

**THE INFORMAL SECTOR AND PUBLIC PARTICIPATION IN POLICY  
FORMULATION IN THE INFORMAL ECONOMY: A CASE STUDY OF  
ETHEKWINI METROPOLITAN MUNICIPALITY**

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## Declaration

I, Anele Fortunate Cebile Jiyane declare that

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- (ii) This dissertation/thesis has not been submitted for any degree or examination at any other university.
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## **Abstract**

*The concept of public participation in policymaking is a complex phenomenon. The term has been used for different purposes, which extends its complexity in public sector. The complexity is experienced at different levels of engagement, contexts, and activities. Local government is central in facilitating public participation. The Constitution of South Africa and other legislative documents affirm the significance of public participation for accountability and transparency in government spheres. However, public participation with regard to policy related to informal trading exists in principle but its implementation is complicated. This study investigates street traders' engagement in policymaking processes. The study employs a qualitative approach to examine informal sector actors' participation in public policy-making in Durban. The empirical data were collected from in-depth interviews and through observation of Municipal Business Unit officials and street traders and through literature reviews. The total number of participants were twenty street traders, two government officials and one civil society participant. The data was interpreted and discussed thematically through a deductive approach. The study has three major findings. Firstly, we argue that street traders are not considered alone in decision-making processes. Secondly, this study claims that power dynamics contribute to shop owners and formal businesses receiving preferential treatment from the city council, at the expense of street traders. Lastly, the demand for urban public space for commercial trading is limited, while the role of the informal sector in income generation for poor and middle class households is increasing. This study finds that, if public participation is to be more sustainable, it must move beyond rhetoric to include integral inclusive participation measures.*

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## **ACRONYMS**

<b>CASP</b>	<b>Citizens Action Support Programme</b>
<b>CBP</b>	<b>Community Based Planning</b>
<b>EMIEF</b>	<b>eThekweni Municipality Informal Economy Forum</b>
<b>EMM</b>	<b>Early Morning Market</b>
<b>IAPP</b>	<b>International Association for Public Participation</b>
<b>ITMB</b>	<b>Informal Trade Management Board</b>
<b>LED</b>	<b>Local Economic Development</b>
<b>NGO</b>	<b>Non-Governmental Organisation</b>
<b>SEWU</b>	<b>Self Employed Women's Union</b>
<b>WRSETA</b>	<b>Wholesale and Retail Sector Education and Training Association</b>



## **CHAPTER ONE**

### **INTRODUCTION**

#### **1.1 Background and Statement of the Research Problem**

There is a general agreement that the local government of South Africa has not yet produced the anticipated results articulated in the White Paper of Local government participation of 1998 (Wiego, 2014). This is evident on the community-based protests demanding service delivery. The literature on civil society perspectives confirms that local government is facing tons of challenges that can not only be resolved by the local government instead the solution lies in a multi-facet institution that include the primary interventions of the community and private sector that is largely aimed at finding solutions to government challenges.

Public participation is the foundation of democracy (Burke, 1968-9), and a healthy democracy is generally the one that allows citizens to participate meaningfully in government decision-making. Houston, *et al.* (2001), define public participation as the practice through which an institute or organization invites stakeholders (interested, affected parties, and members of the affected society) with the aim of influencing and ensuring a shared control over development initiatives, from the start to the finish, in order to achieve better outcomes. Governments of many countries still face challenges in engaging citizens when making decisions (and in process of implementing projects) affecting the public. Such exclusions create dissatisfaction and become sources of conflict in a society that could otherwise live in harmony. South Africa has a fair share of such problems. Despite the legislative and constitutional requirement, experiences in South Africa show public participation falls far short of expectations, and the government struggles in facilitating authentic participation with the long tail that is at the bottom of the ladder (Houston *et al.*, 2001).

Our consideration of the informal economy and public participation and management of this sector relates to its sheer volume and significance. In South Africa, the informal sector is made up of

about “750 000 informal micro-retailers operating from home (‘spaza’ shops<sup>1</sup>) and street vendors”, making a total income of \$2.5 billion (R31.8bn) per year. About three million people earn their livelihoods through the informal economy. These livelihoods are subjected to access to public space which is mainly difficult to get access to it (Heistein, 2015, 15).

Notwithstanding its influence on the economy, the potential of creating a volume of jobs, the informal economy has been marginalized. Its stakeholders have little influence on government decision making which makes it hard to participate. When policies are designed and implemented, they disturb a large percentage of private and public entrepreneurs, employees and communities. While formal businesses and big firms are usually consulted on these proposed policies, informal sector participants are less likely to be consulted (Budlender, 2015).

Research shows that absence of public participation in matters that affect the street trading has deprived street vendors the chance to expand their businesses and gain from economic expansion. A study conducted by Mapetla discovered that more than 80% of the street traders working in Warwick Junction Morning Market alluded that ever since they were relocated they are not making much profit as before. Mapetla (2007), continue to mention that the Inner City interventions have not accommodated the poor and their welfares (Mapetla, 2007).

South Africa is a democratic country, and practices representative democracy. This means that citizens elect someone to act on their behalf in decision-making. In the meanwhile, the contestation of public participation by scholars shows that there is limited inclusiveness of the public in policymaking, which only confines representative democracy to voting in elections only. It is constitutionally obligatory to generate measures for public participation and to facilitate this participation. This can be achieved through petition processes, lobbying, and public hearings. These measures need public education programmes facilitated by the legislature and efforts to encourage individuals and groups to participate in the petitioning process (Houston *et al.*, 2001).

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<sup>1</sup> Spaza shop: is the small shop in townships or rural areas where people get basic service such as bread, candles, and soap.

South Africa is categorised amongst the most liberal country because of its most progressive legislature and policies on participatory local governance. These commitments are articulated in “public participation processes as mentioned in the 1998 White Paper on Local Government, the Local Government Municipal Structures Act (No. 117 of 1998) and the Municipal Systems Act (No. 32 of 2000)” (Good Governance learning Network, 2012,13). Moreover, citizens hold the right to participation as advocated by the constitution, which should be accompanied by a dedicated action plan to involve the larger spectrum of people (David *et al.*, 2009). The effectiveness of public participation will be determined by the degree to which the local authorities seek to involve those who are disadvantaged from benefitting.

The number of disputes and court cases initiated by the informal traders, and at times, expressed in the form of protests against municipalities in Metropolitan cities such Durban, Johannesburg, and Pietermaritzburg, are indicative of the street traders unhappiness with the current model of management and regulation of the informal economy. These are clear expressions of their discontent at how things are managed, which have a huge impact on their social and economic life. For example, protests by traders in the Early Morning Market in Durban demonstrated their anger at the city officials’ disregard for their livelihood while deciding on their behalf without consulting them (Mail&Gaurdian, 2015).

Another dimension to this is the alarming level of abuse inflicted on street-traders by the metro police, through reckless and undue use of force and confiscation of street-traders’ goods, as well as carelessness with them, as demonstrated by a case that was taken to the Durban High Court. Abuse, mistreatment, and marginalization are some of the problems that the informal traders of Durban are forced to endure, while working out a living in the streets of the city (Business Report, October 2013). These issues show a deficiency in coordination and communication between the institution, which is local government, other city officials, and authorities, and the street traders in decision making concerning the management and regulation of the informal economy, in this case, the street trade.

Benit- Gboffou (2008) concludes that institutional participatory instruments in South African local government presently in place do not work accurately in practice.” It is in relation to this claim

that we seek to assess more broadly the state of public participation in the City of Durban, by focusing on the informal economy – a sector that operates on the margins and one that is often dismissed and discounted by the state. It is against this background that this paper looks at the forms of street trader's participation in policy formulation concerning management and regulation of the informal economy. We interrogate the extent to which the Local Government engages with the informal traders to improve the socio-economic conditions of street traders in Durban CBD.

It is obvious that the government whether (national or provincial) has a role to play in improving the livelihood conditions of all citizens, including actors in the informal economy. However, few government structures appear to play that role. Instead, governments are hostile to informal economic activities, regarding them as a nuisance to the environment, to street traffic, a blot on urban planning and marginal contributor, if at all, to economic development. It is, therefore, not a surprise that informal traders are usually not consulted in key city planning processes and plans for the management of urban spaces (Skinner, 2009).

Municipal officials and consultants are responsible for most of the work of developing plans and budgets. Informal traders and other informal workers hardly participate in these processes (Creighton, 2005). Informal sector participants (workers and traders) may only get involved in general consultations, such as the Integrated Development Plan (IDP) process, while there is no targeted engagement with informal traders at this stage. In contrast, the municipality tends to extensively consult separately with formal businesses. In the past, the main platform in which informal traders and workers participated in developing strategies for particular projects was through informal trader steering committees. The municipality provided training for members of these committees to give them the skills and knowledge to participate meaningfully. This training no longer happens. Some of the traders who are affected by a particular project may be consulted when detailed plans are developed (Skinner, 2013)

The main reason for this inquiry is the contradiction between government's claims related to transparency, accountability and consultative governance, and empowering and participatory policy-making process, on one hand, and the actual reality of citizens' discord and frustration, on the other. In this sense, the gap between the rhetoric and the actual processes of rule-making and

existing practices are not reconciled. Despite claims and enabling legislative and legal frameworks, ordinary citizens' views and opinions do not seem to feature in the final decisions and actual practices, let alone meaningfully influence them. The aim of this study is to explore these contradictions and offer an account of shortcoming and factors influencing and framing these gaps. This research, thus, explores the problem of participation and investigates how the system of top-down approach can be reformed in the democratic Post-apartheid South African state. It also seeks to generate insight into how the city officials view participation, and assess the extent to which local authorities engage the public and affected communities in their policy-making processes and planning in general.

## **1.2 Purpose of the Study**

In this study, we investigate whether the street traders, as a group on the margins of society, are involved in the consultation, planning and decision-making processes, to an extent that they influence matters that affect their livelihood. eThekweni local government does recognize the informal economy and public participation on paper. Durban is well known for developing progressive informal sector policy in South Africa. The Local Government Municipal Services Act of 2000 also instructs municipalities to “establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality” (Constitution of Republic of South Africa, 2000: section 17.2). Using these as a starting point, this research explores and evaluate the extent, content and form of public involvement, the mechanisms through which stakeholders are consulted, and, lastly whether their concerns and views appear in policy proposals, planning and implementation. These concerns have an important implication of the planning, regulation and management of the informal economy, and street trade in particular. One can clearly see these in the challenge of establishing and managing enough regulated space for street traders, which eThekweni informal economic policy and management stipulates. It is crucial to ask to what degree the public participates in these processes of developing policy and regulations (by-laws) and whether such state practices offer sustainable solutions to the social and economic challenges in the city.

The focus here is on the policy-making process related to the street trading and how these marginalized groups take part in and or influence policy-making. In addition to this, we investigate whether the (eThekweni) local government is in full compliance with the requirements of the Local Government Municipal Services Act of 2000. This dissertation is based on the hypothesis that, providing street traders with equal opportunity in decision-making can create a conducive environment that can maximise the livelihood of street traders and create sustainable development in the informal sector. In line with this belief, we set out three overarching objectives. First, we seek to determine the forms of engagement employed by the Local government in addressing street traders' participatory processes. Second, we intend to explore whether the informal traders are involved in the consultation, planning and decision-making that affects them. Finally, we propose to investigate the limited urban public space, which hampers full participation of street traders. By instrumentalising these, and developing a workable research inquiry, we start this study by asking three fundamental questions. The first interrogates the different levels of participation employed by local government to influence policymaking. The second is, to what extent are the street traders included in the policymaking, implementation and evaluation? Finally, we ask how urban public space affects the livelihoods of the urban poor participating in informal economies.

### **1.3 Limitations of Study**

This study is important in the growing body of literature especially on the informal economy and management and planning of this sector. However, it is not without limitations. One critical limitation of this study was time. The period for the study is relatively short, presenting constraints to extended and extensive field research. This has affected this study and its reaches, forcing us to confine the focus to a few groups and interviews, and not include all the interest groups that form the informal sector. The excluded group include the "Urban and Landscape Design Department, eThekweni Transport Authority, South African Police Services and Metro Police, and the Private Sector" (eThekweni Municipality policy document, 2013), which collectively work with street trading. The second limitation is choice of our research site and focus. This research focused only on one section of the CBD, Warwick Juncture and West Street. There are many other informal trading areas, and focusing on one route may not be sufficient for understanding all the reasons for street trader's exclusion from participation.

## **1.4 Structure of the Dissertation**

This dissertation is divided into six chapters. Chapter one is an introduction and background to the informal economy of Durban. This chapter also outlined the broader issues of interest to and objectives of this inquiry and the questions asked.

Chapter two presents the conceptualization of Durban's informal economy, which includes the main argument and different perspectives concerning the topic. It outlines the different solutions and contends that meaningful participation is the resolution, as opposed to rhetoric. This work therefore suggests that street traders must not be viewed as beneficiaries or as passive agents, but as people who contribute to local economic development.

