traders” and enforcement, and there is a severe lack of adequate infrastructure to support safe and healthy environments for informal traders (eThekweni Municipality 2016b, 19). The plan states:

It is the intention that significant additional space for traders be provided in the precinct, so that many more permits can be issued, thus allowing greater inclusion, and regulation and more effective enforcement without reducing the capacity of the area to generate livelihoods for as many people as possible. (eThekweni Municipality 2016b, 19-20)

This dramatic statement is only backed up by an 80% increase in trading space, which will limit the growth of informal trade in the inner city.

The plan also reviews policy goals that could play out in the Warwick Precinct. This is a promising section of the plan that outlines modes of support and training, better management, and better protection and regulation. Whilst these goals are outlined as necessary, they are not accomplished by this plan as its limits are spatial. The spatial solutions that the plan seeks to create are new trading spaces on widened sidewalks, in transit interchanges, markets, and areas that provide the adequate infrastructure to be clean and secure. Even with promising an 80% increase in the number of permitted traders who will have space in Warwick, the plan fails to denote where this space will be—despite laying out the detailed, street level reconfigurations for the precinct. This highlights the need to complete a further detailed plan for traders that denotes special trading zones, the number of allocated spaces, potential street reconfigurations to provide even more space, and future growth of the informal sector. Further, the number of so-called illegal informal traders is claimed to be high, so an 80% increase in space for permits may not provide enough space for those already engaging in informal trade in Warwick.

Policy

The municipality has also recently implemented several bylaws that affect informal traders. Durban was the first in South Africa to implement an informal trading policy in 2001, which recognised the importance of traders for the local economy and defined regulations around trading in public space (eThekweni Municipality 2001). In 2014, the municipality released the first Informal Trading Bylaw, which was largely based on the 2001 policy (eThekweni Municipality 2014). It both recognised the importance of traders and defined when, where, and how traders may conduct business. This policy benefits informal traders by giving them a recognized role in the city but can also be dangerous since the municipality can dictate where traders can work. To deal with current enforcement issues, the municipality proposed an amendment to the bylaw in 2017, which is set to be approved in 2018 (eThekweni Municipality 2017). The amendment defines harsher conditions for traders about when and where they can trade and will allow for impounding goods as a punishment. The municipality is also trying to address cleanliness issues that are often attributed to informal traders. They implemented a Nuisance and Behaviour in Public Places Bylaw to define the coined “crime and grime” issues in the city and allow for enforcement of these infringements (eThekweni Municipality 2015). Both bylaws, including the future amendment, allow the municipality to enforce detailed regulations on traders.

The following is the original purpose of the Informal Trading Bylaw:

To provide for the right to engage in informal trading; to establish informal trading areas and informal trading sites on municipal property; to provide for the granting of trading permits to trade on municipal property; to restrict and prohibit informal trading in certain areas; to regulate the conduct of informal traders; to regulate informal trading at special events; [and] to provide for measures to ensure health and safety. (eThekweni Municipality 2014, 2)

The preamble to the bylaw is generally positive, since it recognises the importance of trade both for disadvantaged individuals and the local economy. However, in further detail, it allows the municipality to define when, where, and how traders work, which could be a dangerous allocation of power to the municipality regarding traders' livelihoods. The details of the bylaw grant all individuals the freedom to trade if they comply with the regulations (s5; eThekwini Municipality 2014). The conditions of trade are more detailed, but requirements include a valid permit (s11-12); that traders are unemployed formally (s12); that the area is kept clean (s29); and no restricted behaviour such as using structures, trading overnight, or trading in any area that blocks any public facility or flow of traffic (s19-28; eThekwini Municipality 2014). Further, the council has the right to define trading areas (s9); define restricted areas (s18); define trading hours, goods types, permit expiry, and types of trading structures (s12.5); remove a permit with notice (s16); and restrict trading at special events (s31; eThekwini Municipality 2014). Trading is not a free endeavor for traders, since the required permit comes with an application fee and annual rental fee for the trade location (s13; eThekwini Municipality 2014). Infringements of these regulations are punishable with up to a R5000 (about \$500 CAD) fine or one year in prison (s38; eThekwini Municipality 2014).

