

Supporting Informal Livelihoods in Public Space:

By Caroline Skinner, Sarah Orleans Reed and Jenna Harvey



Supporting Informal Livelihoods in Public Space:

This toolkit was produced by the WIEGO Network as part of the Cities Alliance Joint Work Programme (JWP) for Equitable Economic Growth in Cities. The UK Department for International Development (DFID) chairs the JWP, and its members are the United Nations Capital Development Fund (UNCDF), UN-Habitat, Women in Informal Employment: Globalizing and Organizing (WIEGO), the Commonwealth Local Government Forum (CLGF), the Ford Foundation, the Institute for Housing and Development Studies (IHS) at Erasmus University Rotterdam and the World Bank.

About the Authors:

Caroline Skinner is Urban Research Director and Publications Editor for WIEGO and a Senior Researcher at the African Centre for Cities at the University of Cape Town in South Africa.

Sarah Orleans Reed is a WIEGO Research Associate with a decade of experience leading action research on inclusive urban development, resilience, and decent work in Southeast Asia and beyond.

Jenna Harvey is the Global Focal Cities Coordinator for WIEGO. In this capacity she provides support to projects in five cities that aim to strengthen informal workers' organizations to advocate for their inclusion into city plans and decision-making processes.

Acknowledgements

This toolkit also draws on the long-term research and advocacy insights of Sally Roever, WIEGO's former Urban Policies Director and Street Vendor Sector Specialist and now WIEGO's International Coordinator. We would also like to acknowledge the contribution of Marty Chen, WIEGO's Co-founder and Senior Advisor. Professor Chen provided critical insights throughout the toolkit development process; and was the lead author of the companion Discussion Paper for Urban Planners and Policy Makers.

JWP Management and Coordination:
Rene Peter Hohmann, Cities Alliance Secretariat
Fredrik Bruhn, Cities Alliance Secretariat

Communication Coordination:
Demetria Tsoutouras, WIEGO
Erika Puspa, Cities Alliance Secretariat

Design and Layout:
Julian Luckham of Luckham Creative

Publication date: August 2018
ISBN: 978-92-95106-52-9

Please cite this publication as: Skinner, Caroline, Sarah Orleans Reed and Jenna Harvey. 2018. *Supporting Informal Livelihoods in Public Space: A Toolkit for Local Authorities*. Prepared by WIEGO for the Cities Alliance Joint Work Programme for Equitable Economic Growth in Cities. Manchester, UK: WIEGO.

Published by:

WIEGO Limited
521 Royal Exchange
Manchester, M2 7EN
United Kingdom
www.wiego.org
wiego@wiego.org

Cities Alliance (UNOPS)
Rue Royale 94, 3rd Floor
1000 Brussels, Belgium
www.citiesalliance.org

A Charitable Company Limited by Guarantee – Company No. 6273538, Registered Charity No. 1143510

Disclaimer: The findings, analysis and policy recommendations of this publication are those of the author(s) alone and do not represent the views of the United Nations Office for Project Services (UNOPS), or the policies and viewpoints of the Cities Alliance Secretariat or Cities Alliance members.

© 2018 WIEGO and Cities Alliance. This Discussion Paper can be replicated for educational, organizing and policy purposes as long as the source is acknowledged.

1. Introduction	1
2. The Size of the Street Vending Sector	4
3. The Role of Street Vending in Urban Systems	6
4. Building an Evidence Base for Inclusive Planning	10
4.1. National Data: A Source for Vendor Estimates	11
4.2. City Data: Street Vendor Censuses	11
4.3. City and Area Level Data: Other Methods	13
4.4. Self-enumeration and Mapping	15
4.5. Informal Economy Budget Analysis	15
5. Street Vendor Regulatory Frameworks: Harmonizing the “Right to Work/Trade” and the “Right to Govern”	17
5.1. Constitutional Rights and Street Vending Regulation	17
5.2. Examples of Inclusive Legislation	20
5.3. Street Vending Licensing / Permitting and Administration	22
5.4. Principles for Inclusive Legislation and Regulation	23
6. Participatory Governance	25
6.1. Open Dialogue and Information Sharing	26
6.2. Building Consensus towards an Agreement or Set of Recommendations	27
6.3. Create Multi-stakeholder Statutory Governance Bodies/Institutionalize Spaces for Engagement”	31
7. Conclusion	32
References	33
Appendices	40
Appendix 1: Examples of a Street Vendor Census and Survey Questionnaires	40
Appendix 2: Street Trading Model Bylaws	48



Pablo García Hernández is a vendor in Mexico City's Plaza Garibaldi. Vendors play an important role in preserving cities' cultural heritage and in attracting visitors. Photo: Lorena Reyes

1. Introduction

In Mexico City's historic centre, families flock to public plazas where vendors sell steaming elotes (grilled corn) and cold drinks and mariachi musicians circulate, performing traditional songs on request for a small fee.

In inner-city Durban, while Izinyanga (traditional healers) consult their patients, the vibrant market below caters for all eventualities – repairing computers or cell phones, buying fresh fruit for the day or vegetables for the evening meal, purchasing pinafores for a traditional ceremony, or serving a hot meal to those watching the commuters and tourists pass by.

In Bangkok's trendy Ari neighborhood, a khao man gai (rice chicken) vendor jokes with the owner of a local shophouse, who helps him access an electrical outlet in her shop in exchange for his daily contribution – bringing customers to the street and to her door.

Vibrant, inclusive public spaces are the heart and soul of cities – and informal workers like street vendors, waste pickers, mechanics, rickshaw pullers and motorcycle taxi drivers are important contributors to these spaces. But the smooth, equitable functioning of these spaces would not be possible without the hard work of city officials, local membership-based organizations, and civic organizations who actively negotiate how best to manage and sustain them.

There is increasing recognition of the role played by the informal economy. Globally, 61 per cent of the world's workforce – two billion women and men – make their living in the informal economy. In emerging and developing countries, the percentage is higher still – over 75 per cent in South Asia and Sub-Saharan Africa (ILO 2018: v & 15). Many informal workers, particularly in the global South, rely on access to public space. This reality is reflected in global international policy commitments of recent years. Sustainable Development Goal 11 states that by 2030, there will be “universal access to safe, inclusive and accessible, green and public spaces” (United Nations 2015, Target 7). UN Habitat's New Urban Agenda reiterates but also expands on this commitment:

We commit ourselves to recognizing the contribution of the working poor in the informal economy... to the urban economies, taking into account national circumstances (UN Habitat 2016: 17).

We commit to promote safe, inclusive, accessible, green and quality public spaces...that are multi-functional areas for social interaction and inclusion, human health and well-being, economic exchange, and cultural expression and dialogue among a wide diversity of people and cultures (UN Habitat 2016: 37).

With respect to policy responses to the informal economy specifically, the International Labour Organization's Recommendation 204 on the transition from the informal to the formal economy, specifies that local development strategies need to include ‘regulated access for use of public space ... for subsistence livelihoods’ (2015, 11,o). Together this constitutes an unprecedented global commitment to regulated access to public space for informal workers.

With respect to policy responses to the informal economy specifically, the International Labour Organization's Recommendation 204 on the transition from the informal to the formal economy, specifies that local development strategies need to include “regulated access for use of public space...for subsistence livelihoods” (2015: 10). Together these consensus statements constitute an unprecedented global commitment to regulated access to public space for informal workers.

Managing public space, however, is no easy task. Public officials must balance the needs of multiple users – pedestrians, cyclists, motor vehicles drivers, formal retailers, informal retailers and the general public – together with pressures from different political interests. While many

officials recognize the importance of vending as a form of employment, they often confront grievances from those who would like to see fewer vendors – certain residents and businesses, and the politicians that represent them. In today’s global economy, there is pressure to privatize, commercialize and securitize public space. Indeed, one of the easiest ways for resource-strapped local governments to raise revenue is to allocate public space to private real estate developers. This reduces the amount of public space available for regulated use by citizens, including informal workers. In addition, there are underlying tensions about what constitutes a “modern” city, and what role street vendors play in this imagined future.

Experience has shown that exclusionary practices by cities towards the urban informal workforce – including harassment, bribes or fines, confiscation of goods, and evictions – represent a no-win response to the policy challenge. Without recognizing and supporting the livelihoods of the urban informal workforce, cities cannot reduce poverty and inequality or reach their full productive potential. Moreover, experience has shown that evictions, especially of street vendors, are costly and often futile; street vendors, having few or no other options, tend to return to where they used to vend.

This toolkit is designed to assist city officials and other local authorities to adopt an inclusive approach to managing public space that considers the livelihood activities and needs of the urban informal workforce. The toolkit focuses primarily on street vendors, since available data suggests street vendors are the largest worker group whose livelihood depends on access to public space in many countries and cities worldwide. According to global vending expert Sharit Bhowmik (2005: 2256), a street vendor “is broadly defined as a person who offers goods for sale to the public without having a permanent built-up structure from which to sell.” This toolkit therefore focuses primarily on vendors who operate in public space – on sidewalks, parks, streets, alleys and vacant lots. In some places, it also references informal traders operating in publicly or privately-run markets or on private land, since the boundaries between all these groups are fluid and officials often consider them together when making policy.

It is important to remember that many sectors of workers beyond vendors depend on and make important contributions to public spaces and urban systems. These include waste pickers who collect and transport waste along streets and who need open spaces for sorting waste, taxi drivers, rickshaw pullers, and other informal transport workers who facilitate urban mobility, and mechanics, who repair vehicles or bicycles on roadsides. Other workers in public space include artisans and musicians.

This toolkit draws on the research and advocacy work of the global research–action–policy network [Women in Informal Employment: Globalizing and Organizing](#) (WIEGO). For 20 years, WIEGO has focused on building capacity among informal worker organizations, expanding the knowledge base on informal work, and influencing local, national and international policies. In particular, the toolkit relies on WIEGO’s work on national statistics and its research, most notably the [Informal Economy Monitoring Study \(IEMS\)](#). The street vending component of the IEMS interviewed vendors in five cities: Accra, Ghana; Ahmedabad, India; Durban, South Africa; Lima, Peru; and Nakuru, Kenya.¹

¹ A total of 743 street vendors in five cities participated in the study. It sampled both men and women who sell a wide range of products as either street vendors or market traders. The sample in each city was designed to be as representative as possible of the membership of the partner organization(s), not representative of street vendors city-wide. Partner organizations – membership-based organizations (MBOs) of informal workers or local non-governmental organizations that support such organizations – were: StreetNet Ghana Alliance and ISSER in Accra; the Self-Employed Women’s Association (SEWA) in Ahmedabad; Asiye eTafuleni in Durban; FEDEVAL in Lima; and KENASVIT in Nakuru.

The toolkit also draws on ongoing assessments of developments in the street vending sector via WIEGO's [Global Monitoring System](#) and literature reviews, as well as WIEGO's direct involvement in and analysis of actual urban practice in a range of cities.²

Key obstacles to inclusive approaches to street vending management in cities are the perceptions and misconceptions of the role that street vendors play. Informed by and responding to the common set of arguments used to exclude street vendors, we start by reviewing available evidence on the contributions of the street vending sector, first to employment and then to urban systems in Sections 2 and 3 respectively. Section 4 presents available data on – as well as tools to measure – the size and contribution of street vendors. Section 5 focuses on inclusive legislative frameworks. The last section focuses on guidelines for engaging with relevant stakeholders in ongoing street vendor governance.

In public space regulation, as with all other urban issues, context is critical. Rather than a blueprint, we offer a set of guiding principles and lessons from illustrative examples, and a set of optional policy “tools” (sample survey instruments, legislation and more).

² WIEGO works with organizations of informal workers in six cities across Africa, Asia and Latin America through our [Focal Cities Initiative](#). Through this work, we gain insights into trends around how cities are responding to street vending, and we gain access to examples of both inclusive and exclusive practice, some of which are included in this document (in the cases of Bangkok and Lima).



A market vendor in Dakar, Senegal. Vendors play a critical role in urban employment, especially for women. Photo: Olga Abizaid

2. The Size of the Street Vending Sector

Street vendors are visible in urban public spaces all over the world, but an accurate count of the total number of people who work as street vendors is often hard to come by.³ Where available, labour force statistics show that street vendors account for a substantial share of urban employment, particularly in places where trade is an important branch of economic activity – and particularly for women workers in some regions.⁴

For **Sub-Saharan Africa**, available data shows that:

- Trade accounts for 43 per cent of all informal non-agricultural employment and 51 per cent of all women's non-agricultural informal work in the region (Vanek et al. 2014: 13).
- in Ghana, street vendors account for 14 per cent of urban informal employment (ILO 2013:47).
- Across eight cities in the region, street vendors constitute between 13 per cent (Dakar, Senegal) and 24 per cent (Lomé, Togo) of non-agricultural employment (Table 1).
- Street vending accounts for a higher share of women's informal employment in these cities: as much as 35 per cent in Lomé and 28 per cent in Bamako, Mali. The proportion of women in street trade tends to be higher than that of men (Table 1).

For **Asia**, data from two countries show that:

- In Hanoi and Ho Chi Minh City, Vietnam, street vendors comprise 11 per cent of total non-agricultural informal employment, with a higher share among women than men.
- In India, street vendors comprise 5 per cent of total urban informal employment and 4 per cent of total urban employment. The figures vary for Indian cities from 4.4 per cent (Mumbai) to 6.5 per cent (Ahmedabad) of total urban informal employment.⁵
- In contrast to Sub-Saharan African, in India street vending accounts for a lower share of women's employment than men's employment (Chen and Raveendran 2014).

³ Official statistics on street vending are obtainable in countries whose labour force surveys include a place of work question and/or an occupational code for street vendors. But not all countries use these questions or codes, and even those that do may not tabulate or publish the results. See Section 4 for a discussion of sources of data on street vendors and traders.

⁴ A limitation of national statistical office data is that it reflects primary occupations. This means data do not capture people who work in street vending part-time or seasonally to supplement income earned from another activity. Thus there is an underestimation of the sector as a whole and of important segments of the vending population.

⁵ The Indian data is from special tabulations based on the 2011-12 National Survey of Unemployment and Employment prepared by Govindan Raveendran, the former Additional Director of the Central Statistical Organization of India.

In **Latin America**, data from two countries show that:

- In Buenos Aires, Argentina, street vendors account for 4 per cent of urban self-employment (ILO 2013: 47)
- In Lima, Peru, street vendors and market traders together represent 9 per cent of non-agricultural employment nationally and 12 per cent of non-agricultural employment in urban Peru outside of Lima (Aliaga Linares 2017: 1).

Table 1. Share of informal traders and street vendors in total non-agricultural informal employment, 2001-3						
Share of total non-agricultural informal employment in per cent						
	Informal Traders			...Of which Street Vendors		
	Total	Men	Women	Total	Men	Women
Africa						
Niamey	31.9	28.8	36.7	13.5	12.9	14.4
Ouagadougou	42.9	37.0	50.1	16.7	17.1	16.3
Bamako	48.3	32.6	64.9	19.9	12.0	28.2
Dakar	32.1	20.0	46.6	13.0	9.4	17.3
Abidjan	40.5	23.1	56.6	16.0	8.2	23.3
Lomé	44.6	20.8	62.7	24.0	9.6	35.0
Cotonou	43.8	19.7	61.6	18.8	7.9	26.9
Antananarivo	33.5	31.6	35.3	15.3	13.2	17.3
Latin America						
Lima	28.1	18.4	37.6	9.2	6.6	11.7
Asia						
Hanoi	26.2	17.9	33.8	11.3	5.0	17.1
Ho Chi Minh City	29.5	24.4	35.1	11.3	7.2	15.7

Source: Herrera et al, 2012:8

Though limited, these figures nevertheless show the magnitude of the sector as a source of urban employment across regions. It is important to note that street vendors also contribute to employment beyond their own enterprises. They generate demand for a wide range of services provided by other informal and formal workers, including transport workers, porters, storage providers, security guards, child-care workers, recyclers and others (see Roever 2014: 53-4 for evidence from five developing cities).



A vendor helps a customer in Bangkok's Saphan Song morning market. Vending plays a variety of important functions in urban systems, by promoting safety and walkability, feeding consumers, contributing to local revenue, and attracting pedestrians to other local businesses. Photo: Pailin Wedel

3. The Role of Street Vending in Urban Systems

In the companion report on public space and informal livelihoods, Chen et al. (2018) summarizes Bromley's (2000) overview of common policy arguments for and against street vendors. Arguments against street vendors contend that they contribute to:

- Congestion – Informal activities are perceived as impeding the flow of pedestrians and vehicles.
- Crime and grime – Congested areas where informal workers operate are associated with crime (pick-pockets and petty thieves) and with grime (generation of refuse).
- Unsightliness – Informal workers and their activities are considered an eyesore.
- Public health risks - Food and drink sold by street vendors are believed to pose public health risks.
- Tax evasion – Informal workers are thought to evade taxes, and to avoid charging sales or value-added taxes.
- Unfair competition – Informal operators are seen as competition to off-street formal businesses.
- Substandard goods and services – Informal workers are viewed as dealing in substandard goods and services, so cheating customers.

Street vendors may contribute to congestion and grime but so do pedestrians, vehicles, the general public – *and* city governments that fail to regulate traffic and provide sanitation services. While informally traded food and drink can pose public health risks, vendors would welcome more hygienic working conditions to attract customers and to ensure the safety of their goods. Moreover, where public sanitation services are not available, vendors often clean their areas of operation. In many cities, street vendors self-monitor and self-manage their vending sites to reduce congestion, crime, grime, and public health risks. Also, many street vendors pay taxes and operating fees of various kinds and most earn less than the threshold for personal or corporate income taxes. Finally, whether street trade is unsightly is in the eye of the beholder; often natural markets of street vendors are attractive to tourists, who flock to them.