Chapter three focuses on the legislation that governs the structures for community participation in South Africa. The chapter applies the Arnstein ladder of participation as the theory to evaluate whether the legislation gives the informal traders enough opportunities to participate meaningfully in the creation and implementing of these laws and their enabling strategies.

Chapter four presents the methodology. The chapter outlines the different stages that guide a research design and strategies, as informed by our choices from a general perspective. It also focuses on the methods followed to conduct the study. These stages are organized as follows: research design, sampling method, data collection techniques and analysis, limitations of the study, ethical issues, and, lastly, a summary of the methods in relation to the research questions.

Chapter five is the description, settings and design of the setting for the study, that is, Warwick Junction Market and West Street. This section contextualises both sites and details how the street trading has changed over time. These two areas form the busiest hub of street trading in the CBD. This chapter also examines inclusion and exclusion in the Durban informal economy – particularly the street trade – as an area for analysis. A section in this chapter also unpacks the realities of the lives of street traders, using the Hart ladder of participation model, to examine the findings of this research.

Chapter six offers the conclusion and recommendations. This chapter is organized into two sections. The first section delivers the conclusion by summarizing this dissertation and highlighting the main findings, while the second section offers recommendations and areas to be considered for additional research.

## **CHAPTER 2**

### **PUBLIC PARTICIPATION AND THE INFORMAL ECONOMY**

#### **2.1 introduction**

According to Rogerson (2004) informal economy has developed to be an alliance of economic growth and subsistence-survival strategy for the poor. Therefore, local government needs to play an active role to support the informal traders to successfully address problems of unemployment and poverty. Yet, this sector is unappreciated and marginalized, and this is particularly true of informal street trading. Street traders all over the world face similar problems. Street trading is usually portrayed as a nuisance and a stain on the urban esthetic sensibility, and traders are excluded or under-represented in social dialogue, public discourse, and institutions. However, local governments need to accommodate informal traders to address the difficulties of poverty and unemployment. Public participation can compel the government to consider the ‘voice’ of civil society (Theron, 2009) which is important for formulating public policies that accommodate and benefit different groups including survivalist informal traders.

This chapter is a review of the literature on public participation and the informal economy. The chapter is divided into two sections. The first section discusses the concept of public participation. It looks at the importance of the concept and the benefits of applying public participation in local Municipalities to promote a successful informal trading sector. The second section looks at the informal trading sector in Durban. The aim of the chapter is to investigate the degree to which public participation procedures can be used to embrace and promote actors in the informal economy, to effectively use this sector as a vehicle to address the challenges of unemployment and poverty.

#### **2.2 Public Participation**

The concept of public participation originates from political values (Buccus *et al.*, 2007). In this paper, we adopt neo-liberal context of defining public participation. Neo-liberal aims at representing all affected and interested parties of the society in participating in government development programmes. The concept has features of democracy these features advocates for representation and empowering the community to be able to provide adequate inputs for better-



informed decisions. Public participation as defined by Meyer and Theron (2000) looks at it as a way of learning from each other “social learning” as a way of improving society; this may take place in the form of activism or social enterprise, authentic participation and social knowledge. For them, public participation is directly proportional to the action of the communities facilitated by the group of people in relation to development for the people. (Mayer and Theron 2000). Similarly, Kotze and Kellerman (1997) argue that participation is composed of ongoing processes where interested parties influence development that affects their lives.

During Apartheid, government decision-making was hierarchical, secretive, and one-sided for the majority of the population. South Africans defined as “African”, “Coloured”, or “Indian” were excluded from decision-making processes, and, from any form of citizenship and involvement in major political and economic processes. Africans constituted the majority, which is still the case today, and yet they were denied of the opportunity to participate as citizens of the state. This was done through statutory mechanisms such as the Population Registration Act and Group Areas Act of 1950, and other discriminatory legislation. These laws deprived black South Africans of citizenship and with it the right to participate in any public and policy discussions, and influence major processes affecting their lives. In 1994, the new democratic dispensation, led to participation in elections for the majority. The new democratically elected government had a mandate to dismantle the old system and work hard to bridge the participation gap that was caused by Apartheid. It is within such developments that broad public participation became a central concept in South African governance discourse and practices (Buccus *et al*, 2007).

Public participation in South Africa context has been controlled and influenced by Apartheid. The old regime aggravated challenges that are already mutual to public participation, which are severe in a country with such culturally and economically diverse communities. The challenges are twofold. One, the absence of citizenship in the old regime and the need to establish it under new conditions creates a dissonance in civic space. Two, state institutions, both local and national, were organized to serve the minority, which presents a challenge for the new regime to expand and reconfigure them. Furthermore, unemployment, economic recession, and the absence of appropriate and accessible infrastructure, have hampered the public participation that the new government emphasized (Sheoraj, 2015).

According to Hamann (2003), the developmental literature supports the idea that public participation needs to be linked to the broader democratization of local government. This is currently undeniably in South Africa. All municipalities are mandated by legislation to practice public participation to the best of their abilities. This is in line with promoting transparency, and the effectiveness of local government, and ensures that communities' voices are represented in local governance. The government aspiration is to see consultation and participation taking root as a cultural practice in all spheres of government from the ward level up to the level of parliament (Buccus *et al*, 2007).

It is common in policy and development studies fields to view public participation as means to improve service delivery and enhance governance and deepen democracy. The beneficiaries of public participation look at it as the mechanism to strengthen the relationship between government and the people's needs (Creighton, 1992). Therefore, local government should create an environment that is conducive to public participation. (David 2005) This then calls for councilors to act as agents of change for public participation in terms of advocacy and mobilizing in the society.

Public participation act as an instrument for democratizing the planning process. It is regarded as democratic right. This is outlined in the "Constitution of the Republic of South Africa, which states that people must be encouraged to participate in policy making and their needs must be treated with high priority" (RSA Constitution, 1996: sections 195 (1) e). The Constitution further declares that the purpose and duty of local government is to motivate the society to contribute to the local government affairs (section 152). "The Municipal Structures Act (No 117 of 1998)" also mandates municipalities to approach and consult with civil society and community organizations in reaching the needs of local communities.

These constitutional and legislative requirements show that the obligation for the local government to consult is recorded and developed. This goes beyond providing support to deliberations. Section 16 of "The Municipal Systems Act 2000" compels municipalities to build a culture of municipal governance that balances formal representative governance with systems of participatory governance". This includes creating a conducive environment for local communities to participate in the developmental affairs. These municipal developmental affairs include consultation with

communities on (i) “municipal Integrated Development Plans”, (ii) the budget, (iii) performance “management systems” (iv) and strategic decision-making (David, 2005:25).

In this regard, the “Municipal Structures Act and the Municipal Systems Act” play a crucial role concerning public participation in local government. These Acts insist upon the involvement of the public in local government. Other acts also stipulate this, such as the “Municipal Finance Management Act (56 of 2003)” of local government, oblige the municipal officials to make the annual report of a Municipality to be available and promote the availability of those reports to the citizens (David, 2005:25).

These laws demonstrate the urgency and importance within which the country value and acknowledges public participation. However, two main arguments need to be noted. Firstly, a scrutiny of these laws displays that public participation is restricted to systems of consultation rather than empowerment of communities that will achieve authentic public participation in political decision-making or management of local government. The law makes it clear that in National, Provincial legislature’s decision-making power is vested in local government councilors, and the implementation is bestowed to the officials. Therefore, the deliberation of power is imperative in the democratic process but not equal to casting your vote and implementation of the decision taken by the vote (Houston *et al.*, 2001).

Secondly, there are major delays between endorsement of legislation and implementation of public participation in policy-making and governance. Durban is known as the first City to have developed a progressive policy on the informal economy, which by now should have yielded positive results for development and services in this sector. The policy should be more relevant and responsive to local necessities and situations in order to establish and cultivate a shared responsibility for social and economic development and service provision. For example, community actions represent as much a desire for control over their livelihood as a contribution to state building and cultivation of democratic practices. Public participation in decisions on the informal economy plays a crucial role in the overall state of the economy, as part of local economic development, and through employment creation and enhancing the livelihood strategies of the local people (Houston *et al.*, 2001).

Public participation has noticeable benefits. Cogan and Sharpe (1986:284) point out the five most common benefits of citizen participation in the design and planning process. First, participants

become knowledgeable. Second, it guarantees public support for planning. Third, such participation avoids protracted conflicts and costly delays. Fourth, it ensures a combination of people that can transfer knowledge to the next generation. Lastly, it builds harmony and dependence between the two parties involved. Creighton (2005:19–12) proposes additional advantages of public participation. Such participation can improve the quality of decisions, anticipate public concerns and attitudes, and develop civil society. In many respects, these functions are interrelated.

Theron, Caeser and Davids (2007:2) argue that public participation approaches benefits the democratic policy-making in two ways. One, that participation is the basic principle that initiates better policy outcomes and two, that participation adds a capacity of development to local people for better life improvement. Considering the public views during the implementation of policy contributes towards establishing political accountability and encourages values of good governance (Masango, 2002:55–56). According to Clapper (1996:76), public participation ensures policy implementation is efficient and nurtures a sense of ownership and assurance in the process.

These add value to policy implementation by ensuring support and eradicating conflict. Furthermore, authentic public participation could save expenditure by lessening or eradicating the need to measure policy implementation (Masango, 2002:60). Essentially, sustained public participation in policy-making processes can assist in counteracting an abuse of power and authority. As Clapper (1996:77) argues, a conscious, engaged and proactive citizenry could guarantee that public authorities use their preference in an approachable and accountable custom.

The reality is that participation helps to inform, educate and engage the public (Hanyane, 2005:268). By engaging with government on matters that impede on development, civil society gets an opportunity to be mainstreamed and acquires knowledge, skills and capacity. Society as a whole also experiences a different way of engaging and interacting with governance and democracy (De Villiers, 2001:135).

### **2.2.1 Rationale for public participation**

Public participation in local government extends beyond legislative compliance. The foundation for community involvement is not only that there is an integral value in making sure that they contribute positively in activities that a cause effect on them, but such input supports in building capacity and add to the liberation of the society. Participation allows people to gain control over

resources that provides better settlement and livelihood. A healthy civil society provides a clear indicator of how robust is the democracy in responding to people's needs. Despite such consensus, the apartheid system has been unfavorable to civil society in providing public services. A healthy and vigilant civil society institutes an essential pillar of an advanced democracy. A robust and active civil society supplements institutes of government and plays a role in producing a well-established governance and prosperous economic growth see Dasaah, 2013 and Davids, 2005.

Public participation is thus observed as an essential measure of democracy. Traditionally, the characters of being able to elect a representative have defined democracy- leaders forming the government, through which it is presumed that citizens could influence political processes and decisions. Democracy precisely means having the power to contribute into the political and social decision, and enhance the implementation of programmes initiated by government action Midgley, *et al.* (1986).

Centre for Public impact (2015:125) holds the view that the inclusiveness of the public in decision-making is important for government. Democratically, public participation builds a new connection between the representatives and the decision-makers in government. From the public viewpoint, the initiation of public participation intensifies and strengthens the amount of power the citizens have over the situations that threaten their survival. From the government perspectives, public participation offers a ground for a common voice for people and the government officials. It safeguards open interactions and convinces the public that all protocols are observed and deliberated (Creighton 2005:18).

Davids (2005:13) upholds the idea that the essential issue in sustaining democratic practice is through participation. Participation is rated as one of the indicators of the legitimacy of the state. He asserts that, as long as people believe that the outcome will benefit them, they consider their time worth giving and participation worth their while. He assumes that people extract some level of value from public participation, i.e. confidence that participation is important and that they deliberate on system legitimacy. In support of this statement, (Creighton, 2005:16) note that the existence of a government depends, inter alia, on the ways in which it exercises its power. How public participation is reflected in such exercise of power in policy-formulation and implementation determines government legitimacy (Fagence, 1977:340).

The legitimacy of public contribution is measured through good governance. The role of public contributing in sustaining the collaboration between the public, policy-makers and implementers indicates the importance of being legislated for, promoted and monitored. This is evidently significant when considering the impact of the public in democratizing and governing, designing and implementation processes and it builds the relationship between two partners. These promote community development and improve approachability to public needs, while allowing the developments of policy implementation (Masango, 2002:63). According to Bekker (1996:45), the justification for uninterrupted public participation is that the public and officials should cooperatively decide, design and implement any development, rather than put into place official's particular choices.

Beierle's (1998:36) social goals framework of public participation links the major evaluative point defined concisely, yet in a comprehensive, method. Beierle six goals of public participation include "educating and informing the public, incorporating public values into decision-making, improving the quality of decisions, increasing trust in institutions, reducing conflict, and achieving cost-effectiveness" (Beierle,1998: 5).

What is reflected in this are citizenship rights and claim to make within a particular mode of state-society relations, and, most importantly, national integrity. Pope (2000:247) defines national integrity as a process through which citizens are informed and aware of their rights and can exercise them confidently. A passive and apathetic public, not interested in participating in governance or in administering accountability, offers a breeding space for mismanagement and corruption, including poor corporate governance.