The proposed Informal Trading Amendment Bylaw aims to exercise more control over informal traders, since there are current problems with enforcing the bylaw as it stands. The traders won a precedent case against the municipality about goods impoundment when they were not able to retrieve their goods (WIEGO 2015). The judge deemed police confiscations unconstitutional and required the municipality to rewrite the applicable section of the bylaw to hold police liable for the care of confiscated goods (WIEGO 2015). Though the intention of the amendment was to make the bylaw fairer to traders, this is the stated purpose:

To prohibit an informal trader from trading in an area or place where informal trading is prohibited or restricted; trading in restricted areas; to provide for certain restrictions on informal trading; to provide for the impoundment of goods; [and] to provide for the regulation of abandoned goods." (eThekwini Municipality 2017, 2)

Thus, the amendment is increasing harshness toward traders. Importantly, the bulk of it outlines the procedure for Metro Police to impound goods: Traders must acknowledge understanding and receive a signed receipt to retrieve their goods after paying the fine (s35; eThekwini Municipality 2017). This change will override the court's reasons for the previous halt on impoundment. Further, it allows the municipality to sell, destroy, or dispose of goods if they are not collected on time (48 hours for perishables, 3 months for others; s35), which is worrisome for traders (eThekwini Municipality 2017).

In addition to the Informal Trading Bylaw, which requires traders to keep the spaces they use clean, the municipality is attempting to combat crime and grime through the Nuisances and Behaviour in Public Places Bylaw (eThekwini Municipality

2015). The purpose of the bylaw is “To provide for measures for preventing, minimising or managing public nuisances; [and] to prohibit certain activities or conduct in public places” (eThekweni Municipality 2015, 2). It defines a nuisance as “any conduct or behaviour . . . which causes damage, annoyance, inconvenience or discomfort to the public,” which is very broad and open to municipal interpretation as needed (eThekweni Municipality 2015, 2). The details of the bylaw contain several nuisances that reinforce restrictions on traders’ behaviour that are laid out in the Informal Trading Bylaw. These include hanging goods (s7), making noise such as music (s8), littering (s9), obstructing pedestrian traffic (s12), and building any structure such as a trading hut or stand (s15; eThekweni Municipality 2015). Additionally, it reinforces the municipality’s authority to define trading places and allocate permits to avoid such nuisances (s17; eThekweni Municipality 2015). This bylaw introduction has created another avenue for police to be punitive toward traders.

Practice

On December 20, 2017, I reviewed eThekweni’s Facebook page and weekly bulletin for posts and articles about informal trading from the beginning of 2016 to the end of 2017 (eThekweni Municipality 2018a, 2018b). These posts and articles were used as examples of current practices of municipal staff toward informal traders in the city. Some of the posts are positive, such as free business training and allocation of funds for new trading infrastructure. However, there are many examples of the municipality’s efforts to clean up the city, which are becoming increasingly harsh and punitive toward informal traders. The municipality exhibits great pride in their clean-up efforts, as demonstrated by their November 13, 2017 Facebook post depicting police issuing fines to traders (eThekweni Municipality 2018b). Yet traders still lack the adequate education, support, and infrastructure to follow the bylaws well. Many complain of police brutality and difficult circumstances with what is provided to them (StreetNet International 2010). Another, more positive, post on November 29, 2017 shows the mayor announcing R350 million for new trading infrastructure over three years (eThekweni Municipality 2018b). In addition, the eThekweni bulletin, which features three to four stories each week, has published three stories on the Inner City LAP upgrades and three stories on increasing bylaw enforcement efforts since February 2017. The municipality is certainly increasing efforts regarding traders, but it is doing so with a focus on bettering the city over traders’ wellbeing.

Discussion

We see a disconnect between the municipality’s perspectives, planning, policies, and practices towards traders. The perspectives are generally positive and see a future for trading in the city that respects traders’ culture and economic contributions. Most staff who participated in the survey regard regulation of traders as a necessary practice

to maintain order in the city, and in some cases to also protect and provide for informal traders. There are only a few instances where staff favor global success over traders' wellbeing. Planning documents appear hopeful for traders and leave room for subsequent plans and policies to meet traders' needs. However, they have neither detailed how traders' needs will be met nor provided protection for traders in the inner city to maintain their spaces. The policy and bylaw documents are troublesome, since they leave the bulk of power to define the informal trading landscape with the municipality. Though providing adequate resources, health, and safety are in the preamble of the documents, they go on to allow the municipality to decide how, when, and where traders may work in the city. This is a dangerous position for traders to be in while the municipality focuses on cleaning up and attracting international investment because the municipality could displace traders to undesirable locations. Finally, examples of current practices add to the dangerous disconnect between municipal perspectives and planning. The municipality is increasingly becoming punitive toward traders by enforcing bylaws, and only providing minor improvements for traders' circumstances. Therefore, while the importance of informal traders and improved working conditions are recognized, traders must still adhere to strict rules, are perceived unclean and undesirable, and are suffering from increased pressure to perform without the necessary support.