More importantly for urban planners: common negative perceptions of vendors ignore the many services that vendors *do* provide. Vendors play a variety of roles in urban systems that contribute to local economies, livability, equity, and safety. For example, section 2 showed how

street vending is a significant source of employment in general – and is particularly important for women. While individual incomes are often low, cumulatively these activities contribute to gross national product.

Below, we offer additional evidence of the role played by street vending in different components of the urban system.

Street life, heritage and tourism: There is increasing recognition from urban planners that mixed-use sidewalks and parcels of land add vibrancy to cities and are important to differentiating cities from each other (UN Habitat 2015; Efroymson et al. 2009). While many cities in the global South are evicting vendors, many cities in the global North are trying to create the kind of street life and culture that Southern cities have in abundance. London (City of London 2016), Portland (Newman and Burnett 2012), Detroit (Frank 2017), Darwin (City of Darwin 2014), and Los Angeles (Portnoy 2018) are all examples of cities that have recently legalized vending and are planning or have initiated new street markets. Kim (2012) suggests cities in the North have much to learn from cities in the South about creating vibrant public spaces through mixed use of their sidewalks. The IEMS findings point to the additional role street vending plays in celebrating cultural heritage and preserving traditional products and skills such as crafts, herbal medicines, and foods (Roever 2014: 57). Many street markets have been in existence for decades and some for centuries.

Urban safety: Writing in the 1970s, Jane Jacobs challenged the planning profession's ideal of urban order. She observed that "eyes on the street" provided by multiple sidewalk users make cities safer. Vendors in the IEMS and in Bangkok noted how enhancing safety was part of their role: deterring and reporting crime, alerting law enforcement to suspicious activity, and creating a safe, friendly environment that was good for business and for the public in the area (Roever 2014: 55, Reed et al. 2017: 40). In Warwick Junction in inner city Durban, the careful integration of vendors into urban plans has significantly improved public safety (Dobson et al 2009: 110). And indeed, it was a street vendor who, in 2010, thwarted a bombing in New York City's Times Square (Kilgannon and Schmidt 2010).

Local, national and international economies: Vendors are an integral part of urban economies and many are linked to the formal economy. Vendors frequently source their goods from formal enterprises. The IEMS found that these ranged from large retailers to small family businesses and farms (Roever 2014: 38, 51, 23). Indeed, for many multinational corporations – Unilever, Breweries (e.g. Anheuser-Busch InBevIt) and Coca-Cola – informal retailers provide the final point of distribution for their products. While formal and informal retailers are sometimes in conflict, an increasing body of evidence suggests that there is often a symbiotic relationship between them. Studies from Taipei in Taiwan, Cali in Colombia, and Los Angeles in the United States found that vendors attract more customers to formal shops through a positive agglomeration effect (see Chiusen 2014: 342, Martínez et al. 2017: 40, Yen Liu et al. 2015:10).⁶ When street vendors were removed in Bangkok, Thailand, formal business owners reported severe reductions in sales volumes and profits (personal communication from Narumol Nirathron 2018,⁷ Reed and Samantrakul 2018: 3).

Contributions to the local and national tax bases: Conventional wisdom suggests that street vendors avoid taxes and fees. However, research shows that many vendors pay value-added tax (VAT) on their purchases, although they are unable to charge it on their sales. Street vendors also commonly pay a variety of taxes, fees and levies that contribute to local and national

⁶ Research from Ho Chi Minh City (Kim 2012), New York City (Wheeler 2018), and Los Angeles (Yen Lieu et al. 2015) show that vendors often avoid selling the same type of products as adjacent shops, to avoid direct competition.

⁷ The case study of Pak Klong market is also covered in Narumol Nirathron's 2017 study of vending in Bangkok (available in Thai).

government revenue. The IEMS found that nearly two-thirds of the street vendors sampled pay for a licence, permit or access to public space (Roever 2014: 53). Street food vendors in many cities are required to pay for special licences. Market traders often pay even more. In Accra, Ghana, for example, market traders pay yearly licence fees, monthly rental payments, quarterly taxes, and daily tolls to local and national authorities (Adamtey 2014: 21). In some contexts, fees paid by street vendors and market traders are a key revenue stream for the local (and in some cases national) government. In Ghana, for example, King (2006: 117) found that a significant proportion of total metropolitan revenue in Kumasi comes from trader fees. In Durban, South Africa, street trader fees provided 70 per cent of revenue for the sub-unit charged with market management (Robbins and Quazi 2015: 29).

Research shows that vendors are often willing to make payments in return for security of tenure. They report being subjected to ongoing police harassment in spite of payments, and to being frustrated by the failure of these payments to result in service provision (e.g. facilities, services, or maintenance) and by the lack of transparency and accountability in how these payments are used (Roever and Rogan 2017: 16, Budlender 2017: 3, Banda and Chilufya 2009: 16). Horn (2018: 8) argues that the failure to collect revenue by governments often reflects the inability of administrative systems to manage small payments, rather than an unwillingness of vendors to pay.

Urban food security: There is a growing body of evidence that highlights the role played by informal vendors in food security. The African Food Security Urban Network (AFSUN) found that 70 per cent of 6,453 households surveyed across 11 sub-Saharan African cities sourced food from informal outlets, with 59 per cent of the households reporting that they patronize informal food outlets once a week or more (Crush and Frayne 2011: 799). Further, the more food insecure the household, the more likely it is to rely on informal food sources (Crush and Frayne 2011: 801). These findings are echoed by Kitwe (Zambia), Kisumu (Kenya) and Epworth (Zimbabwe)⁸ and in cities beyond Africa – Nanjing (China), Bangalore (India), Kingston (Jamaica) and Mexico City.⁹ This evidence suggests that vendors provide accessible and affordable food that in some contexts is fresher and better quality than that found in supermarkets.

Nutrition and convenience for consumers: Relatedly, street foods play an important role in basic nutrition. Steyn et al's (2013) review of 23 studies across the global South found that the daily energy intake from street foods in adults ranged from 13 to 50 per cent. In several cities, street foods contributed around half of daily protein intake. Street and market vendors have long been a source of fresh produce in urban centres. Some city governments in the United States have in fact offered special permits for vendors to sell fresh fruits and vegetables in low-income neighbourhoods.¹⁰ In southeast Asian cities such as Bangkok and Hanoi, white-collar workers rely on vendors for affordable and convenient meals (Carrillo-Rodriguez and Reed 2018: 20, Stutter 2017: 120). Research done by Yasmeen (2006) and Clark (2013) has also shown that the availability of affordable cooked foods alleviates women's unequal burden of domestic labour.

Food safety: The identification and management of toxicology levels in street foods has been thoroughly researched (see Skinner 2016: 15-19 for a review). This is a critical issue given that concern for consumer health is often cited as a reason to evict traders. Some studies find unacceptable toxicology levels (Gadaga et al. 2008; Barro et al. 2006). Other research, however, finds the opposite (Von Holy and Makhoane 2006, Lues et al 2006, Mboganie Mwangi et al 2000). Von Holy and Makhoane (2006) conclude their study noting that street food vendors are "capable of producing relatively safe foods, with low bacterial counts". A critical factor is the

⁸ See <https://consumingurbanpoverty.wordpress.com/>.

⁹ See <http://hungrycities.net/>.

¹⁰ See "Green Carts" and "Neighbor Carts" in New York and Chicago <https://www.nytimes.com/2009/06/11/nyregion/11carts.html>, http://www.familymedicine.northwestern.edu/docs/NeighborCartReport_Mar2013.pdf.

provision of infrastructure, especially toilets and running water, but also shelter from the sun and paved surfaces. This evidence suggests that while municipalities often cite public health concerns in justifying the removal of informal traders, they do not provide the very infrastructure and services needed to make street foods hygienic. An additional recurring theme in this literature is the importance and effectiveness of training vendors; examples of this can be found in China (Liu et al. 2014), in Zimbabwe (Gadaga et al. 2008), and in Nigeria (Omemu and Aderoju 2008, Umoh and Odobab 1999).

The extent of the positive contribution that vendors can make to the important issues outlined above is mediated by how municipalities plan and govern street vending in their cities. This does not mean that vendors should have free reign and no restrictions. On the contrary, vendors themselves often agree that consistent, transparent regulations make their livelihoods more stable (see findings from five cities in Roever and Rogan 2017). Principles for inclusive regulation are discussed in Section 5.



La Parada, the old wholesale market in Lima, Peru. Officials need data on street vendors in their city in order to plan and develop appropriate policies. Information sources can include nationally representative statistics, street vendor censuses and surveys, participatory appraisals, and self enumeration. Photo: Juan Arredondo/Reportage by Getty Images.

4. Building an Evidence Base for Inclusive Planning

Any policy or planning intervention needs to start by knowing the population that is the focus of the planning. This holds true across levels of government – national, provincial/state, city and town – and in area planning. Critical variables for street trading include: total numbers of vendors disaggregated by sex and age; the number of people dependent on these incomes; what the vendors trade; where they source their goods; and perhaps most critically, vendors’ perceptions of their primary constraints and priority needs.

At the national level, data can inform the extent to which street traders are included in national urban policies or policies on youth and women’s employment. Data on occupations in the informal economy in general, and on street traders in particular, are necessary for labour and training policies and should, but seldom do, inform economic policies such as competition and trade policies. Urban authorities need city-level data to inform their economic and social development plans and also to inform planning for appropriate urban infrastructure. For detailed local area planning, information is needed on street vendors’ spatial and infrastructural needs, and how these change at different times of the day, the week and the year.

Street vendors are a dynamic population, which makes obtaining data challenging. This section shows that it can be done and presents different methods and resources for doing so: nationally representative statistics, street vendor censuses and surveys, participatory appraisals and self-enumeration methods. This section includes two additional sets of resources that can assist in inclusive planning for street traders. The first is a key policy analysis tool called informal economy budget analyses (IEBA). An IEBA serves to help people understand government budgets and investigate the opportunities to participate at different stages of the budget process. While primarily designed as an advocacy tool for informal workers and their representatives, the process and findings can also be of use to those in local government working towards the inclusion of street traders.

4.1 National Data: A Source for Vendor Estimates

The best source of representative data on street vendors is official statistics collected by national statistics offices (derived either from labour force or other household surveys). Few other agencies, especially in the global South, have the resources or capacity to conduct regular surveys with sample sizes large enough to be nationally representative.¹¹ Since these surveys are conducted at regular intervals, they can provide an indication of trends over time, such as changes in composition of the street vending sector by sex and age, and changes in goods sold (e.g. food versus nonfood products).

Since street vending is not included in standard employment tabulations, the data are not usually generated by national statistical offices nor published in their regular public releases. If the right questions are in the national survey, estimates of informal trading – both on streets and in markets – can be derived from their public use files. Preparing estimates is likely to require a researcher familiar with the data, as tabulations from multiple questions are required. In the references listed below, Vanek et al. (2012) provides a technical guide on how to arrive at these estimates using data from public use files, while Aliaga Linares (2017) demonstrates the rich findings that can be derived from this kind of analysis.

Resources:



Vanek, Joann, Martha Chen and Raveendran Govindran. 2012. [*A Guide to Obtaining Data on Types of Informal Workers in Official Statistics: Domestic Workers, Home-Based Workers, Street Vendors and Waste Pickers*](#). WIEGO Statistical Brief No. 8.

This resource provides an overview of how street vendors and market traders can be identified in official statistics. The brief also includes examples from a country in Africa (South Africa), in Asia (India), and in South America (Peru) to show in detail how statistics on street vendors and market traders can be compiled from labour force surveys.

Aliaga Linares, Lissette. 2017. [*Statistics on Street Vendors and Market Traders in Metropolitan Lima and Urban Peru*](#). WIEGO Statistical Brief No. 16.

This uses the 2015 national labour force survey from Peru to analyze street and market vendors in Metropolitan Lima and other urban regions of Peru. It shows changes in numbers of vendors over a decade and compares differences in street and market vendors regarding sex, employment status, and products and services provided. It also analyzes vendors earnings, hours worked, access to health insurance, and tax registration. This paper demonstrates the rich analysis that is possible using national labour force survey data and includes methodological insights for those wanting to pursue this kind of analysis elsewhere.

4.2 City Data: Street Vendor Censuses

For appropriate and effective *urban* policy and planning, city and town-level estimates of the informal economy, including street and market vending, are critical. This is particularly true in light of the increasing trend towards the devolution of powers to local authorities. While some data can be derived from national official statistics,¹² in many countries, due to sampling frames

¹¹ For example, the national statistics office of South Africa interviews 30,000 households every quarter for their labour force survey while the Indian National Sample Survey Organisation interviews over 120,000 households for the National Survey of Unemployment and Employment.

¹² To determine whether the sample for a city will produce reliable estimates, seek advice from the national statistical office or a researcher familiar with the data set.

and sample sizes, reliable estimates for a specific city are not possible.¹³ Officials responsible for governing street trade often face the very difficult task of distributing permits/licences, and of providing necessary infrastructure, without knowing how many street vendors there are, where they are located, and what they need.

For cities and towns that have the resources, street vendor censuses can be very helpful in this process. In conducting a census, a brief questionnaire is administered to every individual in a short, well-defined period – often a day (see appendix 1 for an example). Ideally, censuses include geocoding so street vendors' locations across urban areas can be mapped.

Street trading census questionnaires cover only essential information. Priority questions will be context specific, and ideally should be identified by council officials/planners and street vendor representatives. Important variables include sex, age, status in employment (e.g. employer, employee, own account worker, contributing family worker), first language, nature of current infrastructure (e.g. access to shelter and or a trading table, often derived from simple observation), type of goods or services sold and whether the vendor/trader is a member of a vendor organization. Each variable can assist in one or another element of planning. Information on the nature of current infrastructure, for example, can show the extent of infrastructure deficits by area. Information on native language will establish the best language/languages for communicating with the trader community, while organizational affiliation reveals the reach of organizations among vendors.

Street trader censuses are methodologically challenging. As Roever notes, this is because street traders:

...work in many different types of public spaces – designated hawking zones, natural market areas, sidewalks, medians and transport terminals ... – at different times of day, on different days of the week and during different seasons of the year. Some traders move from one vending post to another over the course of the workday, and sometimes a single vending post can be the workplace of several different individual vendors (2011: 1).

Roever's guide outlines how to conduct a street vendor census to ensure accurate, broadly accepted results.

Resource:



Roever, Sally. 2011. [How to Plan a Street Trader Census](#). WIEGO Technical Brief (Urban Policies) No. 2.

This brief outlines the key features of a street vendor census and offers guidance for planning one. It walks through census project fundamentals (establishing authority and management structure, identifying stakeholders, defining goals, mainstreaming gender and ethical issues, and budgeting) and technical project planning (communications, mapping and enumeration design, data processing, dissemination, evaluation and analysis planning, staff training and piloting). It highlights key questions and challenges that will arise for census takers and identifies stages at which consultation with vendor representatives is critical for ensuring accurate, broadly accepted results.

¹³ In South Africa, for example, when the quarterly labour force survey was introduced, the sampling frame was designed for reliability at the provincial but not city level. Statistics South Africa has subsequently changed its sample frame so reliable estimates are possible for the larger metropolitan areas. In this case, city-level informal economy statistics can be generated; however, the sample sizes, even for the bigger metropolises, are not big enough to derive reliable estimates on specific worker groups.

4.3 City and Area Level Data: Other Methods

Surveys

While street vending census data provide broad overviews important for city-wide planning and prioritization, finer grain planning will require further insights. As noted above, census data are limited in scope. Ideally, follow-on surveys should be conducted. Conducting a census followed by a survey means that there is a sampling frame for the survey and it can therefore be representative. In cases where a census has not been conducted and other city-wide data are unavailable, surveys can nevertheless help collect additional information on vendors in a specific area or demographic, though they will not be representative.

Roever (2011: 33-36, Appendix 2) provides an example of a detailed questionnaire appropriate for a survey. Questionnaires should be developed based on the specific goals of the study. Some variables to consider are further demographic detail – for example, numbers of people dependent on the vendors' income; the nature of trader infrastructure (current and desired shelter, access to storage, water and toilets); employment dynamics (employment generated, employment conditions); formal-informal linkages (e.g. where inputs are sourced); business costs; profit and income, training and support (current and desired); regulation (current and desired); as well as details on organizational affiliation and experiences.

Each area of a survey can provide insights to facilitate responsive planning but can also highlight new opportunities. For example, information on what goods are sold indicate formal-informal interlinkages and could highlight potential points of leverage, such as whether there are large suppliers who might be willing to partner in infrastructure provision.

Mixed-methods

Qualitative methods such as focus groups or in-depth interviews can be used to probe further into specific themes or explore issues that are not covered in surveys. The IEMS used both quantitative and qualitative methods to explore issues facing vendors. The quantitative research tool was adapted from standard labour force survey questions, but modules on membership-based organization participation and street vending were added. The qualitative focus group method used a unique participatory approach that aimed to capture informal workers' perceptions, ideas and experiences in their own words. Researchers met with 5-6 workers in an informal setting and, using a series of participatory activities, facilitated lively discussions on topics like livelihoods and access to services. These qualitative methods can help researchers gain insight on specific areas of interest; in addition, they often help reveal new issues that were not anticipated.

In mixed method research, qualitative and quantitative tools complement each other. Researchers can explore questions raised in questionnaires in further detail through focus groups or use data from surveys to assess how widespread an issue raised in focus groups might be.

Resource:



Roever, Sally. 2014. [Informal Economy Monitoring Study Sector Report: Street Vendors](#). WIEGO, Inclusive Cities Report.

The IEMS used both quantitative and qualitative methods to explore issues facing vendors in five cities. Participating vendors were members of membership-based organizations. The analysis focused on how vendors are affected by, and respond to, economic trends and urban policies, as well as issues around access to supportive services and institutions. The quantitative assessment tools provided data on workers' MBO membership and participation, household profile, sources of income and livelihood profile, assets (e.g. dwelling, well-being and access to financial services), and enterprise and employment. Qualitative tools probed the specific challenges and barriers faced by workers, their coping strategies, and the contributions they make to society, among other topics.