Increasing violent nationwide over public service demands in South Africa indicate that the problems that are affecting local government are more than just service delivery disasters. Consultation, communication, and participation involving communities have also been dismal, despite the constitutional and legislative prerogatives, causing citizens in those protest prone areas to feel marginalized and frustrated. According to Carrim (2001:19), in the new South African, local government systems are public friendly and entrenched in principles that are biding and influenced by the public. The reality on the ground is, however, contrary to these aspirations. This is particularly disconcerting where the informal economy is concerned, as this sector is already marginalized and, even worse, disparaged, instead of being embraced, promoted, and

mainstreamed. On one hand, government policies and legislation are key determinants of enabling or constraining environment for those participating in the informal economy. On the other, attitudes towards, and misperceptions about, this sector have shaped the ways in which informal sector actors are approached and dealt with at the local government level. The participation discrepancy in the informal economy cannot be effectively and sustainably addressed in the absence of adherence to a supportive legal framework and governance. The most important role of government in this regard is to facilitate genuine engagement without sabotaging this sector and actors in it. The next section contextualizes the informal economy of Durban.

### **2.3 Contextualizing Durban's informal economy**

This section outlines the form and nature of the informal economy, and the dominant perceptions and ideas about informal trading, to assist an understanding of the informal economy in South Africa, and in Durban, in particular. Durban, as a case study, constitutes a microcosm of the urban South African conditions shaping and framing the informal economy. It provides a background to the informal economy, concentrating on informal trading, that is, street trading. It also links informal trading with “local economic development (LED)”, presenting the importance of informal trading in addressing the goals of LED, which aims at poverty alleviation and encouraging growth in local economies through job creation (Department of Provincial and Local Government, 2000).

The informal sector is a resourceful and vibrant sector, which combines millions of economic activities. As noted already, Durban is celebrated for being the first in South Africa to develop a progressive policy for street traders. In the South African context, public participation is recognized by the Constitution, and in all the government's development policies. However, in some economic sectors the implementation of these policies and their supporting legislation is still questionable. However, the government is trying to close the gap that was created by Apartheid by developing new strategies that can lead to economic growth (Skinner, 2009).

Informal sector specifically street trading is amongst the sectors that lack public participation (Benit-Gbaffou, 2008). This is evident through the manifestation of protests in cities such as the City of Johannesburg, where informal traders have expressed their dissatisfaction at the lack of inclusion in the decision of local processes. In South Africa, the unemployment rate of 200 to 2014

was 25.25 percent, (Stats, 2015). Currently the unemployment rate is 26, 6 percent (Stats, 2017). Although South Africa's economic expansion in the last two decades has shown growth an redistribution of resources has not changed the lives of the South African who still lives in poverty. The scarcity of employment opportunities has pushed millions of people who qualify and not qualifies for the formal market to be absorbed in the street trading as the option for survival. This, combined with easy access to entry into the informal economy, has drawn many to this sector.

Informal sector provides an important role for the poor. This sector has become one of the holding grounds for unemployed people who are patiently waiting for formal opportunities. However, this statement has raised questions of whether the informal sector can be made as comfortable as possible while still waiting on the formal sector to maximize its potentials. Alternatively, if it is here to stay, should it be endorsed as a main source for the urban and rural labour force? (Heidi,2008).

In response to these questions, Todaro and Smith (2011: 330), Cohen (2010: 279), Skinner (2008a: 27) and others point out that the formal sector in the most developing world has a small scale in terms of employment and output. Hence, under such conditions, the formal sector must be able to create job opportunities in the urban and rural labour force, and this must be initiated at a very high rate. That the output must be generated at a fast rate, especially considering the fact that in this sector grows less proportional to its output. Thus, the role of the informal sector in absorbing more labour will continue to grow, except if other avenues to the urban unemployment are developed. The informal sector continues to prove that it has the ability to generate employment and offer income-generating activities for the urban labour force. It has absorbed up to 52% of the urban labour force in 2014 (Statistics South Africa, 2014). Some studies support that the informal sector contributes almost one-third of urban household incomes.

Several other economic arguments support the promotion of informal sector. This is because the majority of people in the developing world earn a living from this sector. Firstly, the sector is worshiped for its quality to be able to generate surplus even if the policy environment is unreceptive. For instance, more than 50% of people in the developing world earn a living from this sector. This is an undeniable fact that informal sector sustains millions of people and families. Moreover, the sector has a potential to stimulate growth in the urban economy (Todaro and Smith, 2011). Secondly, if this sector was well coordinated and recognized by the government



respectively it was going to provide adequate training and workshops at a reasonable price or even free of charge in advancing the human capital within the sector. Thirdly, the sector is the effect of a surplus of labour and a very low demand for unskillful workers. The supply of such labour is cumulative, in both comparative and absolute terms, and is dubious to be engrossed by the formal sector, with its growing demand for a skilled labour force (Skinner, 2008b; Lund, 1998; Todaro and Smith, 2011). Therefore, promotion of the informal sector can support and benefit the poor.

However, understanding the causes and the nature of the informal economy will help policymakers to make informed decisions that recognize the potentials and challenges of this sector. The informal economy is conceptualized and theorized in multiple ways, which makes it difficult to establish a coherent picture of the sector to inform policy planning. Some researchers view the informal economy positively, because they see it as “a pool of entrepreneurial talent or a cushion during economic crisis” and others view it as survivalist practice and as a source of income for the poor (Cohen *et al.*, 2006:2131).

While some celebrate the informal economy as a sphere of innovation and potential growth, others view it in negative terms as an illegal or criminal space. The latter identifies the informal sector as one where legal practices associated with mainstream economic activities are deliberately avoided, for example, registration, regulation and taxation, and thereby this sector an unfair competitive advantage over their formal sector competitors (*ibid.*). These different views about the informal economy shape the three schools of thought that have informed debates about the informal economy since the 1970s (*ibid.*). These schools of thought include the dualist school, structuralist school, and legalist school.

Skinner (2008), in her work on street traders in Africa, views the informal economy from a dualist perspective, her work asserts that the introduction of the “Structural Adjustment Programmes of the 1980s” and 1990s increased the scale of street trading in Africa, that made life more difficult for the urban poor and created massive unemployment. She presents privatization, reduction of government subsidies, and the exposure of the African economies to foreign trade as the source of the rising unemployment and falling real wages, compounded by massive rural-urban migration.

The formal sector of African economies could no longer keep up with the competition from wealthy economies resulting from the opening up of their markets. Their exports fell sharply, reducing government revenue, and the effect was felt in both the rural and the urban areas.

Privatized companies started trimming labour to save costs. To add to this, government subsidies, the only safety net for the poor, were withdrawn. With no job prospects and no safety nets, the urban poor resorted to the informal economy as a survivalist strategy (Friedman, 1999).

The informal sector in South Africa emerged, together with industrial growth, as migrant labourers moved in large numbers into big cities (Bozzoli, 1991). This played a significant part in sustaining many poor households including unemployed black women, who could not gain employment in the formal economy because of racial and gender related discrimination (Beavon, 1981; Rogerson and Preston-White, 1991).

In the past decades, the democratic local government in South Africa's cities has transformed into a far-reaching economic change. During this period, South Africa moved away from its remote solitary state with protective policies and gradually untenable levels of debt. The Apartheid economic management framework was geared to the exploitation of black people for the benefit of minority white capital. The influences of the reform of this system were experienced in all spheres of the economy. Rapid trade liberalization, fiscal restraint, and monetarist-orientated macroeconomic management dominated these reforms. For most of the late 1980s, the country's economic growth was muted, and therefore the policy importance was assigned on inspiring growth. The influence of these restructuring in conjunction with the tragedy of Apartheid, has been massive in cities such as Durban. The policy adjustment globally has shifted its key economic sector because of the consequences of domestic structural change (SACN, 2004; Parnell, 2004). The following section presents some indication of the economic circumstances in Durban.

The shift to a democratic South Africa saw the massive movement of people into the urban areas, particularly black South Africans and foreign Africans, who started to see the informal economy as their only viable and immediate livelihood strategy. With it came the need of local authorities to manage and regulate this sector. Initial concerns of the post-apartheid state related to the informal economy were designating and regulating trading spaces, curtailing some trading activities. These are means by which local government prevent the unregulated and spontaneous nature of the informal sector, and street traders in particular. This type of control is not new, however. For example, Section 30 of the Black Consolidation Act No. 25 of 1945, which specifies that “ no person or persons shall carry on any business within a location or native village in any other place than a site rented by a council to such person or persons for trading or business purposes

(Beavon, 1981: 25).” This Act prohibited commercial activities of the poor that were common features of many South African cities of the 1950s. These activities included street trading such as selling of clothes and food (such as coffee carts), shoe repairs, hairdressing, and security services; (Beavon and Rogerson, 1980).

In South Africa, the informal economy is amongst the strategies of addressing unemployment and alleviates poverty in support of sustainable livelihood. Yet, there are various challenges faced by the municipality in fighting poverty, developing and supporting the implementation of policies that are responsive to the informal sector. Many municipalities are struggling to implement Local Economic Development (LED) plan that is inclusive and supports by-laws. However, this trend exacerbates the vulnerability of informal economic activities. Informal economic activities in South African cities have thus only survived through the clemency of city authorities and law enforcers (as exclusion occurs at their will), and because of the enduring nature of the informal economy as survivalist strategy (skinner, 2008).

The democracy attained by South Africans in 1994 has not done much to change the unfavorable environment within which the informal economy operates. Although in terms of policy, much has been done to benefit the poor. This is reflected in the demonstrations of informal traders against the economic policies of the city authorities, which were meant to be inclusive and serve the marginalized poor and the unemployed. Since 1994, the informal economy has grown in many South African cities, and such growth can be found in the economy of eThekweni. In Durban traders are catered for with trading facilities in what is considered by the municipality as priority areas, and supplementary trading facilities are being made available in other areas of the South Durban Basin (skinner, 2008).

It appears that the lack of accommodative policy has left informal economic actors vulnerable as they have, over the years, been surviving through the mercy of city authorities and law enforcers, as eviction occurs at the will of these authorities. The democracy gained by South Africans in 1994 led to some change in the non-conducive environments in which informal traders operate. This is reflected in the different policies introduced by the government to close the equality gap that was created by apartheid. However, since 1994, South African cities, including the City of Johannesburg and Durban have seen much improvement in the informal sector including street trading (Bromley, 2000).

Among the contested tools for regulating informal trading are by-laws, which are formulated in the absence of public participation. An example is a recently proposed development to start in 2009, in the lead up to World Cup 2010. This included closing down the Warwick Junction Market and replacing it with a private shopping mall. This clearly demonstrated the lack of concern within the Durban local government regarding its approach to management of the informal economy. The absence of consultation with informal traders on the Warwick Junction project gave rise to numerous confrontations between the city authorities and the traders. During a public meeting in 2009 to discuss the future of the market, it was revealed that the city had plans to move the traders to an unknown temporary location which could only accommodate 170 traders (ESSET, 2010).

The expansion of the informal economy and with it increase in the creation of employment in Durban have arisen against the background of the local government's engagement inconsistent approach to informal sector management. Traditionally, apartheid had a restricted legal and regulatory framework, which was extreme in Durban, Johannesburg and Cape Town. These cities "used to have the most sophisticated anti-street trader measures than any other city in the developing world" (Rogan, 2012: 6). For instance, these three cities were known for being strict in issuing licenses, and the few that was in the position of a license were subjected to "move on" regulations. These restrictive laws maintain that street traders were not allowed to stay in one spot for more than 30 minutes.

Durban has allocated and invested more assets in street trading than any other city in South Africa. Since the mid-1990s, the city has consumed over R45 million on street trader infrastructure, this includes shelters, storage, and water and ablution facilities. Further resources have been allocated to maintenance and management of these facilities, which are located in the city center and periphery. In most cases, this has aided in the improvement of the city and the quality of traders' work environments. Many of those working in these facilities are women (Attwood, 2000). One of the best examples of this is the Warwick Junction Market. On a daily basis, an estimated 450,000 commuter's move through the area and between 5,000 and 8,000 traders operate there. The infrastructure, provided by the city, is attractive, clean and crime free. This was achieved through consultative forums between the City Council and the street traders. For many years, this area has been a center for traditional medicine or *muthi*, trading. *Muthi* traders, many of whom are rural women, used to trade on the side of the street, sleeping under plastic sheets at night. Today, street traders benefit from a formal *muthi* market and short-term accommodation (Benjamin, 2015).

In contrast to Durban, in Johannesburg, all street traders who were operating within the parameters of Central business district CBD, the City Council tried to remove them and relocate them to other markets in 1999. Property owners instigated this change claiming that street trading is causing chaos in front of their buildings. In Cape Town, trading areas are outsourced from trader organization. In Pretoria, they have a different approach of street trading, “street trading is seen as a policing obligation controlled by the traffic department” rather than economic development (Skinner, 2008).