Municipal staff adequately identified informal trading in the city as an "economic paradox," where it is both necessary to involve marginalized people in the economy and expensive to maintain infrastructure and cleanliness in trading areas. There is a tension here that is identified throughout the literature as part of historical capital and the colonial system (Buechler 2006). Durban is widely recognized for successfully collaborating with informal workers to design market spaces and improve working conditions (Goodfellow 2016; Roever and Skinner 2016). However, staff identified that there is now a lack of adequate consultation since this disconnect took root and they will need to work better and more meaningfully with trading organisations moving forward. This type of collaboration with trading associations is also encouraged in the literature (Forkuor, Akuoko, and Yeboah 2017; Goodfellow 2016; Roever and Skinner 2016; Brown, Lyons, and Dankoco 2010). In Durban specifically, it will entail a necessary return to previous practices and to addressing current policy concerns (Goodfellow 2016; Roever and Skinner 2016).

Policy documents recognize the importance of informal trade for the local economy but leave enough ambiguity for those enforcing the rules to interpret them in a way that aligns with a more negative view of traders. To counteract this, Durban requires policy documents with more details to enforce the positive actions rather than leaving room for punitive enforcement from officers not involved in planning. Many other cities experience punitive enforcement of traders, and researchers are calling for improved policies and collaboration (Forkuor, Akuoko, and Yeboah 2017; Schindler 2014; Donovan 2008).

As it stands, the municipality has defined what is and is not legal in terms of informal trade but lacks efficient public education and consistent enforcement. Municipal staff interpret the bylaws differently, so traders with less access to information than staff should not be expected to understand the details and face punitive enforcement. Other researchers have suggested that various sectors within the municipality should work toward a common goal to counteract the failure of regulation (Schindler 2014). This way, those responsible for planning, public engagement, and enforcement will have the same understanding of what informal trading should be in the city, and this can be consistently communicated with traders and other stakeholders.

Along these lines, planning and policy documents have yet to address key protections for informal traders. All existing documents mention the need to protect informal traders as a viable piece of the local economy and a vibrant piece of Durban's heritage; however, none go so far as to enact protections that will help informal traders. The existing plans and bylaws leave all power with the municipality to decide where and when traders may work rather than involving traders collaboratively. Though the Warwick Precinct Plan aims to create new spaces for trading so that more traders may be permitted, it has not locked special trading zones into the land use plans or defined where the new spaces may be located. The municipality still could put pressure on the spatial boundaries of informal trade and displace traders, as it seeks to "clean up" and become "world class."

The municipality's goal to be a global city has the dual consequences of forcing more people into the informal sector due to increasing unemployment and increasing competition between the emerging formal service industry and existing informal traders. These consequences make it harder for informal work to be viable. This trend is seen throughout the literature in globalizing cities (Schindler 2014; Brown, Lyons, and Dankoco 2010; Donovan 2008; Buechler 2006). With current policies, the municipality could redefine trading areas and condense informal traders into smaller spaces, so that they have more municipal land to promote for international investment in the inner city. While the plans do allow for street trading, the bylaw enables the municipality to define restricted areas. As the downtown core becomes increasingly desirable for international investment, so too will it become undesirable for activities the city sees as unclean, like informal trading.

To truly protect informal traders, the municipality must amend the existing Informal Trade Policy and create a detailed social development plan and integration framework for informal traders as a matter of urgency. Such an amendment to the policy must dictate minimum standards for the number of trading permits, public space allocated to traders, infrastructure provided to traders, and training and development sessions, and take into consideration annual inflation rates to accommodate the growing sector. These protections must be put in place to balance the municipality's claims that trading is a vibrant and important part of the community, as recommended elsewhere in the literature (Goodfellow 2016).

Though current practices are punitive and serve as a warning sign that traders need further protection, the perspectives and visions of most municipal staff are positive. This leads me to believe that there are actors within the municipality who, with the right resources, funding, and political buy-in, can create adequate policies and planning strategies to implement both protection and a better future for informal traders in Durban.

Conclusion

This paper explored municipal employee perspectives, current planning and policy documents, and current practices regarding the treatment of informal traders in Durban, South Africa. There is a disconnect between good intentions of municipal staff and planning and the current punitive practices towards traders. This study is one of a few that considers perspectives of municipal staff rather than informal traders. Their perspective is important to understand motives behind the policies and where the gap is when policy is not aligned with practice.

Durban needs to enact more detailed planning and policies to bridge the disconnect with practice, so that traders may have better working conditions and protection in the future. The municipality also needs to embark on more rigorous public engagement with both traders and enforcers, so that all parties understand the regulations and what they entail. The current disconnect between positive perspectives of informal traders and punitive practices towards traders leaves them at risk.

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