Adopting a participatory approach

Participatory knowledge generation is not a separate data collection technique or a method in itself but should be seen as an underlying approach that can involve any method or combination of methods. Ideally, a participatory approach would involve the subjects of the research in the design, implementation and use of the research. Examples are:

- As outlined above, municipal planners and street vendor representatives together identify priority information gaps and co-design the survey accordingly.
- Street vendor representatives are involved in the analysis of the resulting data, and in subsequent efforts to use the data to inform the design of a street vending management model (see more on this in Section 5).

An approach like this one combines the technical, financial and logistical resources of the municipality with the critical, grounded knowledge that street vendors possess about their sector. It also presents several practical advantages for subsequently building consensus around an effective management model:

- When involved in a data collection process, participants are more likely to trust in the results and use those results with other stakeholders to inform decisions. This can avoid the phenomena of competing claims – for example, where the municipality presents data to street vendors that they don't trust or that they don't feel reflects their realities, and they respond with competing evidence or competing claims, which can result in stalemate.
- Involving street vendors in the research design, implementation and analysis process builds capacity, leaving both local officials and vendors better equipped to engage in subsequent phases of vendor management.
- When participants are involved in the research design, the results are more likely to highlight the most relevant issues for action. Without intimate knowledge of street vendors' experiences, outside researchers might design methods that do not produce the most relevant information for planning.

Resources:



Pulse Lab Jakarta. 2017. [*From Urban Data Collection to Urban Design: A Guide to Participatory Approaches Around the Globe.*](#)

This guide defines and makes a case for participatory urban data collection, in which citizens take an active role in designing research, and gathering and/or analyzing data on their communities. It provides an overview of toolkits that have been tested in cities around the world. The guide's first section focuses specifically on data collection and mapping approaches. Subsequent sections include people-centred design, urban resilience planning, and collaborative decision-making platforms, all of which can be relevant for subsequent stages of vendor management planning.

Ahmed, Sohel, Edwin Simiyu, Grace Githiri, Alice Sverdlik and Shadrack Mbaka. 2015. [*Cooking up a Storm: Community-led Mapping and Advocacy with Food Vendors in Nairobi's Informal Settlements.*](#) IIED Working Paper.

This paper describes a community mapping process and methods used in three informal settlements in Nairobi, Kenya. It outlines how trained community surveyors and external researchers used focus groups, mental/cognitive mapping with vendors, and “on-the-ground” mapping through satellite imagery, mobile phone applications, and balloon mapping. Researchers mapped locations, work times, and products sold of 660 vendors, and the vendors' proximity to roads, water and sanitation infrastructure, and hazardous areas. Combined with focus group findings, this spatial information reveals overlapping threats to food safety and vendor livelihoods. The paper also describes how such participatory research methods can facilitate organizing (as evinced by the establishment of a Food Vendors' Association in the study settlements).

4.4 Self-enumeration and Mapping

Self-enumeration and mapping among the urban poor is used as an organizing tool, and increasingly as a source of information on informal settlements. Residents argue government data frequently undercounts them and/or mischaracterizes their infrastructure; they assert that their lived experience and knowledge about where they live places them in the best position to collect such data. Arguably, the best example of self-enumeration is Slum Dwellers International (SDI) “know your city” data. These provide profiles of informal settlements in cities across 13 African and Asian countries. While current information on self-enumeration focuses on slum dwellers, there is increasing interest among street trader organizations in these techniques. For example, the Kenyan Alliances of Street Vendors and Informal Traders (KENASVIT) have used the results from a street vendor census they conducted in their negotiations with city government.

Resource:



[Mapping, Enumerating and Surveying Informal Settlements and Cities.](#)

Environment & Urbanization. April 2012. Volume 24, No. 1.

This issue of the journal *Environment & Urbanization* provides a useful overview of this approach and offers a range of resources on methods for self-enumerating, participatory mapping and surveys from informal settlements in the global South. The first several articles introduce and provide historical perspectives of how these approaches developed. Case studies cover the backgrounds, methods and results from initiatives in India, Uganda, Ghana, South Africa, Namibia, India, Tanzania, Zimbabwe and Mexico.

4.5 Informal Economy Budget Analysis

As described in Section 3, there is often confusion and misperception about taxes and payments made by vendors. Contrary to the belief that vendors do not pay taxes or are not paying their fair share, many vendors do make payments that provide a source of municipal revenue. The vendors expect secure tenure, infrastructure and services in return.

There are several ways in which policymakers can better understand the scope of vendor taxation and payments. Vendor censuses, surveys and self-enumeration tools (described above) can include questions about these issues. Another tool is the Informal Economy Budget Analysis (IEBA), developed and used by WIEGO. IEBAs probe whether and how government budgets and actual expenditures respond to the needs and interests of informal workers by occupational sector (e.g. street vendors); and how much informal workers contribute to revenue by sector.

IEBAs review allocations and expenditures, delivery indicators, budget classifications and sources of revenue at different levels of government to assess:

- how funds are allocated and channeled through what agencies.
- what proportion of funds are allocated to programmes or functions that are important for street vendors, market traders or other informal workers.
- what the sources of revenue are from street vendors, market traders or other informal workers.
- what opportunities exist for workers or their organizations to participate at different stages of the budgeting process.

The resource listed below (Budlender 2010) can help street vendor advocates within the state to understand and thus secure funds to improve public spaces, provide services for vendors and create new programmes or funds to support vendors. IEBAs can be used to support existing participatory budgeting processes, and/or to work with vendors on making resource distribution fairer and more efficient. This could include negotiations around payments made in return for stable livelihood conditions and access to services.

Resources:

Budlender, Debra. 2010. [How to Analyse Government Budgets from an Informal Economy Perspective](#). WIEGO Technical Brief No. 1.

This resource provides guidance for undertaking an IEBA. It walks readers through the initial stages of analysis: selecting categories of informal workers, levels of government, departments and programmes of interest. It introduces types of budget books and how to read them by reviewing key components – allocations and expenditures, delivery indicators, budget classifications, recurrent versus development budget and revenue, and revenue – and their relevance to IEBAs. It outlines stages, actors and opportunities for participation by non-state actors in budgeting processes. Finally, it provides considerations for presenting findings.

Robbins, Glen and Tasmi Quazi. 2015. [Informal Economy Budget Analysis: eThekweni Metropolitan Municipality](#). WIEGO Working Paper No. 34.

This report describes the specific methodology and outlines key findings from an IEBA conducted for Durban, South Africa. It discusses the eThekweni Metropolitan Municipality's budgeting process, providing a breakdown of recent yearly municipal revenues, expenditures and trends. It then identifies the municipal departments whose activities relate to the informal economy, and analyzes relevant policies, activities and allocations. The study highlights that the informal economy is relatively prominent in the municipality's plans and as a source of revenue, but also identifies limitations in how the municipality plans and budgets for the needs of informal workers.

Adamtey, Nicholas. 2015. [Informal Economy Budget Analysis: Accra Metropolis](#). WIEGO Working Paper No. 33.

This IEBA conducted for Accra, Ghana, focuses on resource allocations, expenditures and revenues related to Accra's informal traders. Using budget documents from 2012 to 2014, the report outlines revenue sources and trends for Accra Metropolitan Authority (AMA), identifies all budgeted activities linked directly to traders, and evaluates the shares of expenditure for each activity. It examines fees and payments made by market traders, using available policy documents and vendor interviews. Site visits to markets show construction progress of market facilities, additional services provided or purchased by traders, security arrangements and market management structures.



Trading in the Warwick Junction in inner city Durban. Inclusive approaches recognize vendors right to earn a livelihood. They accommodate vending in 'natural markets' and provide appropriate infrastructure, facilitating ongoing participation of vendors in decision making. Photo: Caroline Skinner

5. Street Vendor Regulatory Frameworks: Harmonizing the “Right to Work/Trade” and the “Right to Govern

Cities need to balance the right to livelihood (enshrined in some constitutions as the right to work or the right to trade) with the need to govern public space (Roever 2016). History has shown that municipal authorities have tried several ways to inhibit informal trade and criminalize street vendors' livelihoods (Roever and Skinner 2016; Meneses-Reyes and Caballero-Juárez 2014). Street vendors and their representatives are increasingly turning to the courts to secure their rights (see Braun et al. 2011 on India; Roever 2016 on India, South Africa and Peru; Fish-Hodgson and Clark 2018, on South Africa and Meneses-Reyes and Caballero-Juárez 2014 on Colombia, Mexico and India). This section starts by reflecting on how traders have invoked constitutional rights to secure their rights to trade and then gives details on inclusive legislative frameworks and permitting and licensing regimes and administration. The section concludes by outlining principles for inclusive approaches.

5.1 Constitutional Rights and Street Vending Regulation

The “right to work” is enshrined in many constitutions (Colombia, Mexico, India, Vietnam), while others state that every citizen has the “right to choose their trade” (Republic of South Africa, Chapter 2, 22). The Indian and Mexican Constitutions entitle the state “to make any law imposing reasonable restrictions (to the right to work) *in the interest of the general public*” (emphasis added) (Meneses-Reyes and Caballero-Juarez 2013: 6). In South Africa the “practice of any trade, occupation or profession may be regulated by law”. Most countries have either national laws, or most commonly local regulations that aim to manage / control street vending. StreetNet¹⁴ International’s review of street vendor regulatory regimes notes, however, that street vending legislation often pre-dates the constitution and that implementation of these laws nevertheless proceeds despite being unconstitutional (Horn 2018).

There is an increasing number of important cases across the global South in which street vendors have challenged existing regulations. An early landmark case was in 1986 in India - the case

¹⁴ StreetNet International is a federation of organizations of street vendors and informal traders with 54 affiliates in 49 countries in Africa, Asia, the Americas, and (Eastern) Europe.

of *Olga Tellis v the Bombay Municipal Corporation*, where the Supreme Court of India ruled that the right to livelihood is born out of the right to life, noting that “no person can live without the means of living, that is, the means of livelihood”¹⁵. Meneses-Reyes and Caballero-Juarez (2013) document constitutional court rulings in Mexico, Colombia and India. Based on these cases, they argue, the constitutional courts have limited the capacity of the city to remove street vendors from the street without proper justification. They note that these rulings are affirming that:

... municipalities are expected to regulate rather than proscribe [vending in public space]. Constitutional interpretation has managed to create not only legal standing for hawkers but also case law that directs the regulation of this activity. (2013: 12)

Similarly, in South Africa the constitutional right to human dignity has been invoked in court cases “to grant informal traders the right to participate in informal trade” (Fish Hodgson and Clark 2018: 6). Fish Hodgson and Clark note that this right “has clearly and repeatedly” been affirmed by the courts (2018: 6). In addition, the South African courts ruled on the power of law enforcement officials to impound or confiscate informal traders’ goods if informal traders fail to comply with municipal bylaws. Confiscation of goods is a common feature of street vendor regulation and has devastating livelihood impacts. In 2015, the Durban High Court ruled that impoundment of goods in simple cases of non-compliance (like trading without proof of a permit) violated traders’ constitutional rights to property (see Fish Hodgson and Clark 2018: 6). Constitutional cases have similarly defended the rights of other informal workers against threats to their livelihoods – for instance, by invoking the “right to survival,” “right to life,” and “right to equality” to protect Colombian waste pickers against sudden, unfavourable changes in policy (Chen 2013).

Administrative justice, or fair decision making, is another relevant area of law. Administrative law is a branch of public law designed to ensure government administrators’ decisions are lawful, reasonable and procedurally fair (Kohn 2017). There is, an increasing focus on street vendors using administrative law, and WIEGO is training street vendors on how to use administrative law to challenge local authority decisions in South Africa, Accra, Ghana and Mexico City (see http://www.wiego.org/informal_economy_law/newsletter-law-informal-economy).

In the countries where rulings have been made, local government officials would do well to engage with the details, since these decisions are binding. Experience in South Africa has shown that not adhering to central tenants of the Constitution and constitutional court Rulings can have both personal costs and incur costs to authorities. The 2015 Durban high court case ruling on confiscation of traders’ goods decided that the police officer involved was personally liable. She had to pay the trader compensation from her own resources. Following the constitutional court ruling against the Johannesburg City Council, where the city’s removal of 6,000 inner city vendors was found unlawful, the lawyers representing the vendors are claiming damages of R140 million¹⁶ (personal correspondence, 6 July 2018). If successful, this will be a huge burden on the council budget.

The two resources listed below will assist government officials who are seeking to align street vending regulatory frameworks with fundamental human rights. While the resources speak to specific contexts, the principles therein are informative.

¹⁵ See https://h2o.law.harvard.edu/text_blocks/28860 for the full text of the judgment.

¹⁶ This equates to approximately US \$11 million.

Resources:

Clark, Michael. 2018. [Towards Recommendations on the Regulation of Informal Trade at Local Government Level](#). Socio-Economics Rights Institute and the South African Local Government Association: Johannesburg.

This report provides a set of recommendations to local government on how informal trade can be regulated in a manner that respects the rights of informal vendors, and is just, humane and inclusive.

Kohn, Lauren. 2017. [Using Administrative Law to Secure Informal Livelihoods: Lessons from South Africa](#). WIEGO Technical Brief (Law) No. 10.

This document outlines the principles of administrative law and the protections that it offers. It demonstrates how street vendors and waste pickers can use administrative law strategically by providing court decisions and other practical examples to show how street vendors and waste pickers can use administrative law to challenge decisions and actions that negatively affect them. While the brief presents learnings from South Africa, it is useful for officials and informal workers in other countries with similar principles of administrative law.

The following academic articles outline the relevant/latest jurisprudence for Colombia, India, Peru, Mexico and South Africa.

Resources:

Fish Hodgson, Tim and Michael Clark. 2018. [Informal Trade in South Africa: Legislation, Case Law and Recommendations for Local Government](#). Socio Economics Rights Institute and the South African Local Government Association: Johannesburg.

This report unpacks court judgments that have substantially contributed to the rights of informal traders and identifies a range of legal principles governing the rights, duties and obligations of informal traders, law enforcement officers and local government. The report shows that the law grants protection to foreign nationals who participate in informal trade, and cautions local government on the illegality of impoundment of traders' goods. The report concludes with various recommendations that have been drawn from case law. While essential reading for South African local government officials, the recommendations are helpful to any authority wanting to adopt a more inclusive approach.

Meneses-Reyes, Rodrigo. and José A. Caballero-Juárez. 2014. [The Right to Work on the Street: Public Space and Constitutional Rights](#), *Planning Theory*, Vol. 13(4), 370–386.

Constitutional challenges to municipal regulations have paved the way for the incorporation of municipal regulations based on a right to work on the streets. This paper details the constitutional court rulings in Mexico, Colombia and India. It shows the way in which the municipal capacity to legislate, control and regulate public space has been challenged and constrained by street vendors' invocation of their right to work in these countries.

Roever, Sally. 2016. "Informal Trade Meets Informal Governance: Street Vendors and Legal Reform in India, South Africa, and Peru." *Cityscape*, Vol. 18 No 1, pp. 47–66.

This article examines the regulatory spaces through which local government officials have developed practices such as harassment, confiscations and arbitrary evictions, and documents the extent to which street vendors and market traders experience them in five cities: Accra, Ghana; Ahmedabad, India; Durban, South Africa; Lima, Peru; and Nakuru, Kenya. The article identifies components of legal reform used in Ahmedabad, Durban and Lima to counter those practices:

(1) establishing limits on municipal power, (2) linking street vending to poverty alleviation, and (3) establishing channels for street vendors' representation. The findings suggest ways in which cities can more effectively balance the right to livelihood with the need to govern public space.

5.2 Examples of Inclusive Legislation

In India, due to the persistence of organizations representing vendors, most notably the Self-Employed Women's Association (SEWA) and, in more recent years, the National Alliance of Street Vendors of India (NASVI), the rights of street vendors have repeatedly been affirmed through the Indian courts.¹⁷ A milestone was reached in 2010 when the Indian Supreme Court affirmed that street hawking is a fundamental right under the Indian Constitution but also mandated that Parliament enact national legislation to ensure this right. In March 2014, the Parliament of India adopted the [Street Vendors \(Protection of Livelihood and Regulation of Street Vending\) Act](#). This is arguably one of the best examples of inclusive legislation.

Parliament of India, Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

The Act protects the rights of street vendors and regulates vending activities. It clearly specifies the roles and responsibilities of both vendors and municipal corporations. While there are ongoing implementation challenges, the content of this Act contains important precedent for inclusive approaches to street vending not only in India but everywhere. Key provisions are outlined below.

Core principles of recognition and accommodation: The Act recognizes the positive role vendors play in cities and identifies the need for livelihood protection. It commits to ensuring that *all* existing vendors are accommodated in vending zones and issued certificates of vending.

Legislated participatory governance structure: The Act specifies that Town Vending Committees (TVCs) be established and states that they should be chaired by the Municipal Commissioner or Chief Executive Officer. This indicates institutional priority being given to this task. The TVC includes representatives from different local government departments – health, planning, traffic and the police. These departments often have different approaches, so including them holds the hope of a more consistent approach across departments. Significantly, the Act stipulates that street vendors' representatives must constitute 40 per cent of the TVC members. An additional 10 per cent of TVC members must be from non-governmental organizations. Thus, 50 per cent of the TVC are from civil society. A legislated participatory governance structure is hereby established. The TVC is tasked both with proactive planning (through conducting street vending surveys and developing street vending schemes) but also ongoing trader management (maintaining records of registered vendors etc.). In addition, TVCs are expected to conduct “social audits” of their activities, suggesting an ongoing evaluation of the impact of their work.

Establishing and maintaining a knowledge base on the status quo: The TVCs are tasked with carrying out surveys of vendors; no existing street vendor can be displaced until this survey is completed. This means their work is informed by existing trader numbers and livelihood realities. The Act specifies that subsequent surveys should be carried out at least every five years.