Although the Durban city authorities have been exemplary on how to work with the street traders, the literature proves that there is not much that has been done to support unnoticeable informal traders. On the other hand, the city has done little to support millions of home based workers, who produce vegetables, fruits and all those who offer childcare services, manufacture clothes and furniture. In Durban, many women are engaged in these labour force activities. On the other hand, the service delivery of water, housing, electricity and access to telecommunication and transport nodes if appropriately designed support the work of informal trading. However, delivery of these amenities has been progressively slower throughout the country; the city authorities have made progress in this area (Lund and Skinner, 1999).

Finally, the local policy of the Durban city authorities includes a numerous applicable and feasible suggestions that are important to the management of informal economic activities; these suggestions have a positive impact on those in the informal sector. For example, area based management provides an opportunity to resolve coordination problem while encouraging the engagement of interests groups in planning and management. This initiative is the key to better self-regulation in the informal sector. Warwick Junction project has already demonstrated successful urban renewal initiative. Therefore, what is of paramount importance is decentralizing the management and provide programmes that assist informal workers’ representatives to communicate their needs, is likely to produce better work environment in this sector (skinner and Valodia, 2003).

Researchers and international agencies also agree that informal sector in the developing countries where it is little or no growth at all continue to provide employment, the formation of livelihood opportunities, and the alleviation of poverty. In Sub-Saharan Africa, the informal sector is estimated above 60% of economic activity. In South Africa, the unemployment rate has remained

between 24% and 30% since 2000. Informal trading is well celebrated for its potential to absorb unemployed people (WIEGO Network Platform, 2014)

According to the “Quarterly Labour Force Survey in the first quarter of 2012 there were 2.1 million active people in South Africa informal economy (excluding the agricultural sector), compared to 9.5 million in the non-agricultural formal sector” (Statistic South Africa, 2014). Although contradictory findings on the informal economy, the global and local experience demonstrates that this sector has been developing since it was introduced and it has contributed a noteworthy amount to the global economy and employed a substantial workforce (Chen et al., 2006).

About a quarter of total employment in South African metros is in the informal economy, with informal sector employment being second-highest the City of Johannesburg, at 43 percent in 2013 (Stats SA, 2016). Informal trading has also formed a fundamental component of this employment, since the City of Johannesburg had about 36 000 informal traders in 2007 (Van Rooyen and Malan, 2007). Evidence pointing to the significance of the informal economy, particularly informal trading, in providing job opportunities and serving as an axis of both economic growth and survival (Rogerson, 2004) shows that local governments should take it seriously. What this means is that they should accommodate and mainstream the sector in their economic policies. Although informal trading plays a critical role in ensuring livelihoods for the poor and those unable to find formal sector employment there are still many barriers facing informal traders operating in the cities. Among these barriers are licensing, restrictive by-laws (Valodia, 2007), and the lack of collaboration between city authorities and the informal traders in the process of making informal trading policy (Holmnes *et al.*, 1999).

## **2.4 Conclusion**

In this chapter, we reviewed the literature on how informal trading has changed over time. These changes have resulted in positive and negative implications for the sector. With an increase in informal trading, the implementation of policies aided the industry of street trading, but failed to involve street traders, who are more affected by the policies. We conclude with a recommendation that if the street trading is to benefit traders policies related to managing the sector must be engaging and sustainable.

The literature shows that City authorities have a sense of responsibility to accept and acknowledge that informal traders have a right to work in the city. Most importantly, they need to think boldly

about how municipalities can rise to the challenge of working in partnership with informal traders. At the same time, the literature shows that there is a potential in the informal sector for building a strong solidarity between street traders and city officials. Therefore, the municipality is entrusted with the responsibility to create an enabling environment and facilitate such a good relationship.

The literature also acknowledges the role informal employment plays in alleviating poverty by providing employment for the majority of the workforce in Durban. Both informal initiatives and the informal labour force need to be appreciated for the role they play in contributing to economic planning legislative frameworks. Such appreciation will ensure that any policies are responsive and appropriate to the challenges confronted by informal traders. This can only be achieved through greater visibility and a representative voice for those in the informal sector in policymaking processes.

What is needed is a new economic model, a hybrid economic ideal that holds the traditional and the modern. Such a model should take into account the smallest and weakest units and allow them to function alongside the largest and most influential economic players. The facilitation of public participation is crucial to alleviate poverty and to ensure a sector that is people oriented and fair. These can be achieved through maximizing the voice of informal traders, not only in discussions but also in the creation of agreements that bind the city officials and informal traders.

## CHAPTER 3

### THE THEORETICAL FRAMEWORK

#### 3.1 Introduction

This section discusses the theoretical framework that guides the study. The study employs the theory of public participation, developed by Sherry Arnstein (1969), and the Ladders of Citizen's Empowerment theory of Burns, Hambleton, and Hoggett (1994), which shows that participation involves degrees of power and powerlessness. In developed countries, public participation in government affairs is treated with high importance, while in African countries there is a very different practice and understanding of participation. In African countries, participation is presented as a kind of gesture given to citizens by more powerful people (Wampler 2000). In this chapter, we argue that, for street traders to participate genuinely in decisions about the matters that affect them, they need to be provided with skills that will empower them to participate effectively.

This study adopts the social perspective of sustainability defined by the Brundtland Commission as the "ability to maintain and support resourceful resources of development to meet the current needs while reserving for the future" (Brundtland Report, 1987: 85). However, in this paper, we define sustainable development as interventions to increase the well-being of a community over the long term. In addition, sustainable development has a special character, in that it improves the quality of life of people without compromising the future generation's resources. The sustainability that the local government should provide to the street traders is the one that resonates with the higher level of "Arnstein's ladder of participation, and Burns, Hambleton and Hoggett's ladder of citizen's empowerment" (Dassah, 2013:33-36).

Public Participation has been linked to efficient governance, and defined as a people centered approach in public policy-making and implementation. Parry, *et al.* (1992) define public participation as a "modality through which an organization invites interested or affected people, organizations and any other entity to actively participate in the negotiations of public policy development before the decision is made. This definition adds another important layer of public participation beyond development policy, but it extends to include the process and actively



involved in the decision-making. Public participation can be achieved through a simple series of steps which will be discussed further in section 2.1 these series of steps, are referred to by Arnstein (1969), as “a ladder of participation”. Wilcox (1999) also shares this idea by introducing the same guidelines for effective community participation as the measure of empowering people. Wilcox presents community participation as the involvement, empowerment, and partnership of the community. He identifies ten key ideas about participation. His ladder consists of mechanisms that educate and empowers people to gain information concerning policy issue.

There is an ongoing debate about public participation and its complexities. The arguments concern the degree of power in policymaking that the community consumes in the decision-making process. Stewart and Taylor (1995) indicate that empowerment is always emphasized but the reality of the matter is that there is little attention paid to the operation of power. Power dynamics in a diverse society are important when considering public participation in policymaking. The usual trend is that the public is involved at “the grassroots” – which might include as public deliberation as one category of participation. However, in actual decision-making, the picture may be entirely different.

The next section explores Arnstein’s conception of citizen participation and the Ladders of “Citizen’s Empowerment theory of Burns, Hambleton and Hoggett, Wilcox’s 1999 community participation and empowerment typology and Burke’s” (1968) five strategies of citizen participation. We discuss the ways in which we have appropriated and appraised these theories in this study. The third section further discusses the three innovative participation approaches that can assist citizens with positive sustainable development results.

### **3.2 Typologies**

Many typologies related to public participation can be found in the literature. This section deals with only four typologies, i.e. “Arnstein’s ladder of participation, Burns, *et al.*’s ladder of citizen’s empowerment”, and Wilcox’s (1999) and Burke’s (1968) five strategies of citizen participation.

We explore Arnstein’s conception of citizen participation and “Burns *et al.*’s ladder of citizen’s empowerment” together, since they share similar characteristics. In Arnstein’s conception of citizen participation there are three classes each class has its own stages in ascending order, non-

participation, a degree of tokenism, and a degree of citizen's power. Only the latter is authentic participation. Each rung on the ladder represents an increase in the quality of citizen's opportunity to participate in decision making-processes. The first three stages of the model show that stakeholders can be misled into believing that they are participating and empowered to participate in the policy processes, when they are actually not. This is called non-participation. The first level of non-participation is manipulation, which is a public relations exercise, where citizens are given positions on advisory committees in order to ensure their support when decisions are made. The Therapy level involves people in developments that will not change the status of their livelihood. The overall idea on this rung is to make the public think that they have a voice although they do not (Dassah, 2013).

The third, fourth and fifth levels are called the degree of tokenism. Other writers pronounce this stage as an *"impression of having an opinion without an opinion itself"* (Mohammadi, *et al.*, 2010:575). In the third level of the ladder, the power holders provide one-way communication to the public with no room for citizens to decide on the issue, depriving them of their rights, choices, and responsibilities. Consultation is the fourth level of participation. At this level, power holders organize meetings in community halls or use surveys to get feedback on the public's views. The fifth level is Placation, where the public is invited to participate in planning committees, but have little power to influence decisions, and the authorities maintain the power. The main purpose of this approach is to discourage the public from participating and maintain a monopoly over decision-making.

Arnstein's third rung is the most empowering category of participation, called the degree of citizens' power, which includes the "sixth, seventh and eighth levels" (Dassah, 2013:33-36). The sixth level represents a partnership through negotiations between the public and power holders who share in the planning and get an equal opportunity to make decisions. Delegated power is the seventh level, in which there is an increasing amount of negotiation power between citizens and power holders. Citizens are empowered to take control of planning and make decisions on programs. The last level is called citizens control, here citizens have full capacity to decide on programs, policy formulation, and institutions, and they are open to suggestions and make changes where necessary. This category is the most important, because it represents genuine participation. In partnership, citizens and officials possess the same power in the governing board. Real citizens

“power is realized when citizens are able to make decisions” about the issues that affect them and this result in them having a greater sense of accessing services from the state (Krzmarzick, 2013, Dassah,2013:33-36).

Arnstein’s ladder of participation portrays participation as a chain of segments indicating the volume of power and authenticity in through common engagements. Its demonstration as a chain of distinct, progressive ladders is inconsistent. Despite the fact that these typologies have been used with a lot of success to measure participatory processes, there are limitations to them. There are many possibilities of failure on each ladder. For instance, Tritter and MacCallum (2006) also criticize the ladder of participation theory because it does not stress the importance of methods and a feedback system, and does not consider the process and the outcome of each level. An importance inference of Arnstein’s ladder of participation is that those that participate at the lower level are “better off with having more control over their livelihoods. Sustainable grass-roots development is likely to succeed in a state of genuine participation” (Dassah, 2013: 27). However, the support given to the informal traders by facilitators is important for gaining an understanding of sustainable bottom-up development.

The typology of Burns, et al., called the “ladder of citizen’s empowerment is an addition of Arnstein’s typology, and improves on the latter by incorporating the degree of participation and the quality of commitment” (see Dassah, 2013: Tritter and MacCallum, 2006). This typology has twelve levels, which are identical to Arnstein’s in showing the three classes of participation captured with small changes. The model differentiates between four terms, which determine the degree of participation these terms are “manipulation against genuine participation and consultation against independent citizens control” (Dassah, 2013: 29). The model looks at the participation as a public relations exercise without motivation.

**Table: 1 shows the “ladder of participation and ladder of empowerment side-by-side for ease of comparison” (Dassah, 2013,29).**

Arstein’s ladder of citizen participation		Burns et al., the ladder of citizen's participation	
Citizens power	Citizen Control	Citizens control	Interdependent
	Delegated power		Control entrusted

	Partnership		Control delegated
Degrees of Tokenism	Placation	Citizen participation	Control partnership
	Consultation		Limited decentralised
	Information		Decision making effective
			Advisory bodies genuine
			Consultation high quality
			Information customer care
non-participation	Therapy	Citizens non-participation	Poor information
	Manipulation		Cynical consultation

*Source: Navruzov, Rose and Shelley (2000:3)*

The third typology to be discussed is that of Wilcox (1999). Wilcox uses Arnstein's (1969) ladder as the basis of his work. The typology has a four-rung ladder of participation that prioritizes on alliance and working in a synergy. The typology ranges from information sharing to consultation for making decisions and acting together to support community initiatives.

**Table: two**

Terms	Description
Information	This refers to sharing information by informing the public about the background of the event.

Consultation	Propose alternatives, but not open us the platform for new ideas
Collective decision	Exploring new avenues that lead to new ideology
Supporting the inputs of the community	organizations are provided with resources such as funds and guidelines to develop their own agenda

*Source: Burke's (1968) five strategies of citizen participation*

The power to make decisions is the key element in participation. In order to maintain sustainable development at a grass-root, people must be empowered to participate accordingly this is because the methods of participation utilized in the lowest rung have no intensions of empowering instead they are not sustainable which leads to failure of implementation of new development. From the above discussion of typologies, the common denominator of participation is the voice of people, which is translated into action through public policy. This is only possible through allowing engagements that are not rhetoric and that resonate in the highest level of participation. However, these typologies do not provide an exact account of the level of empowerment authorities share with the communities they govern. These are not explanatory models, but rather empirical strategies to help categorize types of empowerment. They therefore provide a basis for measuring the levels of empowerment that citizens experience when participating in decision- making processes at the local level (Foucault,1982).

The next section explores Burke's model of citizen participation. Burke's model (1968) demonstrates four ideas of citizens' participation from a government viewpoint, and how citizens are manipulated into thinking that they are involved while excluded. Burke maintained that the reason for including citizens in decision making is often about the anticipated results that might be in favour of the certain individual rather that a particular value placed on participation. Increasing participation increases the chances of the voice of the poor to be heard and represented in the mainstream. The following four strategies outline and briefly clarify these objectives. "These strategies include Education-Therapy, Behavioral Change, Cooptation, and Community Power" (Burke,1968) We discuss each approach in the next section.

**Education therapy:** This view assumes that people need to be improved, through training and development. It focuses on educating citizens about political workings, involvement, and cooperation. It forms part of community development methods that emphasize on building local capacity by letting the citizens drive the processes. Burke (1968) asserts that this strategy also increases the sense of responsibility for the decisions and the policies taken by the public. However, the approach can be a disdainful and contriving approach that perceives citizens as lacking knowledge and being generally incapable of taking control over planning processes of the project.

**Behavioral Change:** This strategy works the same as Education-therapy, but emphasizes changing group thinking and behavior rather than the attitude and behavior of individuals. Its main objective is to enhance change on how things are coordinated by perusing change in the system or certain individual that influence change. The behavioral change capitalizes on the system and people on deciding on the motion.

**Cooptation:** In this strategy, the organization organizing citizens' participation involves citizens in aspects of the organisation's activities in order to prevent citizens obstructing its goals. In this case, "citizens are not seen as means to achieve better planning goals; rather they are seen as potential elements of obstruction and frustration (ibid: 291)." With this strategy, the aim of cooption is to neutralize the influence and power citizens may possess.

**Community power:** This is the capacity of the community to effect change. Hence, this strategy has a special feature the power that the community upholds is only determined by the resources they have. These resources include skills, such as assessing community sentiment, mobilizing, planning, and leadership and conflict resolutions. Burke continues to mention that, "planning agencies must be more precise about what they mean by community participation, how they intend to implement it, what agency resources will be used to organize and involve citizens, and what voice citizens will have in planning decisions" (p. 125).

The South African government has employed public participation as one of the central elements of its good governance strategy (Nyalunga, 2006). The legislative measures prove how important the emphasis on public participation although its practice is blurred (Benit-Gbaffou, 2009). The approaches that are in place have not reached its maximum point. This is because these approaches

marginalize the most affected groups by restricting them from public planning. While, government advocates for participation the participatory mechanisms recommended do not function properly (Benit-Gbaffou, 2008). The “in situational mechanisms include ward committees, development forums, and integrated development processes” Hickey and Mohan 2004, 63. The ineffectiveness of these institutions prevents proper measurements of public participation (Foucault, 1982; Plummer, 1999; Hickey and Mohan, 2004).

Power dissemination among stakeholders governs their capacity to take part in decision-making processes. According to Arnstein (1969, 80):

“Public participation is more about sharing power and making sure that those who have no economic, political or another kind of power get accommodated in the processes of determining goals and policies on matters that have an impact on their lives”

He argues that participation without redistribution does not yield to development instead; it causes conflict and frustration to the participants. This action makes those with the power to claim that everyone was represented. Lund and Skinner (2004) give an example of meetings held in Durban, where informal and formal economy activists were present, in which power dynamics resulted in the voices of informal traders being silenced.

Foucault (2000:340) sees power as “the network of social boundaries that limit fields of possible action”. In Foucault’s theory of power relations, the agenda, the venue, the mode of discussion, and dominant discourses reflect the hierarchy in the power dynamics. From this, we can deduce that meaningful public participation can only take place when power is shared and communicated. This means city authorities who manage public participation need to transform the processes involved - setting the agenda, selecting the venue, controlling the mode of discourse in public meetings to ensure real participation. This could alter power relation so that the marginalized and the general public are given the ability to define and influence the space where express themselves, and shape the direction and content of public discourse.

Hickey and Mohan (2004:34) argue that “if we are to assess the transformative possibility of political space which determines who has power, we need to look more closely at three different continuums of power”. These include how spaces are created, the places and levels of engagement, and the degree of visibility of power within them. According to Hickey and Mohan (2004), each

of these elements involves dynamics of power that influence which actors, voices, and identities may freely participate in decision-making processes.

Human capital within the community also influences the amount of participation in the government programmes and decision-making processes (Plummer, 2000). Skinner 2009 also mentioned that the reason the eThekweni municipality has stopped with the training is that people were gaining more authority and knowledge which makes them question the Municipality on delivery service. This is grounded in the findings that the extent to which a community understands participatory processes and government procedures is affected by their level of education and knowledge. This implies that dedicated public participation processes should teach stakeholders about participation. This may include explaining the benefits and consequences of being a part of public decision-making processes, and other participatory skills.

Gender has also been singled out as one of the significant factors influencing public participation. Plummer (2000) argues that social inequalities along gender lines may disadvantage women in participatory agendas. Additionally, women and men may have different views on some issues, since they interact with the world differently (*ibid.*). In this sense, dedicated public participation processes must consider the issue of gender representation.

In their study on the South African informal economy, Lund and Skinner (1999) assert that, while informal traders' organizations are important for public participation in local government decision-making processes, their weaknesses and opportunistic behavior make their legitimacy questionable. Ballard, 2008 shares the same sentiment on the dynamics of community participation. However, he argues that there are many matters that need to be considered. He uses, as an example, the IDP processes in eThekweni, and reveals that they were solely dependent on meetings that were not open to everyone. Instead, they were composed of representatives of community organizations. It was presumed that, through organizational representatives, everyone would be represented and their views communicated to officials. This may not be the case. In another example, Theron notes that in one of Durban informal settlements, 48 percent of women surveyed were not affiliated to any organization (Theron, 2002:123). Many of these women lacked the confidence that they would be heard and be able to influence change by getting involved.

This presents one of the challenges facing public participation. Nyalunga (2006) in his study on public participation in South Africa argues that there are many challenges involved in the local



municipality. This challenge includes political, inequality and civic issues. He also emphasizes on the issue of defining roles for those people who are participating.

Furthermore, the success of social justice must allow people who are affected by decisions to influence those decisions. For instance, studies in other countries show that, where citizens are fully involved in budget management and expenditure there is a difference in service delivery. The problem in public policy participation is that decision can only be taken when people can meet the quorum. Sometimes no one acts on behalf of the poor; instead, whoever is present might act in the interest of the poor while manipulating the whole decision-making. However, “leaving such choices in the hands of elected representatives allows politicians to determine how best to meet the needs of the most marginalized citizens” (Ballard and Richard, 2008).

### **3.3 Conclusion**

In this chapter, we looked at different typologies in theories of public participation. We argued that people’s voices must be heard to ensure service delivery. Development can only be sustainable if it is ‘bottom-up’. The typologies suggest that citizens must be engaged at the highest level of the typologies.

It is important to note that participation does not necessarily mean power ‘sharing, or either your input will reflect on the outcome. Sometimes participation does not yield to power change and redistribution of resources therefore it is important to make the participants aware of how far they can go instead of rubberstamping. Nevertheless, “it may not always be necessary, or even desirable, for participation to involve empowerment” (Dassah, 2013, 26). Cooke and Kathari (2001) state that “participatory approaches do not always empower, even with the best intentions, but may innocently serve to legitimize and support the status quo.” Therefore, this means that all the empowerment programmes must be supported with the citizen-oriented initiatives that will not only make participants look unimportant or token gesture.

Another important factors that needs to be determined by the community is skills and knowledge for the public to effectively participate in decision-making processes around government programmes (Plummer, 2000). This is grounded in findings that the extent communities understand participatory processes and government a procedure is affected by their level of education and knowledge. These findings indicate that dedicated public participation processes should teach stakeholders about participation and the outcomes of participation.

Local government authorities can use some elements of Burke's strategies of citizens' participation when they design processes for participatory planning. Elements of educational therapy strategy show that, in order to make public participatory processes effective, citizens need to be equipped with essential skills for effective interaction with authorities during decision-making on issues relevant to them.

## **CHAPTER 4**

### **RESEARCH METHODOLOGY AND METHOD**

#### **4.1 Introduction**

This study employs a qualitative approach in examining our topic. Qualitative research refers to the ideology that individuals in interaction with their environment socially construct meaning (Corbin & Straus, 2008). The study seeks to investigate informal street traders' involvement in the formulation of policies related to the informal economy. It is for this reason that in this study we choose to use a qualitative research approach that allows capturing the human experience directly and at length.

This approach is based on the belief that information about humans is not useful without understanding the human practice, which exists and is defined by the actors themselves (Polit and Hungler, 1994). The study investigates informal street trader's participation in local informal public policy formulation and implementation. These can only be captured through their stories and accounts of their experiences of engaging with the state. These are not easy to quantify. A qualitative approach is, thus, considered over quantitative because it allows a "researcher to get at the inner experience of participants to determine how meanings are formed through and in culture, and to discover rather than test variables" (Corbin and Strauss, 2008: 12).

In the following section, we focus on outlining the different stages that guide a research design and strategies, as informed by the above choices, from a general perspective. We also focus on the methods that were followed to conduct the study. We cover our research design, sampling method, data collection techniques, and analysis, the limitations of the study, ethical issues, and, lastly, a summary of the methods in line with the research questions.

#### **4.2 Research Design**

Seltiz, *et al.* (1964: 50) define research design as "the arrangement or condition for collection and analysis of data in a manner that aims to combine relevance to the purpose with economy in procedure". Another purpose of the research design is to "align the pursuit of the research goal with the practical considerations and limitations of the project" (Marais et al, 1988:32). Since the main objective of the study was to explore the extent to which informal traders are involved in the

consultation, planning and influencing decision-making about their sector in Durban Central, this study can be identified as exploratory research.

This follows the suggestion by Corbin & Straus, 2008 that exploratory research originates from curiosity, and intends to explore the measurements of a phenomenon, the way in which it is manifested. Therefore, exploratory research is indeed suitable for the study. This approach aims to merely discover research questions and does not propose final answers to the problem statement but explore the research subject in depths.

### **4.3 Sampling method**

In order for a research to be successful, there is a need to identify and recruit participants who are informed and informative, individuals that can provide data and insight into the study. This is what we call sampling strategy. As noted above, this study's aims are to explore Durban street traders' participation in the formulation of policies for the management of the sector, as some of the many stakeholders in the sector, such as street vendors, government authorities and civil society organisations. This study thus had to recruit research participants from this cohort based on their positions, their involvement in the different policymaking processes, and their availability to participate.

Based on this, the study employed non-probability sampling, and more specifically, a purposive or judgmental sampling method. For research to be successful, a researcher needs to find informative participants who are going provide accurate information. We follow Kumar's (1999:162) suggestion that "the primary consideration in purposive sampling is the judgment of the researcher as to who can provide the best information to achieve the objective of the study". The reason for choosing purposive sampling is that the identified population, that is, government officials, street traders, and informal trader's representatives, includes respondents who can provide the relevant information.

The purposive sampling technique allowed us to recruit participants who had adequate knowledge on the subject matter and who were in the best position to shed light on their experiences with policymaking processes related to the management of the street trade in Durban. The selection of the participants was influenced by Babbie (2001) who argues that the selection of participants

through purposive sampling has to be based on the membership of the target population or on their specialist knowledge of the subject matter.

Brynard and Harekom (2006:55) describe a population as “a group in the universe who conform to a set of specifications” and samples need to be part of that population. However, it is logical to raise Babbie’s (2001:97) argument that purposive sampling is convenient to those research studies that do not involve representativeness of the population, which clearly is not the intent of our research. Representativeness was not the driving intent. Thus, data collected in this research was transferable rather than generalizable.

Data were collected from three different groups. Firstly, we include twenty street traders. Secondly, we interview two government officials who are part of the Municipality’s Business Unit. Thirdly, we obtain information from one representative of a Civil Society organization called SASEWA (South Africa Self-Employed Women’s Association). Out of the twenty street traders interviewed, ten belong to Warwick Junction Market and the other ten trade in West Street. Five of the ten traders in West Street do not have shelters, but trade on trollies and are called “Mobile traders”. To gain a gendered perspective on their experiences, we conduct eight interviews with street traders who are men and twelve interviews with women traders. These participants were recruited through a nonprobability sampling where a participant refers the researcher to the next acquaintances this is called snowball sampling.

The two officials from the Municipality’s Business Unit were interviewed in their offices at the Durban Market. One of the interviewees was the Manager and the other official was a researcher who is dealing with the amendments and with consolidating the information collected from the street traders. Their offices are located in the Market, very close to Warwick Junction. They are responsible for all the matters that relate to the informal sector, its regulation and information on the sector.