Leaving no trader behind: The Act requires TVCs to ensure that all existing vendors are accommodated in vending zones. It specifies that street vendors identified in the survey, equal or up to 2.5 per cent of the jurisdiction's population, must be accommodated in vending zones.

¹⁷ See Roever 2016 for details of legal rulings in India and Sinha 2017 and Roever and Sinha 2011 for details of the decades of judicial precedents and advocacy on this issue.

Establishing the “holding capacity” of public space: The Act defines the “holding capacity” as meaning the maximum number of street vendors who can operate in any vending zone, as determined by the local authority on the recommendations of the TVC.

The recognition of “natural” markets, ensuring that vendors are not relocated to marginal sites: The Act recognizes “natural” markets as “*places where sellers and buyers have traditionally congregated*” and prohibits TVCs from declaring these no-vending zones. This precludes the relocation of vendors to places that are inaccessible and have low levels of pedestrian footfall, a common occurrence in street trader planning.

Issuance of certificates of vending: The Act then notes that, “Every street vendor, identified under the survey...shall be issued a certificate of vending by the Town Vending Committee’ but within conditions outlined by the trading scheme.” The Act gives discretion to local governments – for instance, in setting vending zones/areas and criteria and fees for vendor certification.

Street vendors have responsibilities in return for rights to trade: The Act specifies that vendors remove their goods and wares at the end of the trading day, and maintain cleanliness and public hygiene in the vending zones and the adjoining areas. It calls for the maintenance of civic amenities and public property in the vending zone but also payment by vendors of maintenance charges for these amenities and facilities.

Appeal and dispute resolution committee and procedures: Vendors have the right to appeal unfavourable decisions (e.g. revocation of a certificate) by TVCs. Further, the Act outlines what should happen to address grievances and disputes, suggesting the establishment of a committee chaired by a civil judge or judicial magistrate.

The critical issue is the extent to which the Act is implemented. This is being closely monitored by SEWA and NASVI, which notes the numerous cities that have now established TVCs.¹⁸ The process, however, has not been without its setbacks (see Amis 2015). This reinforces the point made by Meneses-Reyes and Caballero-Juárez that where policies and laws are developed to ensure compliance with constitutions, this still does not guarantee proper implementation. They note:

... litigating street vendors’ rights may be better represented as a continuous dialogue between hawkers, municipal authorities, and the courts, than a series of decisions that put an end to conflicts. (2015: 371).

Model Street Vendor Bylaws

In post-apartheid South Africa, the Durban City Council pursued a year-long informal economy policy development process. This sought to accommodate the need to support the growth of economic opportunities for all informal workers and, at the same time, enable the re-regulation of what had become a rapidly de-regulated use of public space for trading. It drew on the experience of integrating street vendors and market traders in the inner-city Warwick Junction, aiming to institutionalize across the city the innovative approaches developed there. The resulting policy aimed to secure an integrative approach to the informal economy ([eThekweni Municipality 2001](#)) and was widely recognized as a good practice (Lund and Skinner 2004). Shortly after it was adopted by the council, the Legal Resources Centre, a nonprofit public interest law clinic, translated the policy principles into bylaws. While the policy remains official, the council has not implemented these bylaws. StreetNet International, however, regards them as model bylaws and disseminates them among its members. They are included in Appendix 2 and contain many of the principles of inclusive regulation outlined in Section 5.3.

¹⁸ See <http://nasvinet.org/newsite/progress-in-the-implementation-of-the-street-vendors-act-2014>

5.3 Street Vending Licensing/Permitting and Administration

Approaches to assigning and distributing vending rights are different in different contexts as is the terminology used. A scan of evidence suggests there are essentially two types of permitting/licensing systems – one that regulates the right to trade and another that regulates trading space. Where the right to trade is regulated, anyone who trades without a permit/licence is committing an illegal act. Where the trading space is regulated, anyone is free to trade in principle, but not in a particular area without a permit/licence to do so. India’s street vending act and the model bylaw suggest issuing street vending certificates and permits respectively, both regulating *trading space* rather than *trading*.

Braun et al (2011: 23-30) are a useful resource to detail conditions and criteria for the issuance of a licence; the level of discretion allowed to authorities in determining whether to issue a licence; the rights of vendors to assign, sublet and resell the spaces their licence granted them; the types of vending in which licencees were permitted to engage; the number of licences to be issued; the allocation of licences among successful applicants; and the rights to government services, if any, a licence conferred on the licensee. In general, schemes should not criminalize vending without a licence, but rather facilitate vendors to gain security and stability through the licensing systems.

Resource:



Braun, Robert, Megan Corrarino, and Tienmu Ma. 2011. [Developing National Street Vendor Legislation in India: A Comparative Study of Street Vending Regulation](#). Transnational Development Clinic, Yale Law School: New Haven. In response to the India Supreme Court Ruling 2010 on the right to vend, this Working Paper analyzes national and sub-national laws regulating street vendors from over 20 countries identifying key features and design choices for legislation. While this was drafted to inform India’s new street vending legislation, the content is useful for any authority considering drafting or reforming street vending legislation.

Horn (2018: 10) furnishes details on administration and taxation. On administration, she suggests transparent and user-friendly systems. Ideally there should be simple, one-step registration systems, including registration for different areas of compliance (e.g. health and safety certificates, vending permits). She notes that to mitigate against widespread corrupt activities by local authorities, police and other rent seekers, a cashless system of payment of fees and levies, with receipts issued, should be instituted where possible. In countries like Kenya where cell phone banking is widespread, this is possible. On taxation, Horn suggests an integrated taxation system that incorporates licence fees, payments for services and rental of space in an overall revenue system that recognizes the direct and indirect payments made by street vendors as taxes that entitle them to social benefits.

Resources:



Horn, Pat. 2018. Street Vendor Licensing and Permits – Reflections from StreetNet International, WIEGO Resource Document No. 10. (forthcoming) StreetNet International gathers information about different trading regulation systems from its members. Drawing on this knowledge base, Horn (2018) analyzes street vendor licensing and permitting regimes, considering national legal, political and economic factors as well as broad trends in local government approaches. It then outlines the core elements of existing licensing and permitting regimes. Rather than identifying “inclusive” or “better” practices, which are context specific and often short-lived, the paper focuses on appropriate processes and underlying principles with a view to both enhancing the knowledge base and guiding further work on this issue. Issues that need further research/documentation are identified.

Food trade is frequently subject to specific national health legislation. Local government regulations often make certified compliance with health regulations one of the requirements to qualify for a licence or permit. As noted in Section 3, with appropriate regulation, training and facilities, street vending can provide a safe and reliable source of nutrition for urban populations. Proietti et al (2014) and von Holy and Makhoane (2006) are useful reference points on how to improve food safety while the Food and Agricultural Organization and World Health Organization provide useful and practical guides.

Resources:



Food and Agriculture Organization of the United Nations (FAO). 2009. [Good Hygienic Practices in the Preparation and Sale of Street Food in Africa, Tools for Training](#). United Nations: Rome.

Proietti, I., Frazzoli, C. and Mantovani, A. 2014 Identification and Management of Toxicological Hazards of Street Foods in Developing Countries, *Food and Chemical Toxicology*. Vol. 63, pp. 143–152.

This paper considers all steps in production and vending, identifying specific points of concern and suggesting actions to improve consumer protection.

World Health Organization (WHO). 1996. [Essential Safety Requirements for Street Vended Foods](#). United Nations: Geneva.

World Health Organization (WHO). 2007. [Five Keys to Safer Food Manual; United Nations: Geneva](#).

[World Health Organization \(WHO\). 2010. Basic Steps to Improve Safety of Street-vended Food](#); United Nations: Geneva.

von Holy, A. and Makhoane F.M. 2006. Improving Street Food Vending in South Africa: Achievements and Lessons Learned. *International Journal of Food Microbiology*. Vol. 111, No. 2., pp. 89–92.

This paper reflects on the efforts of South African universities and health authorities in improving the safety of street-vended food. This research found that street food vendors in South Africa can produce relatively safe foods, with low bacterial counts. The paper details how health authorities transitioned from perceiving street food vending as a nuisance to proactively improving the health standards of food vendors.

5.4 Principles for Inclusive Legislation and Regulation

The constitutional rights, latest jurisprudence and legislation outlined in Sections 5.1 and 5.2 suggest the following principles for inclusive legislation and regulation:

- Street vendor livelihoods are legitimate and should be protected and promoted.
- Regulations should include existing vendors, register them and accommodate them with minimal relocation.¹⁹
- Relatedly, street vendor schemes must recognize “natural markets” – those places where sellers and buyers naturally congregate – and that the viability of most vending depends on pedestrian flows.²⁰
- The “holding capacity” of any one area should be determined not only by who is already there but a process of negotiation between traders and local authorities. From a planning perspective, Benit-Gbaffou (2015) argues this can never be defined in absolute terms but rather through dialogue.

¹⁹ This assumes a census and database of all existing traders.

²⁰ The exception is so-called “destination trade” - those goods or services that pedestrians are willing to go out of their way for. This kind of trade is in the minority.

- A stable street-vending environment is best achieved by granting a multi-stakeholder committee the responsibility of overseeing policy and legislative changes, their implementation and ongoing vending management. This committee must include democratically elected street vendor representatives²¹ (constituting at least 50 per cent of the committee) as well as representatives from all relevant local authority departments – planning, architecture, solid waste, health, fire, traffic and police. This would mitigate against different departments pursuing different approaches. This issue is discussed in greater detail in Section 6.
- Vending fees should consider the income/earnings of street vendors, whether vendors earn above the threshold for different tax instruments, and their ability to pay.
- Enforcement provisions should be founded on the principle that street vendors are pursuing legitimate economic activities so non-criminal sanctions should apply.
- An appeal process and committee should be established (see clauses 44-56 in the model bylaws in appendix 3).

²¹ Benit-Gbaffou (2015) suggest that local authorities support solidarity and capacity building of street trader organizations – in street trader forums chaired by an independent facilitator – so that they are empowered to make strategic recommendations in the multi-stakeholder advisory committee.



Customers line up for lunch at a popular cart in New York City. When city governments recognize street vendors and their representative organizations as legitimate partners in the regulatory design and management process, street vending management is more inclusive, effective and sustainable. Photo: Street Vendor Project

6. Participatory Governance

Section 5 suggests that the most successful regulatory frameworks are those designed through multi-stakeholder processes. However, participation is important not just to reach agreement on a regulatory framework but as an ongoing part of vendor management. This section outlines how participation of relevant stakeholders can be integrated into every phase of regulatory design and governance for more effective and sustainable outcomes.

Unfortunately, the starting point for bringing together stakeholders in dialogue around street vending management is, most often, a specific conflict. In this context, the timeline for finding solutions can be very tight, trust may have already broken down among stakeholders, and resulting agreements may be abandoned once the immediate crisis has passed (StreetNet 2013).

A more effective and sustainable model for street vending management is possible when governments act proactively to bring together stakeholders to collectively define solutions. However, how this process takes shape depends on a range of contextual factors, including the number and type of stakeholders involved, the level of organization of street vendors, and the priority issues being addressed, among other things. Rather than prescribe a one-size-fits-all approach, this section outlines a set of key recommendations to consider for creating an inclusive, consensus-building process around a model of street vendor management that is responsive to local needs and context.

These process recommendations are broadly grouped into three phases:

- **Set the stage through open dialogue and information sharing:** Before entering into collective negotiations around street vendor management models, it is important to create opportunities for open, transparent dialogue to inform all interested stakeholders of the upcoming negotiation and to solicit information on interests, preferred ground rules and desired outcomes.
- **Engage in collective negotiation to build consensus towards an agreement or set of recommendations:** The term negotiation is used broadly here²² to describe an inclusive

²² The recommendations provided here draw from both the consensus-building approach to negotiation advocated by Susskind and Cruikshank (1987) and the specific guidelines for building a model framework for a local-level collective bargaining system described by StreetNet (2013).

process of consensus-building among stakeholders that results in an enforceable agreement or that allows vendors to provide recommendations on street vending management on an ongoing basis. Two specific negotiation models are described here using examples from Lima, Peru, and Ahmedabad, India.

- **Monitor implementation through institutionalization of stakeholder engagement around street vending management:** Institutionalizing spaces for dialogue allows for continued engagement and participatory governance; for example, street vendor organizations and other stakeholders can play an active role in monitoring the implementation of the model and in resolving disputes or issues that arise on an ongoing basis. This is also an important component in working towards sustainability of the model.

6.1 Open Dialogue and Information Sharing

Ensure broad-based participation of relevant stakeholders

An initial mapping of stakeholders and their interests is an important first step in creating a foundation for subsequent negotiations. In a negotiation following a conflict, the stakeholders may appear to be obvious – for example, business owners who have lodged complaints, street vendors who have been impacted by evictions, and concerned government entities. However, even when this is the case, it is important to make efforts to ensure that any other actors that may have a stake in the issue are informed of and have the chance to participate in the process that is undertaken.

An open, transparent process is critical not only for equity but also for ensuring the efficacy of outcomes. For example, many cities have multiple organizations of street vendors representing vendors in different districts. If only the largest and most vocal vendor organizations are included, the process may rightly be viewed as unfair and illegitimate by excluded organizations. When a process is perceived as illegitimate, broad compliance with and sustainability of outcomes are unlikely. The challenge then is to identify and invite all groups with a stake in the issue to participate. This could be done by holding large, open consultations, roundtables or workshops on the issue of street vending that are advertised widely, to inform interested stakeholders that a more formal process of negotiation is to follow. When stakeholders have had no previous interaction, these consultations are useful for information sharing about interests and concerns, and ideally could serve as a first step in identifying areas of mutual interest or benefit. Broad consultations can also be helpful as a forum for discussing format and “ground rules” for the negotiations to follow – in other words, defining the elements of a process that stakeholders are willing to participate in and consider to be fair.

The role of outside facilitators in convening and mediating negotiations: Often negotiations start from a place of conflict when tensions among stakeholders may be high and trust may be low. It is always important to consider the possibility of bringing in a third-party neutral actor to convene, facilitate or mediate negotiations. The use of a facilitator is one way to neutralize power dynamics and bolster the sense of legitimacy of the process among stakeholders – which is critical for reaching a mutually satisfactory agreement that will be respected and upheld. Facilitation may seem like a natural role for government, as the actor that ultimately holds the responsibility for managing street trade – however, it is precisely because of this disproportionate responsibility that an outsider may be needed to “level the playing field” among participants and foster buy-in to the process. A skilled facilitator should also be able to make the process more efficient through the use of techniques to move it along at every stage and prevent stalemate. For example, a facilitator could lay the foundation for a more efficient process by meeting with groups individually before the negotiations to discuss objectives, desired outcomes and ease concerns. (For more on how to decide whether to pursue assisted or unassisted negotiation, see Susskind and Cruikshank 1987).

6.2 Building Consensus towards an Agreement or Set of Recommendations

Define a Format, Ground Rules and Scope for Negotiations

The term negotiation here is not meant to evoke images of confrontation or a winner-takes-all scenario. For street vendor management to be effective there must be buy-in from all stakeholders and accountability built between them. This is most easily achieved through a consensus-building process that is equitable (stakeholders are empowered to participate on equal terms) and efficient (results in a signed agreement or set of recommendations with a clear link to formal decision-making processes) (Susskind and Cruikshank 1987).

Collective negotiation is a broad term that could take a multitude of forms, including:

- Approach # 1: A negotiation around street vending management could involve a *fixed-term engagement* among relevant stakeholders that ends when an enforceable negotiated agreement is reached. In this case, the subsequent establishment of a permanent forum for engagement will be important for monitoring the implementation of the agreement (described in greater detail in Section 6.3).
- Approach # 2: A negotiation could involve the establishment of a multi-stakeholder committee that makes recommendations on street vending management to the relevant local authority on an *ongoing basis*. In this example, the committee may be involved in policy design, implementation, monitoring and dispute resolution.

Negotiations taking either of these approaches could also involve the addition of side forums (allowing larger groups to agree on recommendations that are fed back to the formal negotiating group or committee), dedicated working groups or sub-committees (to decentralize decision-making).

The form a negotiation process takes will depend on a range of factors but should always have clear terms of reference, ground rules and scope that are agreed upon by all stakeholders (StreetNet 2013). To this end, the broad consultations described in Section 6.1 could serve as an initial step for gathering input on what shape negotiations should take, to be approved by all participating stakeholders at the start of negotiations.

Box 1: Multiple Approaches: Street Vendor Mesa in Lima and Town Vending Committees in Ahmedabad

The negotiation process to develop a model for street vending management can take many forms. These two cases illustrate approaches 1 (Lima) and 2 (Ahmedabad) described above. These examples are not perfect: both their shortcomings and strengths are highlighted throughout this section to illustrate lessons to keep in mind when designing your own process.

A negotiated agreement on a new street trade ordinance in Lima, Peru

In 2013, the municipality of Lima, Peru, convened a roundtable (referred to in Lima as a mesa) on street vending regulation that brought together representatives from street vendor federations with members of the government's technical team that was charged with writing the ordinance. The mesa formed part of a broader consultation process involving multiple stakeholders. It met on a regular basis and was tasked with finalizing the text of the new street vending ordinance (what would become Metropolitan Lima Ordinance 1787 on Street Trade). The mesa was also tasked with laying the groundwork for implementation of the ordinance once it was passed. This led to an agreement around the establishment of a tripartite committee made up of vendors' organizations, government and the community to monitor and advise on implementation of the ordinance after its adoption (WIEGO n.d.).