Our disclaimer here that the numbers are influenced by the time and resources available, but certainly offer sufficient insight into the policy-making and state practices and participation of street-traders in these processes. When deciding whom to include in this sample, three criteria were employed. The first was that the street traders need to be operating around Durban CBD and include both men and women traders. The second was that interviewees needed to include

representatives, either formal or informal. Thirdly, we needed to include interviews with municipal authorities involved in policy-making concerning and management of the informal economy.

#### **4.4 Data Collection techniques**

The study collected data with two methods, “in-depth interviews and observation”. The paper applied in-depth interviews with officials from the municipality’s Business Unit, a SASEWA representative, and street traders. According to Taylor and Bogdan (1998:77), in-depth interviews are “face-to-face interaction between the researcher and study informants” sharing their experiences, perception about the topic being interrogated’. In-depth interviews are chosen for this study because they “allow the respondents to express their views, perceptions, and opinions” and what they think can be the solutions to the problems and concerns raised in this research (Greef, 2002: 282).

The street traders were easy to access, especially those that work in Warwick Market since they have representatives. The Business Unit communicated with the representatives and they organized those who were interested in participating. Participants who work in West Street were randomly selected. The first challenge we encountered was that people were reluctant to participate on the study because of their experiences with researchers; they said was time consuming and they did not see any outcome from sharing information with researchers. This was the case from both sites. The first challenge with mobile traders was that we could not find them in the same location, as they moved around. We therefore organized a location in Gugulethu Park in the CBD where they could be interviewed.

Data was collected through formal interviews with all the participants. Participants signed a consent form to agree on their participation in the study without compensation, and for our interview to be recorded. Some of the participants refused the latter. The traders from the Warwick Junction Market were identified through their representatives. The interviews took approximately 30-45 minutes for each person and this was done over a month. In West Street, the interviews took place in the traders’ shelters and in Warwick Junction Market so that they could continue trading while being interviewed. Interviews were conducted in English but they were not restricted to it, the flexibility of languages was allowed. Most respondents responded in Zulu.

Another method we utilized for data collection was observation, in which we observed the way street traders operate in the urban public space. The areas that were observed included those that form part of the study, such as West Street and Warwick Junction, but also those that are not part of the study, such as Anton Lembede Street and The Market because of a large number of traders in those spots.

Observations were done every day when meeting up with the participants over a month. Through this method, we were able to observe the difference between the traders that operate illegally and those that have official licenses. Observation is the one way of collecting primary data, according to Kumar, who describes observation as ‘a selective way of collecting data that depends solely on watching and listening to an interaction as it happens’ (Kumar,2011:140). Such a tool is appropriate where the researcher cannot elicit the full information by questioning the respondents because of being unable to detach themselves from the interaction.

This qualitative research also employed documentary review as a means of gathering data. Corbin and Strauss state that document analysis is a coherent body of systems used to review and assess documents in order to give meaning to the issue investigated. This research examined documents that include documents of Non-Governmental Organisations (NGOs), Newspaper articles, magazines, and government policy documents such as the eThekweni Municipality’s policy and legislative documents. We also reviewed 36 journal articles.

#### **4.4.1 The Interview Process**

We started interviews with the Morning Market traders, who included a representative from the internal committee and members of Asiye Etafuleni, which is a non-profit organisation working with informal traders on promoting practices of inclusive urban planning and design that promote sustainable livelihood for informal workers

As noted, the data was collected through interviews with informal traders, some of whom are society leaders and trading block leaders, and members of the committee representing informal traders. These committee members have the same authority as group leaders, but they function inside the Morning markets. Interviews conducted with committee members on behalf of informal traders were easy since they seemed to understand most of the issues our questions addressed, because they participate in meetings with different stakeholders. By contrast, informal traders

sometimes did not understand the questions asked, particularly on issues around policymaking and regulations, and some matters raised were new to them. They appeared to lack knowledge on these issues.

We also encountered problems trying to conduct interviews according to the prescribed method of selecting interviewees inside the Morning Market. One of the reasons for this was that informal traders were not willing to participate. Their comments included “we are tired of Municipality sending people here to research and promise us things that they never deliver on”. Seeing our student card to confirm that this was student research, seemed to assuage some of their fears and help them accept the interview request.

This research fatigue, in addition to other factors, contributed to our failure to obtain the targeted number of participants (25 participants). Informal traders, who are branded as “illegal” because they operate without a permit, were more reluctant to participate in this research. Conducting interviews with these unregulated informal traders, was not easy since they do not trust anyone who wants to question them about their business. Effort was made to interview foreign Africans, who are noted to participate extensively in the street trade of Durban. Some of them refused to participate, saying that the researcher wanted to spy on them, and others had a language barrier since they cannot communicate in English or one of the other South African languages.

Interviews were conducted using open-ended questions, which were prepared in English. In Questions were translated into iSiZulu during interviews when necessary. Most of the participants were Zulu speaking, and the recorded interviews took place in Zulu. We are competent in English and Zulu, and therefore also undertook the transcription and translation of the interviews. Although respondents spoke languages other than these two during the interviews, all the interviews were completed in English and iSiZulu.

Most of the interviews for the study took place in Durban inner city. However, because of the size of this study, data was collected from distinct parts of the inner city. These included Dr Pixel KaSeme Street (formerly known as West Street, where formal and informal retail businesses compete for space and markets), and Warwick Junction (with its historical significance and size) were the focus of the research. The areas covered here were chosen after taking into consideration many representative factors regarding informal trading in the inner city.



## **4.5 Data Analysis**

Rugg and Petre (2007) define data analysis as the practice of "identifying themes and patterns in the data and drawing certain inferences from them". Terre Blanche and Durrheim (2001:41) state that data analysis aims at transmuting information into a response to the original research question. This study is a qualitative study, and our methods of analysis were also qualitative. Data gathered in this research was analyzed thematically through a deductive approach based on the Hart Ladder of Participation, which includes categories of non-participation, the degree of tokenism, and citizen's power. A deductive approach explores a known theory or phenomenon to reach its conclusion from the existing data.

Each transcript was noted based on its theme. The same ideas and concepts were grouped together. For example; all of the information that related to non-participation, the degree of tokenisms and citizens power was carefully categorized together. This includes direct quotes and common ideas coupled with the literature in generating the phenomenon. The researcher analyzed the interview transcripts based on the three themes from Hart's Ladder of Participation approach. This assisted in generating key themes of the study. This enables us to weave together information from the literature and the findings from analysis of the data we collect to produce a developed story line (Buetow, 2010).

## **4.6 Considering the Reliability and Validity of the Data**

The validity and reliability of the data depend on questionnaire design, which should aim to decrease the likelihood of subjectivity in the questions, and consequently of obtaining invalid or unreliable answers (Saunders et al., 2007). According to Bryman and Bell (2007) validity is linked to the precision and truthfulness of the results, while reliability relates to the "consistency, stability, and the repeatability of the participants" responses, as well as the researcher's capacity to confirm evidence precisely (Brink, 1996:118).

In qualitative research, the validity of the data may be improved through triangulation, which is the use of two or more data collection methods in a study (Cohen *et al*, 2007). In this study, content validity was improved by judging against the conclusions drawn from the interviews with those from the preliminary literature. In addition, the questions that were asked for the duration of the data collection process were in alignment with the conceptual framework of the research.

Reliability, according to Wellington (2004), refers to the degree to which a data-gathering tool constructs similar results across a range of settings.

In this dissertation, the validity of the research was tested with the respondents by verifying with them whether the conclusions were accurate and matched reality. Our interpretation of the interviews was verified with two respondents, to guarantee that understanding of the interview sessions was congruent with the responses given during the interviews.

#### **4. 7 Ethical issues**

It is important to assure the anonymity of respondents in a study of this nature. We need to guarantee that, should members of our target population participate in the study, they will remain anonymous. Therefore, only people who were willing to participate in this study were used as informants. A consent letter was provided to each informant which they needed to sign. This letter included a full explanation of the purpose of the study, a stipulating that no one would be paid for participating, and an assurance that they could choose to withdraw from the study anytime.

Ethical clearance was sought from the Ethical Clearance Committee of the School of Social Sciences, the University of KwaZulu-Natal, to ensure that the research complies with the University's code of conduct and ethical expectations by its research community. During the interviews, we introduced the study by explaining its aims and objectives. Respondents who agreed to be interviewed signed the consent form.

Before the interviews, request for interviews was presented to all potential participants, both in written and verbal form. In order to ensure anonymity of respondents, direct quotations were not attributed to specific individuals. We understand that sensitive political issues are factors in this research, and ethical practices need to be adhered to, in order to ensure that future engagements are not affected by the study. As the result of being mindful of political issues, there were no interruptions during data collection. The research is guided by ethical standards and the information obtained has not been used in a way that could infringe the rights of the parties involved.

#### **4.8 Limitations of the study**

The limitation is that the informal economy is a very broad sector, and when we had to find people to participate, we had to make sure that all aspects of the sector were represented, legal and illegal

trading. However, we could not locate illegal traders through the Business Unit officials, but had to approach them directly. Trust issues were the main problem to address, which were resolved by providing evidence of being a student from the University of KwaZulu-Natal, including a letter from our supervisor at the university, which ensured the cooperation of these illegal traders.

#### **4.9 Conclusion**

In this chapter, we presented a summary of our research methodology, design, and methods, and how we achieved our data collection. These methodologies provided us with data to investigate the amount of street trader's involvement in decision making-processes. Ethical issues were considered to ensure the proper handling of data from all participants. This qualitative research employed document reviews, interviews, and observation as different means of gathering data. Data gathered in this research was analysed thematically, through a deductive approach based on Arnstein's Ladder of Participation theory. "A deductive approach is concerned with developing hypotheses based on existing theory" to reach conclusions.

The chapter also addressed issues of validity and reliability of our research findings. The location of our study and ethical considerations were detailed. It was elucidated that qualitative research was used for this study. This methodology enabled us to obtain information on experiences of respondents to assist in our exploration of informal street trading in Durban CBD. In the next chapter, we will present a description of the data and our analysis of the research findings using thematic analysis

## CHAPTER FIVE

### PARTICIPATION FROM THE MARGINS OF DURBAN: ANALYSIS AND EMERGING THEME

#### 5.1 Introduction

As discussed in the first chapter, the purpose of our research is to investigate whether informal traders, as a group on the margins of the economy, are involved in the consultation, planning and decision-making that directly affect their livelihoods. The analysis of these results is founded on Hart's Ladder of Participation theory, and guided by the key questions and objectives of the study. The chapter interrogates factors identified by the respondents we interviewed, and the emerging themes that were shown. The chapter is organised into five main sections. This introduction is section 5.1. Section 5.2 is a description of the setting and design of the study, that is, Warwick Junction and West Street, as the priority areas for the study. Third, 5.3 is an overview of our data analysis based on Hart's theory. Section 5.4 presents the findings of our analysis, and, finally Section 5.5 is the conclusion of the chapter.

#### 5.2 Description of Warwick Junction Market and West Street



Figure 1: Durban inner City: *Source: Wikimapia, cited in [wikimapia.org/669642/](http://wikimapia.org/669642/)*

### 5.2.1 Warwick Junction in Durban

Warwick Junction is one of the largest transportation and business market in South Africa, with an estimate of more than 46000 people who visits and passes through the market daily, and 38000 vehicles that deliver and pick up people in this market. The transportation modes operating in this market include taxis, buses and the railway train. Warwick Junction acts as a hub for many informal activities these include street trading. Street traders also find themselves spaces to continue with their daily business of trading (Maharaj, 1999).

Warwick Junction lies at the edge of Burea Centre, surrounded by health facilities, educational institute far up is the shopping centre and residences. On the other far end is the ad hoc bridge and the shelters for trading. The market is designed as long walkway courtyards, which provides the trading space. This place is designed solely for trading and transportation. There are almost 5000 to 8000 traders inside Warwick Junction. Here you find different merchandise such as fresh fruits and vegetables, sellers of livestock, traditional muthi<sup>2</sup>, clothes and other items. This place is very busy with loud music being played by different sellers of music, busses hoots and taxis accelerating on the road. There is also a hub where it is quite you find people socialising and eating.

During Apartheid Warwick Junction was controlled by racial segregation and discriminatory acts, which prevented many black people from operating freely on this market. The Market was purposefully located outside the town to restrict black people entering the CBD. Steeped in racial discrimination and racial geography, the Warwick designed as a mere transport node taking black Africans in and out of Durban. The area was clearly neglected and abandoned by the apartheid government, and its spatial planning. Initially Indian traders began setting up markets on the street sidewalks in this area, serving mainly non-whites commuters (Maharaj, 1999).

However, in the late 1980s, many black and Indians were recognised for their contribution to the economy and they were eventually allowed to remain in specially designated places on the street and the market. Since then the market has been able to grow with trader's committees and the help of the Municipality and Non-Governmental Organisation called Asiye Etafuleni an NGO that works with the inclusiveness of street traders into urban planning. This collaboration of various

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<sup>2</sup> Muthi: is zulu phrase which means herbs.

support sectors is aimed at maintaining an effective informal trading benefiting the traders and almost 80 000 people who depend on these traders income (Maharaj, 1999).