Although the ordinance was passed in 2014, a change in political administration altered the trajectory of the process. Unfortunately, the mesa was discontinued and the tripartite committee was not established. In 2016, critical language in the ordinance was changed without consultation (reducing the period of street vendor licences from two years to one) and implementation on the ground has been weak.²³

Sustained negotiation on street-vending management through a multi-stakeholder committee in Ahmedabad, India

The Indian Street Vendors (Protection of Livelihoods and Regulation of Street Vending) Act, 2014, mandated the creation of Town Vending Committees (TVC) in each city. The Act outlines various responsibilities for the committees at every step of the local policymaking and implementation process. For example, the committee is meant to carry out a survey of all existing vendors to serve as a basis for making recommendations to local authorities on the development of a local street-vending plan and scheme (plans determine vending zones and schemes determine fees and certificates). Under the established scheme, the TVC can then distribute vending certificates and has the authority to suspend these if the certificate conditions are violated (SV Act, 2014).

In Ahmedabad, India, where the Self-Employed Women's Association (SEWA) has built a strong street vendors' movement, a town vending committee has been established and gains have been made towards establishing a comprehensive plan and model for street vending management, with provisions for ongoing monitoring by the committee.²⁴ However, in most Indian cities the act is not being implemented and TVCs have not been established (Rai and Mohan 2017). Where they have been established, in the absence of capacity-building resources for vendors' organizations, vendors are often not able to engage in implementation on an equal footing with municipal representatives and other stakeholders.

Ensure fair representation among stakeholders

Once all interested stakeholders have been identified, it will likely be necessary for individual stakeholders to consolidate into interest groups. These groups then choose one or multiple representatives to participate in the larger negotiating forum on their behalf. In the case of a negotiation process around street vending, large interest groups would likely include: government, formal business owners, and street vendors. Other groups could include: residents associations, mobility groups, academics, civil society organizations, or community development organizations, among others. In defining a system for stakeholder representation in negotiations, measures should be put in place to ensure fair representation of the most marginalized groups, both across and within interest groups (StreetNet 2013).

²³ For more on the ordinance see WIEGO 2016.

²⁴ For more see Bénit-Gbaffou 2015, pp. 33-36.

Box 2: Inclusive representation in Indian Town Vending Committees

The Indian Street Vendors Act 2014 establishes quotas in an effort to promote equality in representation on TVCs. These quotas determine the number of representatives on the committee both by interest group and by individual identity (within the street vendor interest group). For example, the Act stipulates that representation of street vendors must not be less than 40 per cent, and within this group 30 per cent of representatives must be women. The Act also states that “due representatives shall be given to the Scheduled Castes, the Schedules Tribes, Other Backward Classes, minorities and persons with disabilities from amongst the members representing street vendors” (SV Act, 2014, VII. 22(2))

Consolidation of interest groups can also serve to strengthen individual proposals and prevent unnecessary conflict in the negotiating forum, as groups must reach consensus among themselves before making recommendations to the larger group. However, for this approach to be successful, it is critical for each group to have an agreed-upon system for arriving at a clear mandate for their representative to bring back to the negotiation forum (StreetNet 2013).

Considerations for representation of street vendor organizations: A reason that is often cited by city officials for not entering into negotiations with street vendors is that their organizations are fractured and often in competition or disagreement with each other (Bénit-Gbaffou 2015). While this may be true, it should not prevent the initiation of dialogue, but rather underscore the need for it. A negotiation process can act as a medium through which street vendor organizations can build bridges, consolidate their demands, and articulate these in a unified voice (Bénit-Gbaffou 2015). However, for this to occur, it may be necessary for government to provide monetary support for the establishment of a parallel street vendor forum, facilitated by a third party (StreetNet 2013; Bénit-Gbaffou 2015). The forum would allow for dialogue and debate between multiple street vendor organizations outside of the formal negotiations. Also, it may need to involve some capacity building or technical assistance to empower vendor representatives to make clear recommendations back to the larger groups that are representative of their constituency (Bénit-Gbaffou 2015).

This should not be seen as disproportionate support to street vendor organizations but rather a necessary investment in strengthening negotiations and outcomes overall. As Bénit-Gbaffou explains, “sustainable management models could be defined more innovatively if the street trader organizations were empowered (united, articulate, visionary and strategic) rather than divided. Municipal institutions and processes have a great role to play in capacitating and consolidating the sector, and the city would ultimately benefit from a more articulate and visionary leadership in this respect” (2015: 11).

This process can also lay the groundwork for longer-term unity between street vendor organizations. For example, through an engagement with the Monrovia City Council, disparate organizations came together to form one union – National Petty Traders Union of Liberia (NAPETUL), which endured beyond the negotiations (Budlender 2013).

Considerations for government representation: In many cities, street vending management is governed and carried out by a complex mix of actors at multiple levels, some working in silos and others with overlapping areas of responsibility. While the institutional consolidation of government entities involved in the management of street trade may be a long-term process, a negotiation can provide an opportunity to, at a minimum, increase communication and coordination between them and provide street vendor organizations with clarity about the roles of different entities, and/or which entity would be the principal point of contact. This may involve bringing together decision-making bodies like the mayor’s office or city council with representatives from departments such as planning, architecture, solid waste, health, fire, traffic and police, for example.

At the same time, it is critical that at negotiations a local authority is present with the mandate to commit to resulting agreements on behalf of the municipality (StreetNet 2013).

Finally, while this section focuses primarily on capacity building and support for street vendors organizations, government officials may also want to assess their own skills training needs before entering into a negotiation. It may be necessary to seek outside support in conflict resolution or collective bargaining, for example. Pre-negotiation preparation and training among concerned stakeholders can increase the likelihood of mutually beneficial outcomes.

Develop a shared knowledge base

As the cases described above show, most processes of developing a model for street vending management start with the development of a shared knowledge base. For example, in India, to be able to designate vending zones, information is needed on the number and location of vendors.

When information is needed for the interested parties to be able to take negotiations forward, a *joint fact-finding* approach can be used to build trust and consensus around key evidence. Susskind and Cruikshank describe joint fact-finding as a process through which, at the start of negotiations, stakeholders ask themselves, “what do we know and don’t we know about the issues, contexts and experiences relevant to this dispute?” (1987: 115). Based on that information, stakeholders could agree on a plan for how to build the necessary evidence base, potentially through collaboration between stakeholders or the use of mutually agreed upon third-party consultants or technical experts (Section 4 gives a detailed description of different approaches to building an evidence base).

Build an equal playing field among stakeholders

Creating a context where all stakeholders are empowered to participate on equal terms is critical to a successful negotiation. Issues of power must be taken into account both across and within stakeholder groups. This may require a number of different strategies, including:

- **Providing capacity-building support to street vendor organizations:** As described previously, one strategy for empowering street vendor organizations to participate in negotiations substantively is to provide support for a parallel forum, where a third party facilitator could support them in defining and consolidating their ideas to present back to the larger group (Bénit-Gbaffou 2015). However, capacity-building support to street vendors should be integrated in every phase of the process, including implementation and governance of agreements. In the example of the Street Vendor Act in India, some TVCs have been ineffective because street vendor representatives have not had the resources to engage with city officials on the technical aspects of plans and schemes. When this is the case, their concerns are often marginalized and implementation proceeds without their input. For an inclusive and effective process, necessary support should be provided to vendors’ groups to allow them to engage fully at every stage.

Box 3: Chiang Rai Municipality: Strengthening street vendor organizations through proactive integration

In the Thai city of Chiang Rai, the municipal government has proactively integrated vendors and other informal workers into urban management, and has actively worked to strengthen their organizations in the process. In 2016, the city worked with local academics to build a knowledge base about informal workers in the city. It subsequently convened the Informal Employment Working Group. This ongoing, quarterly forum allows city officials from several agencies and street vendor representatives to meet regularly about vending management. Participation in the forum has helped strengthen Chiang Rai’s two street vendor organizations, the Walking Street Association and the Restaurant Association, which have grown in membership significantly after the working group’s establishment. It has also provided a forum for sharing ideas and developing new joint initiatives. For example, as of mid-2018, leaders of Chiang Rai’s Walking Street Association were working with municipal officials to expand their Saturday market to an additional day of the week. The Restaurant Association is likewise proposing improvements and clarifications to the city’s current vending policies, including clear designation of street vending areas.

- **Taking measures to ensure that the voices of historically marginalized groups are heard:**
To create an inclusive process for dialogue, measures must be taken to identify and eliminate barriers to participation. For example, times and venues for meetings should be chosen in a way that takes into account the needs of all stakeholders, especially marginalized groups, and child care or translation services should be provided as needed (StreetNet 2013). Promoting equity may also involve the participation of a skilled facilitator who is charged with taking care to ensure all voices are heard, not just those of more powerful or vocal groups. Finally, the group may find it necessary to establish quotas for representation – for example, requiring that a given number of women or members from historically marginalized groups (based on ethnicity, religion, caste or race for example) are represented in negotiations (again, see the example of the Indian TVCs above).

Link agreements to formal government processes

A successful negotiation should end with a written agreement signed by all stakeholders. Signed agreements should be made available to all stakeholders and translated into additional languages as necessary (StreetNet 2013). However, to take force, agreements should be linked to formal government processes. Examples could include:

- A fixed-term negotiation ends in agreement on the contents of a new or modified vending ordinance, regulation or by-law, which will subsequently be ratified and take legal effect.
- A multi-stakeholder committee reaches agreement on a set of recommendations for city officials on vending plans, which will subsequently be implemented by the city based on an enforceable contract between the committee and the city.

Whatever form the agreement takes, it is critical that there be provisions for the ongoing monitoring of its implementation by the relevant stakeholders. The transition from negotiation to implementation can be aided by establishing these provisions in the written agreement among stakeholders or in the constitution of the multi-stakeholder committee, for example. Plans for implementing and monitoring should not be left until after the negotiation has concluded.

6.3 Create Multi-stakeholder Statutory Governance Bodies/Institutionalize Spaces for Engagement

The institutionalization of spaces for continued stakeholder engagement around street vending management is important for the implementation and monitoring of the model. As both the Lima and Indian examples show, even when progressive regulations are passed, implementation does not necessarily follow. Multi-stakeholder committees, like the one that was originally contemplated in Lima, could be used to keep all stakeholders accountable for implementation responsibilities, and allow them to collaboratively problem-solve and make adjustments as issues or disputes arise. This can be a critical factor in the long-term sustainability of the model.

In 2013, StreetNet released a set of recommendations²⁵ for sustained local-level collective bargaining forums on street trade, based on previous research of both successful and unsuccessful negotiating and collective bargaining experiences within their network. Some of these recommendations include:

- Permanent entities (multi-stakeholder committees, forums, roundtables, etc.) should be empowered with decision-making authority, not only advisory responsibilities.
- The decision-making power of the entity must be made clear to all relevant actors. For example, if decisions by the entity need to be implemented or honoured by local police, the relevant government authority must communicate this information to the police.
- Membership must at least include representation from vendors and local authorities (StreetNet 2013).

As described previously, a permanent entity like this could follow from a fixed-term negotiation that resulted in an agreement, or it could be the format chosen from the outset.

²⁵ To see the full set of recommendations, see StreetNet 2013.



A women's clothing vendor at Madina Market in Accra, Ghana. Informal workers like street vendors represent the base of the urban economic pyramid. They must have a voice in urban policy-making and rule-setting. Photo: Jonathan Torgovnik/Getty Images Reportage

7. Conclusion

None of the tools or approaches outlined above are easy. Indeed, balancing the needs and preferences of multiple stakeholders is the hardest task of public officials – and the pressure to exclude poorer, less powerful members from public space is great. But, as outlined in Sections 2 and 3 of this toolkit, the benefits of including informal workers in public space can be even greater.

When city governments recognize street vendors and their representative organizations as legitimate partners in the regulatory design and management process, street vending management is more inclusive, effective and sustainable. This involves creating a process for the design and governance of street vending regulation that moves away from conventional approaches (including top-down design or one-off consultation or conflict resolution) in favour of sustained participation and *co-creation* among all relevant stakeholders.

In concluding, this toolkit urges policymakers to consider these guiding principles throughout the process of developing and implementing a management scheme:

- **Leave No One Behind:** Include informal workers, who represent the broad base of the urban economic pyramid, in urban planning and policymaking processes.
- **Nothing for Us, Without Us:** The working poor in the urban informal workforce must have a voice in urban policy-making and rule-setting processes.
- **Inclusive Negotiations are Key:** Negotiate agreements only with the engagement of all relevant stakeholders.

With these principles in mind and this toolkit in hand, urban policymakers have a tremendous opportunity to experiment, innovate and collaborate on public space management. They can create cities where vendors can work in dignity for their livelihoods, and where public spaces “work” for everyone.

References

Adamtey, Nicholas. 2014. *Informal Economy Budget Analysis: Accra Metropolis*. WIEGO Working Paper No 33. Available at <https://www.wiego.org/sites/default/files/publications/files/Adamtey-Informal-Economy-Budget-Analysis-Accra-WIEGO-WP33.pdf>.

Ahmed, Sohel, Edwin Simiyu, Grace Githiri, Alice Sverdluk and Shadrack Mbaka. 2015. *Cooking Up a Storm: Community-led Mapping and Advocacy with Food Vendors in Nairobi's Informal Settlements*. IIED Working Paper. Available at <http://pubs.iied.org/10734IIED/>.

Aliaga Linares, Lissette. 2017. *Statistics on Street Vendors and Market Traders in Metropolitan Lima and Urban Peru*. WIEGO Statistical Brief No. 16. Available at <https://www.wiego.org/sites/default/files/publications/files/AliagaLinares-Statistics-Street%20Vendors-Market-Traders-Lima-Peru-SB16.pdf>.

Amis, Phillip. 2015. "Symbolic Politics, Legalism and Implementation: The Case of Street Vendors in India." *Commonwealth Journal of Local Governance*, No. 18, pp. 36–47.

Banda, Saul Jr. and William Chilufya. 2009. *Market Levy Tracking and Expenditure Monitoring: A Comparative Case of Luburma Market (Lusaka) and New Site Market (Mansa)*. Alliance for Zambian Informal Economy (AZIEA). Available at <http://www.streetnet.org.za/docs/reports/2009/en/Zambia-AZIEA-Market-Levy-Tracking.pdf>.

Barro, Nicholas, Abdoul R. Bello, Aly Savadogo, Cheik Amodou T. Ouattara, Jules Ilboudo, and Alfred S. Traoré. 2006. "Hygienic Status Assessment of Dish Washing Waters, Utensils, Hands and Pieces of Money from Street Food Processing Sites in Ouagadougou (Burkina Faso)." *African Journal of Biotechnology*, Vol. 5, No. 11, pp. 1107-1112.

Batreau, Quentin. 2014. *Crime Prevention, Smiles and Fried Rice: Producing Order through the Administration of Street Vendors in Bangkok, Thailand*. Thesis, Institut d'Etudes Politiques de Paris.

Bénil-Gbaffou, Claire. 2015. *In Quest for Sustainable Models of Street Trading Management: Lessons for Johannesburg after Operation Clean Sweep*. Center for Urbanism and Built Environment Studies. Available at <https://www.wits.ac.za/media/wits-university/faculties-and-schools/-engineering-and-the-built-environment/research-entities/cubes/documents/In%20quest%20for%20sustainable%20models%20of%20street%20trading%20management.pdf>

Bhowmik, Sharit. 2005. "Street Vendors in Asia: A Review." *Economic and Political Weekly*. May 28-June 4, pp. 2256 -2264.

Braun, Robert, Megan Corrarino, and Tienmu Ma. 2011. *Developing National Street Vendor Legislation In India: A Comparative Study Of Street Vending Regulation*. Transnational Development Clinic, Jerome N. Frank Legal Services Organization Yale Law School.

Bromley, Ray. 2000. "Street Vending and Public Policy: A Global Review." *International Journal of Sociology and Social Policy*, Vol. 20, No. 1/2, pp. 1-28.

Budlender, Debbie. 2013. *Informal Workers and Collective Bargaining: Five Case Studies*. WIEGO Organizing Brief No 9. Available at <http://www.wiego.org/sites/default/files/publications/files/Budlender-Informal-Workers-Collective-Bargaining-WIEGO-OB9.pdf>.

Budlender, Debbie. 2010. *How to Analyse Government Budget from an Informal Economy Perspective*. WIEGO Resource Document No 1. Available at <http://www.wiego.org/sites/default/files/publications/files/Budlender-Analyse-Government-Budgets-Informal-Economy-WIEGO-TB1.pdf>

Carrillo-Rodriguez, Jorge, and Sarah Orleans Reed. 2018. *If Street Food Disappeared – Projecting the Cost for Consumers in Bangkok*. WIEGO Resource Document No. 9. Available at <http://www.wiego.org/sites/default/files/publications/files/Carrillo-Rodriguez-Reed-Bangkok-Street-Vendor-WIEGO-Resource-Document-9.pdf>

Chen, Martha A. and Govindran Raveendran. 2014. *Urban Employment in India: Recent Trends and Patterns*. WIEGO Working Paper No. 7. Available at <http://www.wiego.org/sites/default/files/publications/files/Chen-Urban-Employment-India-WIEGO-WP7.pdf>.

Chen, Martha A., Jenna Harvey, Caroline Kihato and Caroline Skinner. 2018. *Inclusive Public Spaces for Informal Livelihoods: Key Pathways to Equitable Economic Growth in Cities. Report by WIEGO for the Joint Work Programme for Equitable Economic Growth*. WIEGO.

Chiu, Chihsin. 2013. “Informal Management, Interactive Performance: Street Vendors and Police in a Taipei Night Market.” *International Development Planning Review*, Vol. 35, No. 4. pp. 335-352.

Choudhury, Manisha, Lipi B. Mahanta, Jayashree S. Goswami, and Meenakshi M. Dutta. 2011. “Will Capacity Building Training Interventions Given to Street Food Vendors Give Us Safer Food? A Cross-sectional Study from India.” *Food Control*. Vol. 22, No. 8, pp. 1233-1239.

City of Darwin. 2014. *Street Food Policy*. Available at https://www.darwin.nt.gov.au/sites/default/files/publications/attachments/policy_no_079_-_street_food_policy_1.pdf

City of London. 2016. Policy E9: Retail, markets and hot food takeaways. Draft New London Plan. Available at <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-new-london-plan/chapter-6-economy/policy-e9-retail-markets-and-hot-food-takeaways>.

Clark, Gracia. 2013. “Twentieth-Century Government Attacks on Food Vendors in Kumasi, Ghana.” In: Hansen, Karen T., Walter E. Little, and B. Lynne Milgram, Eds. *Street Economies in the Urban Global South*. Santa Fe: School for Advanced Research Advanced Seminar Series, pp. 29-48.

Clark, Michael. 2018. *Towards Recommendations on the Regulation of Informal Trade at Local Government Level*. Socio-Economics Rights Institute and the South African Local Government Association. Available at http://www.seri-sa.org/images/SERI_SALGA_Informal_Trade_Discussion_Doc_WEB.pdf.

Crush, Jonathan and Bruce Frayne. 2011. “Supermarket Expansion and the Informal Food Economy in Southern African Cities: Implications for Urban Food Security.” *Journal of Southern African Studies*, Vol. 37, No. 4, pp. 781–807.

da Silva, Sueli Alves, Ryzia de Cassia Vieira Cardoso, José Ângelo Wenceslau Góes, Jessica Nascimento Santos, Flávia Pascoal Ramos, Rubia Bispo de Jesus, Renata Sabá do Vale, and Priscila Santos Teles da Silva. 2014. “Street Food on the Coast of Salvador, Bahia, Brazil: A Study from the Socioeconomic and Food Safety Perspectives.” *Food Control*, Vol. 40, pp. 78-84.

Devlin, Ryan. 2011. “‘An Area that Governs Itself’: Informality, Uncertainty and the Management of Street Vending in New York City.” *Planning Theory*, Vol. 10, No. 1, pp. 53–65.

Dobson, Richard and Caroline Skinner. 2009. *Working in Warwick: Including Street Traders in Urban Plans*. Durban: University of KwaZulu-Natal. Available at <http://www.wiego.org/wiego/working-in-warwick-street-traders>.

Efroymsen, Debra, Tran Thi Kieu Thanh Ha, and Pham Thu Ha. 2009. *Public Spaces: How They Humanize Cities*. Healthbridge and WBB Trust. Available at https://healthbridge.ca/images/uploads/library/Public_Spaces_How_they_Humanize_Cities.pdf.

Ehrenfeucht, Renia. 2016. "Designing Fair and Effective Street Vending Policy: It's Time for a New Approach." *Cityscape*, Vol. 18, No. 1, pp. 11–26.

Fish Hodgson, Tim and Michael Clark. 2018. *Informal Trade in South Africa: Legislation, Case Law and Recommendations for Local Government*. Socio-Economics Rights Institute and the South African Local Government Association. Available at http://www.seri-sa.org/images/SERI_SALGA_Informal_Trade_Jurisprudence_WEB.pdf.

Food and Agriculture Organization of the United Nations. 2009. *Good Hygienic Practices in the Preparation and Sale of Street Food in Africa: Tools for Training*. Rome: FAO. Available at <http://www.fao.org/docrep/pdf/012/a0740e/a0740e00.pdf>.

Food and Agriculture Organization of the United Nations. 2011. *The Place of Urban and Peri-urban Agriculture (UPA) in National Food Security Programmes*. Rome: Technical Cooperation Department. Available at <http://www.fao.org/docrep/014/i2177e/i2177e00.pdf>.

Frank, Annalise. 2017. "Additional food vendors sought for downtown as lunch lines grow." *Crain's Detroit Business*. Available at <http://www.crainsdetroit.com/article/20170605/NEWS/170609912/additional-food-vendors-sought-for-downtown-as-lunch-lines-grow>.

Government of India, 2014. Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act. 2014. Available at <http://www.legislative.gov.in/sites/default/files/A2014-7.pdf>.

Hanashiro, Agnes, Marisa Morita, Glavur R. Matté, Maria H. Matté, and Elizabeth Torres. 2005. "Microbiological Quality of Selected Street Foods from a Restricted Area of Sao Paulo City, Brazil." *Food Control*, Vol. 16, No. 5, pp. 439–444.

Hazan, Victor. 2017. *The Production of Space by the Street Vending System: The Case of the Neighborhood of Ari in Bangkok*. Unpublished.

Herrera, Javier, Mathias Kuépié, Christophe Nordman, Xavier Oudin and Francois Roubaud. 2012. *Informal Sector and Informal Employment: Overview of Data for 11 Cities in 10 Developing Countries*. WIEGO Working Paper (Statistics) No 9. Available at http://www.wiego.org/sites/default/files/publications/files/Herrera_WIEGO_WP9.pdf.

Horn, Pat. 2016. *Collective Bargaining in the Informal Economy: Street Vendors*. Available at <http://www.wiego.org/sites/default/files/publications/files/Horn-WIEGO-Collective-Bargaining-Research-2015.pdf>.

Horn, Pat. 2017. *Street Vendor Licensing and Permit – Experiencing the Status Quo*. WIEGO Resource Document.

International Labour Organization. 2013. *Women and Men in the Informal Economy: A Statistical Picture, Second Edition*. Geneva: ILO. Available at http://www.ilo.org/global/publications/books/WCMS_626831/lang--en/index.htm.

International Labour Organization. 2018. *Women and Men in the Informal Economy: A Statistical Picture, Third Edition*. Geneva: ILO. Available at http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_626831.pdf.

- Kilgannon, Corey and Michael Schmidt. 2010. "Vendors who alerted police called heroes." *New York Times*. 2 May. Available at <http://www.nytimes.com/2010/05/03/nyregion/03vendor.html>.
- Kim, Annette M. 2012. "The Mixed-use Sidewalk: Vending and Property Rights in Public Space." *Journal of the American Planning Association*, Vol. 78, No. 3, pp. 225–238.
- King, Rudith. 2006. "Fulcrum of the Urban Economy: Governance and Street Livelihoods in Kumasi, Ghana" in Brown, Alison, Eds. *Contested Space: Street Trading, Public Space, and Livelihoods in Developing Cities*. Warwickshire: Intermediate Technology Publications, pp. 99–118.
- Kwiri, Raphael, Clive Winini, Jeritah Tongonya, Wishmore Gwala, Enock Mpofu, Felix Mujuru, Lydia Makarichi, Perkins Muredzi, and Shannon T. Gwala. 2008. "The Microbiological Quality of Informally Vended Foods in Harare, Zimbabwe." *Food Control*, Vol. 19, No. 8, pp. 829–832.
- Liu, Zengran, Guangyi Zhang, and Xiangmei Zhang. 2014. "Urban Street Foods in Shijiazhuang City, China: Current Status, Safety Practices and Risk Mitigating Strategies." *Food Control*, Vol. 41, pp. 212–218.
- Lues, Jan, Mpeli R. Rasephei, Pierre Venter, and Maria M. Theron. 2006. "Assessing Food Safety and Associated Food Handling Practices in Street Food Vending." *International Journal of Environmental Health Research*, Vol. 16, No. 5, pp. 319–328.
- Lund, Francie and Caroline Skinner. 2004. "Integrating the Informal Economy in Urban Planning and Governance: A Case Study of the Process of Policy Development in Durban, South Africa." *International Development Planning Review*, Vol. 26, No. 4, 2004.
- Martínez, Linda, John Rennie Short and Daniela Estrada. 2016. "The Urban Informal Economy: Street Vendors in Cali, Colombia." *Cities*, Vol. 66, pp. 34–43.
- Meneses-Reyes, Rodrigo, and José A. Caballero-Juárez. 2014. "The Right to Work on the Street: Public Space and Constitutional Rights." *Planning Theory*, Vol. 13, No. 4, pp. 370–386.
- Morales, Alfonso, and Gregg Kettles. 2009. "Healthy Food Outside: Farmers' Markets, Taco Trucks, and Sidewalk Fruit Vendors." *Journal of Contemporary Health and Policy*, Vol. 26, No. 20.
- Mosupye, Francina M. and Alexander von Holy. 2000. "Microbiological Hazard Identification and Exposure Assessment of Street Food Vending in Johannesburg, South Africa." *International Journal of Food Microbiology*, Vol. 61, pp. 137–145.
- Newman, Lenore Lauri, and Katherine Burnett. 2013. "Street Food and Vibrant Urban Spaces: Lessons from Portland, Oregon." *Local Environment*, Vol. 18, No. 2, pp. 233–248
- Nirathron, Narumol. 2006. *Fighting Poverty from the Street: A Survey of Street Food*. Informal Economy, Poverty and Employment Thailand Series, Number 1. International Labor Organization. Available at www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_bk_pb_128_en.pdf.
- Nirathron, Narumol. 2017. *Street Vendors in Bangkok*. Thammasat University (Thai Language).
- Nyemb, Jonathan. 2018. *Turning the Law into a Shield for Street Vendors in African Countries*. WIEGO Legal Brief No. 4. Available at <http://www.wiego.org/sites/default/files/publications/files/Nyemb-Law-Shield-Street-Vendors-Africa-WIEGO-LB4.pdf>.
- Omemu, A.M. and S.T. Aderoju. 2008. "Food Safety Knowledge and Practices of Street Food Vendors in the City of Abeokuta, Nigeria." *Food Control*, Vol. 19, No. 24, pp. 396–402.

Park, So-Hyun, Jun-Hyung Kim, Yee-Myung Choi, and Han-Lim Seo. 2013. "Design Elements to Improve Pleasantness, Vitality, Safety, and Complexity of the Pedestrian Environment: Evidence from a Korean Neighbourhood Walkability Case Study." *International Journal of Urban Sciences*, Vol. 17, No. 1, pp. 142–160.

Portnoy, Sarah. 2018. "She used to dodge police. Now she can make Pueblo-style food and run a business while speaking up for other vendors." *LA Times*, 14 July. Available at <http://www.latimes.com/food/dailydish/la-fo-re-merced-sanchez-20180615-story.html>.

Proietti, Ilaria, Chiara Frazzoli, and Alberto Mantovani. 2014. "Identification and Management of Toxicological Hazards of Street Foods in Developing Countries." *Food and Chemical Toxicology*, Vol. 63, pp. 143–152.

Pulse Lab Jakarta. 2017. *Urban Data Collection to Urban Design: A Guide to Participatory Approaches Around the Global*. Available at https://issuu.com/pulselabjakarta/docs/toolkit_guide_new.

Rai, Shivkrit, and Deepanshu Mohan. 2017. "Gaps in Implementation of Street Vendors Act Are Making Delhi's Merchants Invisible." *The Wire*. Available at thewire.in/economy/street-vendors-act-implementation-gaps.

Ranasinghe, Gayani, Susantha Amarawickrama, and Rangajeewa Rathnayake. 2016. "A Study to Compare the Level of Walkability in Two Urban Neighborhoods of Sri Lanka." *International Journal of Engineering Research and General Science*. Vol. 4, No. 1, pp. 6–13.

Reed, Sarah and Chidchanok Samantrakul. 2018. *Street Vending for Sustainable Urban Development in Bangkok*. WIEGO, HomeNet, Thai Network of Vendors for Sustainable Development, and Federation of Informal Workers of Thailand.

Reed, Sarah Orleans, Ana Carolina Ogando, Poonsap Tulaphan, Chidchanok Samantrakul, and Panee Towalukpanich. 2017. *Informal Workers in Bangkok, Thailand: Scan of Four Occupational Sectors*. WIEGO and HomeNet Thailand. Available at <https://www.wiego.org/sites/default/files/resources/files/Reed-Informal-Workers-Bangkok-Thailand-Four-Sectors-Eng.pdf>.

Robbins, Glen and Tasmi Quazi. 2015. *Informal Economy Budget Analysis: eThekweni Metropolitan Municipality (Durban, South Africa)*. WIEGO Working Paper No. 34. Available at <https://www.wiego.org/sites/default/files/publications/files/Robbins-Quazi-Informal-Economy-Budget-Analysis-Durban-WIEGO-WP34.pdf>.

Roever, Sally and Shalini Sinha. 2011. *India's National Policy on Urban Street Vendors*. WIEGO Policy Brief (Urban Policies) No 2. Available at http://wiego.org/sites/wiego.org/files/publications/files/Sinha_WIEGO_PB2.pdf.

Roever, Sally. 2011. *How to Plan a Street Trader Census*. WIEGO Technical Brief (Urban Policies) No. 2. Available at <http://www.wiego.org/publications/how-plan-street-trader-census>.

Roever, Sally. 2014. *Informal Economy Monitoring Study Sector Report: Street Vendors*. WIEGO. Available at <http://www.wiego.org/sites/default/files/publications/files/IEMS-Home-Based-Workers-Full-Report.pdf>.

Roever, Sally. 2016. "Informal Trade Meets Informal Governance: Street Vendors and Legal Reform in India, South Africa, and Peru." *Cityscape*, Vol. 18, No. 1, pp. 47–66.

Sinha, Shalini. 2018. "The Struggle for Space: Organizing Street Vendors in India." In *Redefined Labour Spaces: Organising Workers in Post-Liberalized India*. Sobin George and Shalini Sinha (eds) Oxon and New York: Routledge.

Skinner, Caroline and Gareth Haysom. 2016. *The Informal Sector's Role in Feeding Cities – A Missing Link in Policy Debates?* Working Paper 6, PLAAS/CoEFS Working Paper Series. Belville: Institute for Poverty, Land and Agrarian Studies, University of the Western Cape. Available at <https://www.plaas.org.za/sites/default/files/publications-pdf/WP44%20SkinnerHaysom.pdf>.

Skinner, Caroline. 2016. *Informal Food Retail in Africa: A Review of Evidence, Consuming Urban Poverty Project Working Paper No. 1*. African Centre for Cities, University of Cape Town. Available at <https://consumingurbanpoverty.files.wordpress.com/2015/10/cupworkingpaper2-skinner-informal-retail.pdf>.

Steyn, Nelia Patricia, Zandile Mchiza, Jillian Hill, Yul Derek Davids, Irma Venter, Enid Hinrichsen, Maretha Opperman, Julien Rumbelow, and Peter Jacobs. 2013. "Nutritional Contribution of Street Foods to the Diet of People in Developing Countries: A Systematic Review." *Public Health Nutrition*, Vol. 17, No. 6, pp. 1363–1374.

StreetNet International. 2013. *Towards a Model Framework for a Local Level Collective Bargaining System for Street Traders*. Available at <http://www.wiego.org/sites/wiego.org/files/resources/files/StreetNet-International-Model-Framework.pdf>.

Stutter, Natalia. 2017. *The Social Life of Street Food: Exploring the Social Sustainability of Street Food in Hanoi, Vietnam*. Thesis for Doctorate of Philosophy, School of Geography and Planning Cardiff University.

Susskind, Lawrence, and Jeffrey L. Cruikshank. 1987. *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes*. Langara College.

UN Habitat. 2015. *Global Public Space Toolkit From Global Principles to Local Policies and Practice*. Nairobi: UN Habitat. Available at <https://unhabitat.org/wp-content/uploads/2015/10/Global%20Public%20Space%20Toolkit.pdf>.

Urban Design and Development Center. 2015. *Goodwalk*. Available at <https://tinyurl.com/y9lqdzjpC>.

Vanek, Joann, Martha Alter Chen, Françoise Carré, James Heintz and Ralf Hussmanns. 2014. *Statistics on the Informal Economy: Definitions, Regional Estimates and Challenges*. WIEGO Working Paper (Statistics) No 2. Available at <http://www.wiego.org/sites/default/files/publications/files/Vanek-Statistics-WIEGO-WP2.pdf>.

Vanek, Joann, Martha Alter Chen and Govindran Raveendran. 2012. *A Guide to Obtaining Data on Types of Informal Workers in Official Statistics: Domestic Workers, Home-Based Workers, Street Vendors and Waste Pickers*. WIEGO Statistical Brief No. 8. Available at <http://www.wiego.org/sites/default/files/publications/files/Vanek-Guide-Obtaining-Data-Informal-Workers-WIEGO-SB8.pdf>.

von Holy, Alexander and Francina M. Mosupye. 2006. "Improving Street Food Vending in South Africa: Achievements and Lessons Learned." *International Journal of Food Microbiology*, Vol. 111, No. 2 pp. 89–92.

Wheeler, Kathryn G. 2018. *Street Vending Policy and Partnership Opportunities in New York City*. Thesis for Master of Science in City and Regional Planning, School of Architecture, Pratt Institute.

WIEGO and HomeNet Thailand. 2017. *Chiang Rai City: Inclusive Urban Development for Informal Workers*. Available at https://www.wiego.org/sites/default/files/resources/files/Chiang%20Rai_City%20Report.pdf.

WIEGO. Undated. Lima Peru: *Impact: Street Vendors in Lima Peru*. Available at <http://www.wiego.org/wiego-in-brief/lima-peru>.

World Health Organization. 1996. *Essential Safety Requirements for Street Vended Foods*. Geneva: WHO.

World Health Organization. 2007. *Five Keys to Safer Food Manual*. Geneva: WHO.

World Health Organization. 2010. *Basic Steps to Improve Safety of Street-vended Food*. Geneva: WHO.

Yasmeen, Gisele. 2006. *Bangkok's Foodscape: Public Eating, Gender Relations, and Urban Change*. White Lotus Press.

Yen Liu, Yvonne, Patrick Burns, and Daniel Flaming. 2015. *Sidewalk Stimulus: Economic and Geographic Impact of Los Angeles Street Vendors*. Economic Roundtable. Available at <https://economicrt.org/publication/sidewalk-stimulus/>.

Appendices

Appendix 1: Examples of a Street Vendor Census and Survey Questionnaires

These two questionnaires were developed by a Durban based research firm – Reform Development Consulting (RDC). RDC was contracted by the Durban City Council to conduct a street trader census and follow-on survey in 2010. Both research instruments were developed in close consultation with trader organization leaders and city council bureaucrats, and so reflect their priority information needs at the time. Caroline Skinner and Sally Roevers provided technical assistance to this process.