### 5.2.2 West Street



*Figure 2: Source ENCA Report on the Informal economy Monday 9 November 2015*

The CBD has become home to millions of local and foreign nationals. The latter have found a home and economic hub to do business in the CBD. Durban is much known for its beautiful tourism, which attracts more investors and immigrants looking for jobs as well as refugees who have left their countries due to certain reasons. CBD is interconnected to Warwick Junction this allows easy access to transportation modes, access to business facilities and even larger consumer base for various economic activities (Maharaj and Mpungose, 1994)

West Street now called Dr Pixley KaSeme Street, starts from Williams Street, just after railway junction, all the way to the Durban beachfront. Alongside informal outlets in this business locality are large retail stores such as Clicks, Edgars, Foschini, and Woolworths and retails, which can be found in suburban shopping centers, like Pavilion or Gateway. In the midst of the shops are restaurants such as KFC, Nandos, Spur, and many more. The area also accommodates small businesses such as salons, and pie shops alongside informal traders on the street. West Street is

also a hub for rented student accommodation. Street traders are well catered for. Shelters for trading are about 2.5 or 2.4 square meters, approximately 5 to 7 meters apart.

Within CBD there is an interesting diversity of different nationalities who assemble in specific areas. For example, in Abyssinian Lodge mostly you find Ethiopians being accommodated there, and within the same area you find Ethiopians restaurants and take-away. Some of these Ethiopians have relocated from Albert Park. In addition, common to the CBD are the Pakistani nationals who are usually accommodated in Grey street areas and finally Nigerians occupying sections of the Point Road. Pakistanis traders, who have fast food shops in West Street, also have shelters where they trade. They usually sell accessories like cellphone pouches, cellphone cables and charges. In contrast, local traders sell different goods, such as clothes, food, toys and other fast selling items, such as cosmetics. Most traders selling similar items at the same prices.

In West Street there are also those illegally trading in town, who are always hiding from the Metro Police. Another group of traders in West Street is trolley traders. Trolley traders do not stay in one place, but move around the town, which makes it difficult for traffic officers to identify them as illegal traders. In other places, like Dr Pixley KaSeme and the adjacent streets, some informal traders are not permanent. They operate in the early hours of the morning, some as early as 4 am. At about 8 am, they leave the stand for the regular trader to occupy. When asked why they have such an arrangement, one respondent stated, “We do not have our own shelters to operate on, therefore, we come and use the stands in the morning because we sell breakfast food and rent the stand from the owner.” These arrangements operate on trust, and do not involve any legal documentation. They rent from the owner and do not have any formal arrangement with the municipality.

Some shelters were empty during our observation period, and seemingly none-operative. In response to queries about the empty stands in West Street, Business Unit members stated that those stands have not been reported, the monthly payment is up to date, and they do not know who has abandoned their stands and who is still operating these stands.

The interviews revealed that unregulated informal traders, mostly in Dr Pixley kaSeme Street; do not communicate with the government authorities. The only contact that they have with government is when the municipal police chase them away and confiscate their merchandise. It

was also clear that this group of people does not participate in decision making, since they have never attended any meetings and do not belong to any organization. Most of the unregulated informal traders are regarded (and regard themselves) as ‘illegal’ traders. On a daily basis, they survive by playing a cat and mouse game, constantly uprooted with their merchandise when Metro Police arrive to move them from place to place. Their encounter with authorities begins and ends with Metro Police.

Since informal traders are a large community, they must be organized in order to meaningfully participate in informal sector decision-making processes. Some informal traders belong to organizations led either by a block leader or a committee, both of which are elected by the traders themselves. These leaders are also informal traders and therefore understand the challenges facing other informal traders. Those who are affiliated with organizations in West Street have some knowledge of local by-laws and law- enforcement for informal trading. Unaffiliated traders are mostly trolley traders or those who did not have stands.

In the interviews, it emerged that block leaders and committee members are responsible for representing informal traders in meetings called by the Business Support Unit of the Municipality or the City Council. They also help to get back informal trader’s stock confiscated by the Metro police, and to mediate in quarrels that arise among informal traders.

### **5.3 Participation: inclusion and exclusion practices**

In this section, we investigate participation practices and trends in the informal trading sector of Durban. The first section looks at community participation as one of the policies applied by eThekweni municipality to engage with informal traders. The section interrogates the nature of the policy and its objectives, to analyze trends and investigate why the municipality has shifted from their own mandate. In the second section we detail our analysis of the data based on Hart’s ladder of participation theory. This section is divided into three sections. The section on non-participation discusses how the traders are excluded from participating in decision-making processes. This is followed by a section on the degree of tokenism, which discusses how those in power manipulate the street traders. Lastly, in a section on citizen’s control, we discuss this most active form of engagement, which is one that allows the powerful and the disempowered to work together. The last section of this chapter covers the findings of our study.



According to Theron (2009), public participation is grounded in the premise that the public should influence decisions to be taken that influence their lives. However, the debate is around the extent to which the public (in this case, informal street trader) can and should be involved in informal sector planning and policymaking. The eThekweni municipality applies community participation policy as a basis for inclusion of any group in the Municipal business.

The implementation of the community participation policy is an important landmark for Municipality of eThekweni as the prerequisite of “Freedom Charter”; “freedom charter is the statement of core principles of the South African Congress Alliance”, which states, “the people shall govern”. This document offers tools and procedures on how to participate in policy processes. This document should be well distributed in all government offices for the people to have access and know how they can be involved. In essence, “community participation is a transparent and accountable process in which citizens can discuss and influence decision-making” (Mbambo, 2006:35). This self-governing process of involving people in planning and allowing them to be active agents of development is a democratic right (Mbambo, 2006).

eThekweni Municipality has committed itself to an empowering method that is, it is not token, therapy, or manipulation. This includes “creating democratic representative structures like Ward Committees, and supporting these structures to plan at a local level through Community Based Planning (CBP) and to implement and monitor their ward-based plans built on community strengths” (eThekweni Municipality Community Participation, 2006: 6). The eThekweni municipality in their policy advocates for different levels of participation. All these levels are human centered such as treating all people as consumers and shareholders of development. These initiatives can be more visible if they are applied through Ward Committees and representatives, where citizens can play a role in their own development through community planning that is inclusive and empowering to the community. The processes of community participation characters are information sharing, consultation, participation, and empowerment. These are discussed briefly in the next chapter, since they relate to the concepts included in Hart’s ladder of participation.

Mbambo (2006), states that from government officials to the community and the representatives of the community all these people possess different rights and duties in the participation pool. His argument is that civil society has the same right as the political and administrative officials towards policymaking processes of the municipality. Nevertheless, they have the mandate to play and

exercise their rights. The right to overlook at the mechanisms and procedures of the municipality and the right to pay taxes and fulfil all practices of fiscal obligation, which can enhance the performance of a democratic government. The municipality's policy on community participation states that eThekweni Municipality shall select appropriate strategies that are open to participation. These include advertisements, workshops, meetings, izimbizo<sup>3</sup>, and conferences.

The "Policy on Community Participation originates its values from the Constitution of the country; the policy allows every human being to meaningful participation in development. Local government authorities have "been entrusted with the responsibility of ensuring involvement of communities, and community (civic) organizations in local government affairs". The main aim of the Community Participation Policy is to:

- Provide plans that will enhance the maximization of citizens in the policy-making realm of local government and creates an environment for ordinary citizens and social groups to participate and engage

Many policies can be quoted which support public participation and informal trading within the eThekweni Metropolitan. The interventions placed by eThekweni Municipality correspond with other policy placed by the City as future directions and strategic documents. Policy directions are coordinated, and do follow the same vision. For instance, while the eThekweni Inner City Local Area Plan emphasizes on economic development and the attraction of private investment, the 2030 Integrated Development Plan puts emphasis on an inclusive economy, which takes informal trading into account. This makes it clear and easy to establish which policy course is current and adopted and whether these policies are applied in parallel.

In summary, this section has discussed community participation, but without interrogating the municipality's policy. Interrogation of the policy is undertaken in the analysis chapter. In this chapter, we highlighted the crucial points of the policy, which relate to our study. We have highlighted the different types of participation introduced by eThekweni municipality, and emphasized the mandate that the policy is built on. We also reviewed the rights and duties of the

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<sup>3</sup> Izimbizo: is a zulu word which means meetings.

public and government officials, as specified by the policy. Finally, the chapter looked at the main purpose of the community participation policy.

As discussed in chapter three (theoretical framework), the first three rungs of the ladder in our model show that street traders can be misled into believing that they are participating and empowered to participate in the policy processes when they are not. This is called non-participation (Airstein, 1969). In these circumstances, government officials use various techniques such as manipulation and token gestures to ensure participation by street traders is token rather than real. Their main purpose is to monopolise power in decision-making.

Manipulation is the worst form of false participation. In this type of token participation, citizens are controlled and their input does not influence any development. Fake public participation is practiced all over the world, with Africa taking a lead (Snider, 2010). This form of participation undermines the constitutional rights of human beings. It occurs when governments seek democratic legitimacy but not the accountability that comes with genuine public participation.

From the data collected, it was revealed that eThekweni Municipality has not been applying prospective public participation, which is what people usually mean when they refer to public participation. This is participation before public officials have made a decision regarding a particular issue. For example, an announcement that was made at the beginning of 2009 about the plans of building a shopping mall at Warwick Junction surprised everyone. The new proposal included re designing the market, excluding the informal traders in the spatial planning, and feature them at the basement of the mall “spatial redesign proposed that commuters would walk past formal shops but would have to go out of their way to access informal traders”. This plan was completely different from the initial plan that was proposed to the street traders and the way they delivered the news to the traders it was different from the approach of integrating traders into urban planning. The plan endangered the feasibility of the business of the street traders in the precinct.

This information was not communicated well, as the municipality’s policy of community participation advises. The policy has put in place a number of tools for participation in different aspects of local government. These include “newsletters, media feedback channels such as letters

and phone calls from citizens, brochures, talk shows, and interviews, public hearings, meeting with citizens” public surveys, and local partnership programmes (eThekweni Municipality Community Participation. 2006. 6). These channels were not employed, and, because of the change of governance every five years, city officials were not able to account for this. This has caused a lot of confusion in the informal sector in Durban city. If Durban’s Informal Economy Policy was fully implemented, there is little doubt that the environment would be conducive.

The interview with a representative from the municipality’s Business Support Unit, on 6 September 2016 included questions about the procedure of engaging street traders in decision-making processes. The response was that *Durban informal traders do participate in the public decision making through invitation such as meetings and gatherings. This is evident through the government establishment policies which are supporting the public to voice their needs. The respondent stated that they have seen many transformations from Durban through proper consultation.*

The Municipality is well known for their good informal trader’s policy, which identified the municipality as the first municipality in South Africa to successfully implement a policy on the informal economy. However, eThekweni Municipality has changed their way of soliciting information from local communities. What are the motives for such new practices? This study will not have answers to these questions because the city councilor who was in charge in Warwick project is not reachable. However, it is crucial to mention that street traders feel that they do not fit into the urban design the municipal council plans for Durban. However, making local street traders believe that they are included in planning when they are not will not solve the problems of eThekweni’s informal economy.

Three issues are important in this regard. Firstly, street trades have insufficient information about the policy environment, and this hinders their participation in local policymaking. Secondly, the unavailability of cognizant people to participate actively in policy-making and processes further hampers public participation. Thirdly, with the changing of government every five years, some officials that occupy government offices underestimate the importance of sustaining the relationships with traders, and this curtails the latter’s input to shape and local policies.

This chapter has looked at trends in exclusions that informal street traders experience in their daily living. The chapter discussed the examples of manipulation and therapy, where street trader's views do not influence policy or lead to any citizen-focused development, and how the elites use these to prevent real participation, while claiming to involve street traders in their decision-making. The section then covered three major issues that need to be resolved in order for street traders to move up the rungs of the Hart ladder.

In the degree of tokenism stage on Hart's ladder, the engagement between citizens and government officials on policy and programme formulation and implementation begins to show signs of mutual consideration. For example, at rung four of this stage, citizens are assigned specific roles. At this stage, government officials inform citizens how and why they are being involved in a policy or programme. At rung five, citizens present their views and give advice on the design of projects or programmes run by local government. At the degree of tokenism stage, information, placation, and consultation are evident. Our interviews reveal this stage to have been evident in negotiations with EThekweni street traders. A distinguishing feature of the fourth to the sixth rungs is the retention of aspects of power. This power is discussed broadly in an outline of the realities of how it is practiced in negotiations around street trading.

With reference to our model, the City's advisory and planning committees allow citizens to give advice or contribute to plans on an ongoing basis, but retain, as the "power holders, the right to judge the legitimacy of the advice and the feasibility of the suggestions" (Airstein, 1969). The degree to which citizens are placated depends largely on two factors. Firstly, the quality of the technical assistance they receive in articulating their priorities. Secondly, this depends on the extent to which the community is organized in order to demand attention from their priorities. Hill (2014), asserts that implementation is when decisions are translated into events, where the community's objectives need continually assessment for better results and follow correct actions. Based on the literature, the Municipality of eThekweni follows the appropriate course when developing policies, because they do allow public participation. However, what is important is how authentic this participation is.