Street Trader Census Questionnaire

Introduction: Good day. I am a field researcher with Reform Development Consulting (RDC), an independent research company, and we are conducting a census of street vendors in the eThekweni Municipality. The purpose of the project is to count the number of traders in the city and better understand their problems and needs. All information obtained is confidential. We do not work for the City Council. Do you agree to participate in this study? Yes No

If not, could you please tell me why you do not wish to proceed with the interview?

1.1	E.A. #:		1.2	Section #:	
1.3	Field Manager:		1.4	Field Worker:	
1.5	Date: (dd/mm/yyyy)		1.6	Start time of interview: (24:00)	
1.7	Weather Conditions (multiple responses):				
	1= Sunny/Clear Skies	2= Overcast/Cloudy	3= Rainy	4= Wind	
	5= Other:				

2. OBSERVABLE INFORMATION (This is information visible to the interviewer. These questions do not need to be asked.)

2.1	Gender:		1= Male	2= Female	
2.2	Fixed or Mobile post:		1=Fixed	2=Mobile	
2.3	Population Group:				
	1=African/Black	2= Coloured	3= Indian/ Asian	4= White	5= Other
2.4	Access to shelter				
	1= Open air		2= Covered		
2.5	Goods are sold from/displayed: (Multiple Responses allowed):				
	1= Directly on ground 2= In/on Cardboard Boxes 3= In/on Wooden/plastic crates 4= Cart 5= Car 6= Suitcase/Bag 7= Table 8= Racks/Shelves		9= Bicycle/Tricycle 10= Trailer 11= Supermarket Trolley 12= Tent 13= Fixed Kiosk 14= Caravan 15= Municipal Shelter 16=Person 17= None. Specify:		

3. DEMOGRAPHICS

3.1	Name:		3.2	Age:	
3.3	Which language do you most often speak at home?				
	1= Afrikaans 2= English 3= IsiZulu/Zulu 4= Ndebele		5= Sepedi 6= Sotho 7= Setswana/Tswana 8= Siswati/Swazi		9= Venda 10= Tsonga 11=Xhosa 12= Other. Specify:
3.4	In which village, town, city were you born?				
3.5	In which country?				
3.6	Which suburb do you currently live				

4. TRADING INFORMATION		
4.1	What are the main good(s) or service(s) you sell? (Multiple Responses allowed)	
	1= Fresh Produce (fruits and vegetables) 2= Cooked Food-ready to eat (e.g. Mealies, bovine heads, plates of cooked food) 3 = Confectionary (sweets and cakes) 4= Food-other 5= Livestock (e.g. Chickens)	6= Pinafores 7= Clothing (other) 8= Clothing Accessories (e.g. Leather goods 9= Footwear 10= Toiletries and Cosmetics 11= Household Products 12= Hardware 13= Music/DVDs 14= Electronics
4.2	What is the highest level of education you have successfully completed?	
	1= No Schooling 2= Primary	3=Secondary 4=Tertiary Specify:
5. EMPLOYMENT DYNAMICS		
5.1	In this business would you describe yourself as an:	
	1= Employee/ Assistant	2= Employer - with paid employees
5.2	3=Self-Employed – No paid employees	
	How many other people work and assist this business? Specify the number.	
6. BUSINESS COSTS		
6.1	Do you pay to trade in this space?	
	1= No – skip to 6.3	Yes – go to 6.2
6.2	If yes, how much do you pay? (Choose one option and provide amount)	
	1= Per Day 2= Per Week 3= Per Month	4=Every 6 months 5= Per Year 6= Once-off Payment
6.3	About how much do you spend on purchases related to this business, such as stock? (Choose one option and provide amount)	
	1= Per Day 2= Per Week	3=Per Month 4= Per Year 5=None
7. PROFIT / INCOME		
7.1	In an average week, how much do you sell; in other words the total amount customers spend at your business (turnover)?	
7.2	In an average week, when all business costs are paid, how much money do you take home (profit)?	
8. ORGANIZATION AFFILIATION		
8.1	StreetNet would like to organise a database of street traders in Durban. This will be used as a point of contact for news and awareness that it would wish to communicate to you. Would you be interested in being on that database?	
	1= Yes	2=No
8.2	If yes, would you please provide a Name and Contact Number?	
	Name:	Contact Number:
8.3	Do you have a trading permit issued by the eThekweni Municipality?	
	1= Yes	2=No

Street Vendor Survey Questionnaire

Introduction: Good day. I am a field researcher with Reform Development Consulting (RDC), an independent research company, and we are conducting a census of street vendors in the eThekweni Municipality. The purpose of the project is to count the number of traders in the city and better understand their problems and needs. All information obtained is confidential. We do not work for the City Council. Do you agree to participate in this study? Yes No

If not, could you please tell me why you do not wish to proceed with the interview?

1.1	E.A. #:	1.2	Section #:
1.3	Field Manager:	1.4	Field Worker:
1.5	Date: (dd/mm/yyyy)	1.6	Start time of interview: (24:00)
1.7	Weather Conditions (multiple responses):		
	1= Sunny/Clear Skies	2= Overcast/Cloudy	3= Rainy
	4= Wind		
	5= Other:		

2. OBSERVABLE INFORMATION (This is information visible to the interviewer. These questions do not need to be asked.)

2.1	Gender:	1= Male	2= Female
2.2	Fixed or Mobile post:	1=Fixed	2=Mobile
2.3	Population Group:		
	1=African/Black	2= Coloured	3= Indian/ Asian
	4= White		5= Other
2.4	Appearance of location of trade		
	1= Open	2= Covered	
2.5	Goods are sold from/displayed: (Multiple Responses allowed):		
	1= Directly on ground 2= In/on Cardboard Boxes 3= In/on Wooden/plastic crates 4= Cart 5= Car 6= Suitcase/Bag 7= Table 8= Racks/Shelves	9= Bicycle/Tricycle 10= Trailer 11= Supermarket Trolley 12= Tent 13= Fixed Kiosk 14= Caravan 15= Municipal Shelter 16=Person 17= None. Specify:	

3. DEMOGRAPHICS

3.1	Name:	3.2	Age:
3.3	Which language do you most often speak at home?		
	1= Afrikaans 2= English 3= IsiZulu/Zulu 4= Ndebele	5= Sepedi 6= Sotho 7= Setswana/Tswana 8= Siswati/Swazi	9= Venda 10= Tsonga 11=Xhosa 12= Other. Specify:
3.4	In what village, town, city were you born?		
3.5	In what country is that located?		
3.6	In which suburb do you currently live?		

3.7	What is the highest level of education you have successfully completed?		
	1= No Schooling 2= Primary	3=Secondary 4=Tertiary Specify:	5=Certificates Specify:
3.8	Do you find that sometimes you have to bring any children with you to work?		
	1= No Schooling 2= Primary	3=Secondary 4=Tertiary Specify:	5=Certificates Specify:
3.9	If yes, what age(s) are they?		

4. TRADING INFORMATION

4.1	What are the main good(s) or service(s) you sell? (Multiple Responses allowed)		
	1= Fresh Produce (fruits and vegetables) 2= Cooked Food-ready to eat (e.g. Mealies, bovine heads, plates of cooked food) 3 = Confectionary (sweets and cakes) 4= Food-other 5= Livestock (e.g. Chickens)	6= Pinafores 7= Clothing (other) 8= Clothing Accessories (e.g. Leather goods 9= Footwear 10= Toiletries and Cosmetics 11= Household Products 12= Hardware 13= Music/DVDs 14= Electronics	15= Services-Telephone 16= Services-Haircutting 17= Services-Shoe Repairs 18= Traditional Medicine 19=Medicine (pharmacy) 20= Waste Collection 21= Car Guards 22= Other Specify:
4.2	Do you have access to running water?		
	1= Yes		2=No (Skip to 4.4)
4.3	If yes, how many metres away is the water point from your stall?		
	Specify:		
4.4	Do you have access to a toilet?		
	1= Yes		2=No (Skip to 4.6)
4.5	If yes, how many metres away is the toilet from your stall?		
	Specify:		
4.6	Do you have access to storage for your goods?		
	1= Yes		2=No (Skip to 4.8)
4.7	If yes, how many metres away do you store your goods from your stall?		
	Specify:		
4.8	On average, how many hours per day do you work?		
	Specify:		

4.9	How do you ensure that this space is available?		
	1= Informal agreements with other traders 2= Permit to trade here – space is allocated by authorities 3= Arrive Early 4= Pay someone to look after site	5= Don't do anything 6= Do not always trade from this space 7= Other Specify: 8= N/A (mobile trader)	
4.10	Do you trade in any other locations?		
	1= Yes	2=No (Skip to Section 5)	3=Does Not Apply (Skip to Section 5)
4.12	If yes, do you sell the same service(s)/good(s) in each location/stall? Specify		

5. EMPLOYMENT DYNAMICS

5.1	In this business would you describe yourself as an:		
	1= Employee/ Assistant	2= Employer - with paid employees	3=Self-Employed – No paid employees
5.2	How many other people work and assist this business? Specify the number.		
5.3	Do you use any of the following services in the running of the business? (Multiple Responses Allowed)		
	1= Carriers 2= Porters 3= Storage Facilities 4= Security/Guards	5= Repair 6= Lunch/Delivery Services 7= Other Specify:	
5.4	Would you say the main buyers of your good(s) or service(s) are: (Multiple Responses Allowed)		
	1= Businesses 2= Other Street Traders 3= Personal Family/Friends	4=General Public 5= Other Specify:	

6. BUSINESS COSTS

6.1	Do you pay to trade in this space?		
	1= No (Skip to 6.3) 2= Yes – to the municipality 3= Yes – to the police	4= Yes – to the owner of shop 5= Yes – Other Specify:	
6.2	If yes, how much do you pay? (Choose one option and provide amount)		
	1= Per Day 2= Per Week 3= Per Month	4=Every 6 months 5= Per Year 6= Once-off Payment	
6.3	About how much do you pay for services related to this space such as security, electricity, water, and/or sanitation services? (Choose one option and provide amount)		
	1= Per Day 2= Per Week	3=Per Month 4= Per Year 5=None	
6.4	How much do you spend on purchases for your business, such as stock? (Choose one option and provide amount)		
	1= Per Day 2= Per Week	3=Per Month 4= Per Year 5=None	

6.5	Where do you buy or obtain the stock for the service(s) and/or goods that you sell? (Multiples responses)	
	1= Bought from a large shop or enterprise 2= Bought from a small shop 3= Bought from an informal market or street trader 4= Bought from farmers	5= Obtained Free (e.g. Natural resources, salvaged) 6= Self-produced by you or other family members 7= Other Specify:
6.6	How much would it cost you to replace all of your current stock? Specify amount in Rand.	
6.7	Are there other costs associated with the running of this business that we have not mentioned?	
	Specify:	

7. PROFIT / INCOME

READ OUT: The following questions deal with profit and turnover for your business. Turnover is the total amount customers spend at your business. Profit is the money you have left once all business costs are paid (refer to previous section 6)

7.1	Do the earnings that you make as a trader come in the form of:	
	1= Wages 2= Profits	3=Salary 4=Other. Specify:
7.2	If you are an employee, what is wage/salary? Specify amount in Rand.	
7.3	In an average week, how much in Rand do you sell? (Turnover) Specify amount in Rand.	
7.4	In an average week, when all business costs are paid, how much money do you take home? (Profit) Specify amount in Rand.	
7.5	On average when sales are bad, how much do you make? Specify amount in Rand.	
7.6	On average when sales are good, how much do you make? Specify amount in Rand.	
7.7	How many people are dependent on what you earn? Specify number.	
7.8	Are there any other income earners in your household? If yes, how many?	

8. TRAINING AND SUPPORT

8.1	Have you ever received support for your business from the government?	
	1= Yes	2=No (Skip to 8.3)
8.2	If yes, what do you receive? (Multiple responses allowed)	
	1= Shelter 2= Storage 3= Training	4=Microfinance Loans 5= Other Specify:
8.3	Do you have any form of interaction – good or bad – with the city council?	
	1= Yes	2=No (Skip to Section 9)
8.4	If yes, what is the nature of this interaction? (Multiple responses allowed)	
	1= Business Support 2= Business Advice 3= Police Monitoring	4=Police Harassment 5= Other Specify:

9. ORGANIZATION AFFILIATION	
9.1	Are you a member of a street trader organization or association?
	1= Yes 2=No (Skip to 9.3)
9.2	If yes, what are the advantages/reasons for being a member? Skip to 9.4
9.3	If no, why not?
9.4	StreetNet would like to organise a database of street traders in Durban. This will be used as a point of contact for news and awareness that it would wish to communicate to you. Would you be interested in being on that database?
	1= Yes 2=No (Skip to 9.6)
9.5	If yes, would you please provide a Name and Contact Number?
	Name: Contact Number:
9.6	Do you have a trading permit issued by the eThekweni Municipality?
	1= Yes 2=No
9.7	Do you have any further comments?
	1= Yes 2=No
9.8	Please specify:

End time of interview:

Appendix 2: Street Trading Model Bylaws

These by-laws for eThekweni Municipality were written by the Legal Resources Centre, a nonprofit public interest law clinic, following a policy development process undertaken by the Durban City Council to support the growth of economic opportunities for informal workers while regulating the use of public space for trading. The resulting policy aimed to secure an integrative approach to the informal economy. While the policy remains official, the Council has never implemented these bylaws. StreetNet International, however, regards them as model bylaws and disseminates them among their members.

Preamble

BEARING in mind the high level of unemployment in KwaZulu-Natal generally and within the eThekweni Municipality region in particular; KNOWING that the formal economy has failed to provide a sufficient number of economic opportunities to those who seek such access; NOTING the duty of the eThekweni Municipality to give priority to promoting economic development and social justice in the community; CONSIDERING that *street trading* is a viable means of providing a significant number of economic opportunities for those wanting to pursue a livelihood; RECORDING that the *Municipality* seeks to regulate and encourage the growth and development of the informal economy for the mutual benefit of all concerned; RECOGNISING that the *Municipality* has the duty to administer and regulate the control of *public places* and hence ensure that *street trading* occurs in a safe, hygienic and orderly environment,

Definitions

- 1 In this bylaw the following expressions bear the meaning set out in this part, unless the context indicates otherwise –
 - “**council**” means the eThekweni Municipality, and depending on the context may include any committee or official to whom the relevant duty, function or power has been delegated;
 - “**demarcated stand**” means a *public place* marked out in the prescribed manner by the *Municipality* for the purpose of *street trading* and not exceeding 2 sq metres;
 - “**enforcement officer**” means any traffic officer appointed under section 3 of the Road Traffic Act 29 of 1989; or any member of the Force appointed under section 5 of the South African Police Service Act 68 of 1995; or any official employed by the *Municipality* to whom has been delegated the power to exercise any duty or function under this by-law;
 - “**management zone**” means any number of *demarcated stands* grouped together to ensure good and effective management of *street trading* in a particular area;
 - “**nuisance**” means any conduct that unreasonably interferes with the physical comfort, health and safety the public is entitled to expect in a public place;
 - “**permit**” means the document issued to a *street trader* by the *Municipality* containing the terms and conditions that apply to a particular *trading opportunity*;
 - “**public place**” means any place that is owned by or vests in the *Municipality* for the access, use, enjoyment and benefit of the public;
 - “**street trader**” means a person who has been issued with a *permit* entitling him or her to carry on *street trading* on a *demarcated stand*, or within a specified *management zone* in the case of a mobile *street trader*;
 - “**street trading**” means the selling of merchandise or the provision of services by a *street trader*, whether mobile or not;
 - “**trading opportunity**” refers to an existing, or the creation of a new, economic prospect that is capable of being exploited by a *street trader*.

Determination of Trading Opportunity

- 2 This part deals with the manner in which the *Council* must determine the *trading opportunities* that are available within its area of jurisdiction.
- 3 The *Council* must carry out a survey of all *public places* and compile a list and a map depicting all the areas considered viable and appropriate for *street trading*.
- 4 In deciding whether any *public place* is viable and appropriate the following factors must be considered by the *Council* in consultation with relevant stakeholders:
 - (1) the town planning scheme of the *public place*;
 - (2) the existing land uses in the vicinity of the *public place*;
 - (3) The nature and volume of pedestrian and vehicular traffic adjoining such *public place* especially during peak periods;
 - (4) introduction of measures to minimise disruption of such traffic;
 - (5) the existence of appropriate provision for the collection and disposal of litter;
 - (6) the existence of toilet facilities and water;
 - (7) existing street furniture and municipal services;
 - (8) the nature of the proposed *street trading* and its likely impact on the *public place* and adjoining businesses or residences;
 - (9) the dimensions of the *public place*, and its capacity to carry the proposed *street trading*;
 - (10) whether *street trading* will unduly affect the free passage, convenience and safety of pedestrians especially children, the disabled, and elderly; and,
 - (11) the requirements of any relevant law.
- 5 Having decided that a *public place* is viable and appropriate for *street trading* the *Council* must proceed to determine the number of *trading opportunities* available in that *public place* and allocate a unique number to each such opportunity. In this regard the *Council* must draw up a plan proposing the number of *demarcated stands* the *Council* seeks to establish in that *public place*, as well as the number of *trading opportunities* available to mobile *street traders*.
- 6 To facilitate effective management of *street trading*, *demarcated stands* may be grouped together into *management zones*. If the *Council* considers that consumers would be better served, he or she may designate, that only specified things or services be sold or provided in a particular *management zone*.
- 7 The *Council* may in exceptional circumstances issue a *permit* to any person or organisation to engage in *street trading* for a non-renewable period not exceeding three months at any *public place*, whether it has been demarcated for *street trading* or not. The *Council* may in such *permit* stipulate any term or condition that he or she considers appropriate.

Application for and Allocation of Trading Opportunity

- 8 This part deals with the manner in which application must be made for a *trading opportunity* by an aspirant *street trader*, and the procedure to be followed by the *Council* in allocating such *trading opportunity*.
- 9
 - (1) A *permit* is necessary only in designated *management zones* proclaimed by the *Council* from time to time. In *management zones* that were not previously proclaimed for this purpose, the *street traders* must be given notice to obtain such *permit* within a period of 3 months, failing which they will be deemed to be trading unlawfully, and the sanctions provided for in the bylaw will take effect.
 - (2) As and when *trading opportunities* become available, the *Council* must call by way of a media campaign upon all those who are able and willing to avail themselves of such *trading opportunities* to apply for such *trading opportunity* at the nearest *Council* office. The media campaign must consist of advertisements on radio and newspapers;
 - (3) *Trading opportunities* must be allocated in a lottery, provided that each applicant satisfies the criteria for allocation of *trading opportunities* set out in clause 10;
 - (4) A *trading opportunity* may be allocated to more than one person on a time-share basis: Provided that each such person shall be entitled to engage in *street trading* only during the period or periods indicated in the *permit* issued to him or her.
 - (5) Those who have been allocated a *trading opportunity* must within 6 months of having received the *permit* to trade, attend at a workshop at which all aspects of *street trading* are dealt with in detail.
- 10 Preference in the allocation of a *trading opportunity* must be given to a person who is a member of the following groups and who has dependents to support:
 - (1) Black persons meaning Africans, Coloureds and Indians;
 - (2) Unemployed persons;
 - (3) Women;
 - (4) Single parents;
 - (5) Disabled persons.
- 11 The *Council* must provide application forms in the isiZulu and English languages at all *Council* offices. The application form must contain an explanation of the steps to be taken by an aspirant *street trader*, and he or she must be assisted with the completion of the form in case of difficulty. Each application form must be accompanied by a copy of the identity document of the applicant together with two passport size photographs of the applicant.
- 12 The *Council* must consider the application and within a reasonable period give his or her decision to the applicant. In the case of a refusal of the application, the *Council* must give reasons for the decision in writing and advise the applicant of his or her right to appeal against the decision in terms of clause 37.
- 13 *Street trading* may only be commenced after the applicant has been issued with a *permit* containing the terms and conditions to ensure that it is carried on an orderly and effective manner.
- 14 Specific terms and conditions may relate to -
 - (1) The charges and fees payable;
 - (2) The address of the *demarcated stand*, if the *street trader* is stationary, or the boundaries of the *management zone* within which *street trading* may be carried on by a mobile *street trader*;

- (3) Specifying whether the merchandise and services traded relate to a food or non-food related activity. If trading is carried on in a food related activity then the *street trader* must, in addition, be in possession of a “certificate of acceptability” issued in terms of reg 918 of the Health Act 63 of 1977, failing which the *permit* shall not be valid;
 - (4) Specifying the period of validity of a *permit*. All *permits* are valid for a period of 24 months, except those issued for a food related activity, which are valid for 12 months;
 - (5) Specifying the day or days on which and the time during which the *street trading* may take place; and,
 - (6) A time-share arrangement with another *street trader* in respect of the same *demarcated stand*.
- 15 General terms and conditions may relate to the duty of the *street trader* to -
- (1) In the case of a stationary *street trader*, to place his or her merchandise or equipment strictly within the boundary of the *demarcated stand* allocated to him or her;
 - (2) In the case of a mobile *street trader*, to trade within the boundary of the *management zone* assigned to him or her, and from a cart or receptacle the characteristics and dimensions of which may be specified in this bylaw;
 - (3) Ensure that the merchandise, equipment or any other thing used on the *demarcated stand* does not pose a danger to the health and safety of any person;
 - (4) Ensure that the stand or equipment used is constructed in a sturdy manner, and that umbrellas do not obstruct unreasonably the sight of pedestrians in the *public place*;
 - (5) Carry on the *street trading* in such a manner that it does not cause a *nuisance*;
 - (6) Ensure that the *street trader* does not shout unreasonably loud, or rings bells or horns or use any other device to attract attention to his merchandise or service;
 - (7) Ensure that all refuse and litter produced in the course of *street trading* is placed in refuse bins provided by the *Council*;
 - (8) Ensure, if the *street trading* activity involves the cooking or preparation of food, that any food or oil or other thing that drops onto the surface of the *demarcated stand* is promptly removed;
 - (9) Ensure that any assistant employed by the *street trader* is properly supervised and is aware of all the terms and conditions of the *permit* and the bylaw. In the temporary absence of the *street trader* any non-compliance by an assistant shall be deemed to be a non-compliance by the *street trader*;
 - (10) Remove all merchandise and equipment from the *demarcated stand* at the termination of business each day;
 - (11) Refrain from selling anything or providing a service that is similar to that provided by a regular store owner in that vicinity;
 - (12) Report, or cause to be reported to the *Council* his or her absence from *street trading* due to illness, death in the family or any other pressing cause;
 - (7) Familiarise himself or herself with the penalties for failure to comply with any term or condition; and,
 - (8) Any additional matter that needs to be reasonably regulated in any particular case.
- 16 The *Council* must issue to every *street trader* a distinctive card containing his or her photograph and other particulars as are necessary. In the event that the *permit* provides for the employment of an assistant, then a further distinctive card must be issued to such assistant. The *street trader* and his or her assistants must during the hours of trade display such cards on their persons so as to enable any member of the public or *enforcement officer* to inspect such card.

Termination of Permit

- 17 This part sets out the circumstances whereby the *Council* or the *street trader* may terminate a *permit*.
- 18 The *Council* may at any time terminate a *permit* if, after a hearing, it is satisfied that –
 - (1) Owing to circumstances that have arisen since the issue of the *permit*, and having regard to the factors in clause 4, it is deemed not viable or appropriate for further *street trading* to take place at any *demarcated stand* or *management zone* as the case may be;
 - (2) The *street trader* has, without reasonable excuse, and without having reported his or her absence in terms of clause 15(12), failed to engage in actual *street trading* for a period of two weeks;
 - (3) The *street trader* or his or her assistant is not in possession of the card issued to him or her in terms of clause 16;
 - (4) The *street trader* made a false statement in respect of a material particular on his or her application;
 - (5) The *street trader* has failed to pay the fees or charges;
 - (6) The *street trader* fails to maintain his or her *demarcated stand*, and its vicinity, free of refuse and litter;
 - (7) The conduct of the *street trader* constitutes a *nuisance*. In enquiring whether the conduct complained of constitutes a *nuisance* the following factors must be taken into consideration:
 - (a) the nature of the *street trading*;
 - (b) the motive and purpose of the *street trader*;
 - (c) the locality of the *street trading*; and,
 - (d) the practicality of preventing the harm recurring.
 - (8) The *street trader* has failed to comply with the Bylaw, or a material term and condition of the *permit*, on three separate occasions, and after having received a warning in respect of the first and second failures.
- 19 The *Council* may not terminate the *permit* unless it has given the *street trader* or his assistant (which service shall be deemed to be service on the *street trader*) two written warnings within a period of six months in English and isiZulu of -
 - (1) The conduct or omission on his, her or the assistant's part, that constitutes non-compliance with the Bylaw, or a material term and condition of the *permit*;
 - (2) Calling upon him or her to comply within seven days;
 - (3) The penalties that attach to such non-compliance.
- 20 Notwithstanding anything to the contrary in this policy directive, the *Council* may at any time suspend any *permit* without notice if the *street trading* being conducted poses a risk to the health or safety of any person.
- 21 If the *street trader* suggests a less drastic but practical solution other than terminating the *permit*, the *Council* must adopt such solution, and issue a new *permit* to the *street trader* in question.
- 22 A *permit* terminates when its holder dies. Nothing emanating from such *trading opportunity* or *permit* shall form part of any deceased estate and shall not be capable of being transmitted to any heirs or legatees. Any such *permit* shall be re-allocated by the *Council* in terms of clause 10.
- 23 In the event that a *street trader* gives notice of his or her intention to cease *street trading* or the *permit* is terminated by the *Council*, then that *trading opportunity* must be re-allocated in terms of clause 10.

General Powers and Duties of the Council

- 24 To ensure the proper and effective management of *street trading*, the *Council* must exercise certain powers and assume the duties set out in this part.
- 25 The *Council* must -
- (1) Provide refuse bins at or near all *demarcated stands* and within all *management zones*;
 - (2) Ensure that the areas where *street trading* is conducted are kept clean and any refuse bins emptied regularly;
 - (3) Ensure that the *demarcated stands* and *management zones* are cleaned and refuse bins emptied on a regular basis;
 - (4) Demarcate specified *management zones* where perishable foodstuffs may be cooked and sold and in those instances establish suitable facilities for such activities to take place having regard to health and safety;
 - (5) Maintain a register of *street traders* who hold *permits*. The register must be available for public inspection, and show information relating to the serial number of the *permit*, the date and duration of *permit*, the name and home address of the *street trader*; his or her identity number; the location of the *demarcated stand* or management area in which *street trading* is carried on; and any other detail;
 - (6) Re-allocate *demarcated stands* that become vacant, or where mobile *street traders* cease trading in any *management zone*;
 - (7) Prescribe the manner in which a *demarcated stand* is to be marked out;
 - (8) Etc
- 26 The *Council* may -
- (1) Rescind or alter any decision made after consultation with affected parties;
 - (2) Propose a new or revised policy in relation to any aspect of *street trading*;
 - (3) Erect tables or other facilities for use and hire by *street traders*;
 - (4) Remove any receptacle or merchandise belonging to a *street trader* insofar as it is not removed to a place of storage at the end of the trading day;
 - (5) Remove any receptacle, containers, and other merchandise that are a danger to the health and safety of the trader or the general public insofar as they are toxic, hazardous, corrosive or explosive; and,
 - (6) Terminate any *permit* where the *street trader* is in breach of any term or condition, or the bylaw.

Provision of Storage Facilities

- 27 There is no duty on the *Council* to provide a storage facility to any *street trader*. However, the *Council* must take all reasonable steps to acquire or erect such facilities or adapt existing and disused buildings for this purpose.
- 28 In the event that storage facilities are provided, the *Council* may make such charges as are reasonable to recoup the costs of maintaining such service.

Fees and Charges

- 29 This part deals with the fees and charges that may be levied on *street traders* by the *Council*.
- 30 The *Council* may levy a fee or charge on any *street trader*, or a category of *street traders* as it may determine and as may be sufficient to recoup the costs in connection with *street trading* including –
- (1) the collection, removal and disposal of refuse and litter, or other services rendered to *street traders*;
 - (2) the provision of storage facilities;
 - (3) the hire of tables or other equipment;
 - (4) the cleaning of the *public places* in which *street trading* takes place insofar as such cleaning is necessitated by *street trading*;
 - (5) the reasonable administrative or other costs in connection with administering *street trading*.
- 31 The *Council* may levy different charges and fees in respect of different *management zones* depending on the profitability of such *management zone*. Nothing contained herein prevents the *Council* from subsidising any aspect of *street trading*.

Notice & Comment Procedure

- 32 This part is intended to facilitate the involvement of interested and affected persons in the exercise of far reaching powers of the *Council*.
- 33 Proposals in relation to places that may be declared to be viable and appropriate (s 3); the number of *trading opportunities* available (s 5); the establishment of a *management zone* (s 6); the deproclamation of a *public place* for purpose of *street trading* (s 18(1)); and the levying of fees and charges (s 30), must be published in at least two newspapers circulating within the metropolitan region its proposals in relation to these subjects. Such proposals must be accompanied by such reasons or motivations as may be necessary, while in relation to the proposed rent, fees and charges, the *Council* must publish a statement of how such is calculated.
- 34 Interested and affected parties must be invited to make written comment and representations within a period of 30 days on the proposals of the *Council*. After the expiry of the period of 30 days, the *Council* must consider any comment and representations received and if necessary revise the proposals in questions.
- 35 Any affected or interested person may, in order to enable him or her to ascertain whether the proposals are reasonable, request the *Council* to furnish such further information or explanation with regard to the proposals as he or she may reasonably require.
- 36 In addition to the above, the *Council* must consult with *street trading* committees or associations on its proposals.

Appeals

- 37 This part provides an aggrieved and affected person the right of appeal against any action or decision taken against him or her by the *Council* in terms of this bylaw.
- 38 Any action or decision of the *Council* that has legal consequences must be in writing and handed to the interested or affected person. Such person must also be informed in the same document that he or she has the right to request reasons for such action or decision, and to appeal against such action or decision within the time limits specified.
- 39 Any person who feels aggrieved or affected by any action or decision of the *Council* in terms of this by-law, may request reasons for the action or decision within ten days of having received notification of such action or decision. The *Council* must furnish such reasons within ten days of having received the request.
- 40 (1) The aggrieved or affected person, known as the appellant, must, if he or she wishes to appeal, give notice of his or her intention to appeal against such action or decision to the Local Appeals Committee within twenty-one days of having received the reasons. The appellant must further indicate in that notice the grounds for the appeal. Such notice must be delivered to the Local Appeals Committee and the *Council*.
- (2) An appellant must continue fulfilling those obligations vis-à-vis his or her *street trading* insofar as they are not the subject matter of the appeal.
- 41 The Local Appeals Committee must dispose of the appeal within ninety days of the notice of appeal having been lodged.
- 42 In the event of the appellant or *Council* not being satisfied with the outcome of the appeal, any such party may lodge a further appeal to the Central Appeals Committee within twenty-one days of being notified of the decision of the Local Appeals Committee.
- 43 Any action or decision that is the subject of an appeal shall not take effect until the time for bringing an appeal has expired, or where an appeal is brought, until the determination or abandonment of the appeal.

Constitution of Local Appeals Committee

- 44 This part sets out the manner in which the Local Appeals Committee must be established.
- 45 (1) In consultation with the Central Appeals Committee, the *Council* must appoint persons to sit on the Local Appeals Committee. Such persons must be drawn from the ranks of senior officials in the *Council*.
- (2) The Local Appeals Committee must consist of a maximum of five members: one member being nominated by *street traders* or an organisation of *street traders*; one nominated by the *Council*; two members who are agreeable to both the *Council* and the *street traders*; while the fifth member must be a person who is experienced in the administration of the law.
- (3) Once the members are appointed, they must elect from their number a chairperson, and one deputy-chairperson. When the chairperson is unable to perform his or her duties, then the deputy chairperson must perform those duties.
- (4) If the chairperson is of the opinion that any other person has any expertise or knowledge that may be of assistance to the Local Appeals Committee, then that person may be co-opted. Such co-opted person may give his or her advice on any matter where his or her expertise or knowledge is sought. He or she may not participate in formulating the decision of the Local Appeals Committee.

- (5) Decisions of the Local Appeals Committee must be arrived at by consensus, but in the event of a deadlock, the matter may be put to the vote, and determined by a simple majority.
- (6) The quorum for the local appeal committee is three members including either the chairperson or deputy-chairperson.

Constitution of Central Appeals Committee

- 46 This part deals with the manner in which the Central Appeals Committee must be established.
- 47 The *Council* must appoint five persons to sit on the Central Appeals Committee. The chairperson and the deputy-chairperson must be drawn from non-governmental organisations having expertise in matters relating to *street trading*; one member must be nominated by *street traders* or an organisation of *street traders*; one must be nominated by the *Council*; while the fifth member must be a person who is experienced in the administration of the law.
- 48 Clauses 45(3), (4), (5), (6) apply to the Central Appeals Committee as well.

Procedure at Appeal Hearings

- 49 This part provides for the procedure that must be followed at an appeal hearing.
- 50
 - (1) The chairperson or in his absence the deputy-chairperson of an appeals committee must preside at appeal hearings.
 - (2) The appeal before the Central Appeals Committee is a full re-hearing of the matter, and in exceptional circumstances it may receive such further evidence as may be necessary.
 - (3) The appellant and the *Council* are entitled to give evidence before an appeals committee personally and by way of witnesses; produce documentary or any other evidence.
 - (4) The appellant or the *Council's* representative may not question or cross-examine each other or their respective witnesses, but the chairperson or his or her deputy shall proceed inquisitorially to ascertain the relevant facts.
 - (5) In the event that an appeals committee is of the prima facie view that a matter may be resolved in an alternative or less restrictive or burdensome manner, it shall in that case canvass the view of the appellant and the *Council* as to the viability of such alternative, before making a decision.

Outcome of Appeal Hearing

- 51 This part sets out how an appeals committee must give its decision and the factors it must have regard to in arriving at such decision.
- 52 When deciding any matter, an appeals committee must have regard to the following:
 - (1) The evidence presented by the appellant and the *Council*;
 - (2) the purpose and spirit of this bylaw;
 - (3) fairness to all affected by the action or decision; and
 - (4) less restrictive or burdensome alternatives to resolving the appeal.

- 53 An appeals committee must provide written reasons for its decision which may be to -
- (1) uphold the appeal; or
 - (2) dismiss the appeal; or
 - (3) direct that the appeal be resolved in any other manner that it may think appropriate.
- 54 An appeals committee must make a decision within 15 days of the appeal hearing.
- 55 Subject to clause 56 below, the decision of an appeal committee takes effect and binds the appellant and the *Council* from the date that it is made known to them.
- 56 In those instances where the decision of an appeals committee requires the ratification of the *Council*, then that decision binds the Municipality from the date that it is adopted by the *Council*. The Municipality must in the event that it refuses or fails to adopt the decision of an appeal committee, provide reasons for such refusal or failure. The appellant may in such event pursue such further remedies as he or she may deem fit.

Street Trading Committees and Associations

- 57 This part recognises the importance of *street traders* combining into *street trading* associations so as to make effective and meaningful representations to the *Council*.
- 58 Every *street trader* has the right to participate in the formation of, and belong to a *street trading* association to represent his or her interests. for the respective *management zone*.
- 59 The *Council* must recognise and negotiate with any association that represents a significant number of *street traders*.

Members of the Joint Work Programme