Equal opportunity for all stakeholders to have their concerns addressed is one of the crucial elements of public participation (Arnstein, 1969). In the interviews, we received mixed responses

to the question on whether the informal traders were able to voice their concerns in meetings with the City Council. A male trader operating in West Street had this to say:

*“Only formal business owners (shop owners) are listened to, since they are paying big rent to the municipality. They were complaining about street traders, saying that they obstruct the way into their shops and they were encouraging the City Council to improve by-law enforcement”.* (Interview with a male respondent on 13 September 2016).

It is not difficult to accept this view, after what happened in 2009 at Warwick Junction Market. In 2009 the City tried to accelerate the application, in the process it's omitted some of its regulations. The City failed to follow the procedure by not advertising the development through tendering processes, there was no consultation on environmental impact assessment for the EMM site. This carelessness opened speculations about how the city has been coordinating their projects.

Regardless of the history of comprehensive involvement of stakeholders, the first meeting about the proposed new development was held on 18 February 2009, with building meant to commence in early June. The other two meetings that were further initiated which included street traders of the market and other interested partners was the bogus participation. Interested partners questions were left unattended. The trader's impression was that they were not consulted, but presented with the plans as a *fait accompli* (Skinner, 2009).

Participants with economic, political, and any other kind of power should not be given higher priority over those who do not have power. At the meetings that were set by the city council concerning new development that was going to change the livelihoods of the people, marginalized groups were not able to use this opportunity to influence the decisions taken. During the interviews for this research, one of the informal traders commented, *“only big businesses (shop owners) are able to influence, but for this case of Warwick Junction market, even them were not consulted in the mall upgrade, which created confusion about the Municipality's way of conducting this development”* (Interview with informal trader 13 September, 2016).

Considering that shop owners in the city are probably in a better financial position than informal traders, the scenario in the meetings, where shop owners became dominant in making decisions, was an indication of the economic power imbalance. Lund and Skinner (2004) observe the same power dynamics in a study on the informal economy in Durban. According to their findings, when

activists from the formal and informal economies are present at a meeting, there is a power tussle, and often the weaker voices of informal workers are not heard. To promote the spirit of proper public participation, it is necessary for officials to create an opportunity for informal business activists to articulate their concerns (ibid.).

According to Hickey and Mohan (2004), power dynamics “determine who can freely participate in decision-making processes. Arnstein (1969) argues that participation without influence presents frustration for the people without power. It gives power holders an idea that everyone participated successfully when in fact they had little to offer in the process. These findings concur with Benit-Gbaffou’s (2008) argument that, “although the South African constitution and other legislative documents stress the importance of public participation in government processes”, the system has not benefited the poor majority. She further argues that the lack of critical approaches to public participation has limited marginalized groups from using the requirement of participation to influence their lives. This was the case with the proposal to change Warwick Junction Market into a mall that will not benefit the street traders. Allowing equal opportunities for the concerns of all stakeholders to be heard and addressed is one of the critical elements of public participation (Arnstein, 1969). The challenge for municipal authorities is to recognize “inclusive social dialogue with all concerned sectors of the public in order to promote and consolidate democracy” (Nyalunga, 2006).

According to the Chairperson of the Business Support Unit, information must be circulated to the stakeholders involved in public participation, He explained that “*we always encourage different communication channels to permit the flow of information amongst the stakeholders, and the committee members are always informed of the important dates of meetings*”. He thus confirmed that city authorities need to use all available communication channels to provide the public with information. This can ensure that different interest groups are informed about the amendments to be made when creating policies. Burke (1968) and Nyalunga (2006) point out the importance of the flow of information among stakeholders involved in public participation.

According to the International Association for Public Participation (IAPP,2002) the public participation process does not only require informing the minority. Participants also need to be provided with information and material that will make them participate meaningfully which means all available information. Nyalunga (2006: 43) also asserts, that “If the information is withdrawn,

the future of the strategic partnership between the manager and the civil society is bleak; information is power and the lack of it may restrain the alliances from reaching its full potential". Informal traders who were interviewed expressed the opinion that the procedures are flawed and the interactions are not immediate, which discourages the street traders from participating. The Municipal Systems Act (2000) also puts emphasis on ensuring that the staff provides the necessary support to the participants in order to be able to participate. This includes dissemination of information and the development of skills to participate effectively in local government affairs.

It appears that often government authorities are sensitive about sharing information. It is also a challenge to circulate and share the information with the target community. For example, at a meeting on 6 September informal traders were under- represented and representatives from political parties and government accounted for about half the attendees. Informal channels may be limited. For example, local authorities cannot use television coverage and e-mail notifications only because these channels may not reach the targeted population who may lack electricity. The representative from the business unit commented on this:

*"They do put up notices all over the town and, people do not want to engage in these gatherings, they always expect their representatives to attend on their behalf"* (Business Support Unit officer, 13 September, 2016).

The systems in place for consultation should be spontaneous and inform. Informing and consulting determine genuine participation. However, information is always a one-way flow of communication from bureaucrat to citizens, with no proper organized channels for communicating feedbacks and negotiation space. What transpires from this is that since the information was communicated at a very late stage people had no opportunity to influence the decision and programmes designed ostensibly for their benefits, hence the decision had been already made. One way of communication discourages participation because sometimes it provides superficial information, which discourages questions, increasing insecurity, and high disengagement. Public meetings are vital but that public input must also be attended to. With this, public participation will be just a formality for municipal authorities.

In conclusion, developing skills in policy advocacy among citizens is necessary for street trader organizations. Further, leadership requires education and training in the empowerment of



communities. The eThekweni municipality used to provide empowerment training for street traders to be able to run their businesses. These are all traditions that the Municipality has to stop providing.

### **5.3.3 Partnership, Delegated Power and Citizen Control**

In the seventh rung of Arnstein's ladder, citizens initiate and direct programmes and policies that address their concerns. Government officials participate only in a supportive role. Finally, the eighth rung epitomises cooperation between citizens and government officials. This is characterised by citizens initiating programmes and the sharing of decision-making between citizens and government officials. This arrangement empowers citizens but also ensures that citizens still interact with government officials and benefit from the expertise of government officials. For citizens to have full control over available resources, they need to be empowered. This is not possible without cooperation from all stakeholders.

Gray (1989) argues that the partnership method in most cases is used when one organization has a little capacity for achieving its outcome. Additionally, the partnership is defined as "a process through which groups more than one organization work together in bringing the change that was not possible to accomplish by one organization" (Gray 1989). The eThekweni Municipality could be said to meet the requirement of this kind of collaboration. For instance, eThekweni Municipality does take into consideration incorporating all the stakeholders in development. The policy of community participation states that the City must utilise a participatory approach that is more appropriate for development issues and allows a wide range of ethnic groups to participate (Mbambo, 2006).

Brinkerhoff and Crosby (2002), states that empowerment in the public realm means power sharing and the officials must allow external holders to work independently in order to achieve their objectives while providing support, increasing capacity building and decision and pursuit of actions. In order for the eThekweni Municipality to be able to use this instrument for effective participation, it has to empower street traders through educational programmes, and create an environment where street traders that convey and express their thoughts about development with stakeholders while the Municipality officials plays the role of facilitator. There is currently an insufficient amount of programmes designed to empower street traders. EThekweni Municipality

has a good history of working with street traders when developing policies. However, all this has changed. The traders' viewed the current process of citizen control and partnership as weak, and close to non-existent.

*“The Municipality only cares about money, not about us. They always promise engagement with us, but only to find out that, when they come for meetings, they tell us what they want to do without asking us if we are interested and not even accessing the outcomes of that project (male street trader, 14 September 2015).”*

Brown and Ashman (1996) see shared decision making as a method where the decision is shared amongst the stakeholders. This type of participation helps to divide power from a certain individual in order for the consortium to work collaboratively. Fortunately, eThekwini includes the public in matters that call for community participation. It is unfortunate that this trend is not being maintained. With new government officials who have their own agendas related to street trading, and with the increased demand from civil society for engagement, we may yet see another version of community participation.

Two key issues need to be addressed in the eThekwini experience. The first is the sudden change in how they perceive informal economic work in relation to urban planning. This can be only reviewed properly by the street traders and device a way forward with them. The second is the importance of organizations working with street traders be either NGOs or CBOs. Street traders who are members of organizations participate more readily than those who do not belong to any organization. Their organizations ensure that the voice of the minority is represented in local policy planning, and that the outcome reflects their opinions.

The discussion in this section showed that street traders have not been empowered to influence decision-making and take control of their resources. However, with increased representation at meetings, there is a green light for street traders. The current obstacles have not stopped street traders from demanding participation in the economic development of the city. From where the policy of informal economy and other specified policies, which include informal economy, stand in terms of inclusiveness and public participation, street traders and their representative have all the authority to ascertain the foundations of policy instability. This calls for monitoring and evaluation of the informal policy.

#### 5.3.4 The Political Economy of Durban Urban Public Space

With the high increase in unemployment, poverty, inequality and influx of youth looking for jobs in the Metropolitan cities, the government has a mandate to facilitate economic growth. The idea of urban integrated framework brings optimism to the public because it influences development that will be able to absorb millions of people who are unemployed. Given the challenges in the rural areas with no economic activities, the urban area provides limited opportunities to the urban public activities. This has caused many challenges and even chaos when it comes to street trading. Street traders in the CBD have blocked the pedestrian's space because of illegal trading. The challenges of urban public space policies in place should address the issue of growth and propose recommendations of maximizing a space that is more inclusive without compromising the work of the street traders (Parkinson, 2012).

The political economy approach of Marxist Theory takes a materialistic view of urban space. The theory presents urban spaces as a place of capital accumulation, inequity, political realm, geographical environments, and the spatial division of labour. Public spaces are viewed as sites of political and economic contestation. Van der Ploeg (n.d.), middle and upper income groups only consider order, comfort, and security as central aspects of well-functioning public spaces. The problem with such perspective is that it automatically exclude those who do not fit in the realm of order, security and comfort. The idea of privatization of space decreases the chances and opportunities of the poor to make a living and it denies them the right of using a public space in generating an income (Van der Ploeg, n.d).

Privatization of space has become one of the promotions of “poverty and under-development”. Hence, its manifesto to disappear is viewed as progress Bromely (2000:12). An interview with the Business Unit Official elicited the statement that “*Street trading will never be demolished from the City but of course we need to keep the city clean and attractive to the tourist so that it can be recognized*”. The restrictions imposed on street traders provide evidence that Durban is also taking the route of minimizing street trading in the CBD. This can be contested, for example, in 2013 in Johannesburg, the municipality's zero tolerance clean-up campaign was stopped after informal traders won a court case, which granted them permission to continue operating.

City Council documents sketch out the plan for Phase one of the development of a mall at Warwick Junction Market. This development was supposed to be completed before the 2010 Soccer world cup games. The City Council was determined to replace all the of street traders in Warwick Junction Market with a mall, which they viewed as progress, and development of the city. This clearly shows that eThekweni Municipality is taking a route of development that excludes informal trading. This is not only evident in Durban, has become an international trend. Setsabi (2006) notes that on a number of occasions street traders in Maseru, Lesotho has been removed. This happened, for instance, in 1988, when Pope John Paul II payed a visit to the city. Another instance is when President Nujoma from Nambia made a state visit. Street traders were also subjected to removal when President Mandela visited Lesotho in 1995. Bromley (2000) notes that aggressive policing of street traders manifest when public and tourist events are about to take place, on the notion that street trading undermines the image of the city.

The traders viewed the privatization of urban public space as the act to prevent them from communicating their grievances of being unemployed. Women were especially conscious of this. Commercial space is limited, and street traders see public space as a space with a potential to afford disadvantage people with the necessary urban resources to begin to address historical disparities.

The social significance of public space is to be able to provide for livelihood for the society and to balance the relationships within the communities and build strong social bonds of the society. However, the economic importance is the one that is overlooked. Urban public space promotes job creation and supports millions of informal sector enterprises hence it must be promoted for the urban poor. The role of public space legitimizes the right for informal traders to rightfully claim and practice their rights. However, the important question that should be raised is whether the informal structures within cities (policies, institutions and processes) recognize this right.

In conclusion, we note that street trade around the world acts as a foundation of the urban retail. This is most common in developing countries where there are limited resources to generate economic growth. Therefore, policies that speak to urban space must take into consideration informal trade. Promoting street trading can boost local economic development and the gross domestic product of the city as it has done in the previous years in the city of Durban. It is

undeniable that it is impossible to provide a space for everyone in market areas, but the urban authorities should make it a priority to investigate the carrying capacity of such space and provide traders with licenses and permits to work in the urban public space.

#### **5.4 The Informal Economy and the potential for participation**

This study has three major findings. The first finding is that street traders are, largely, not considered in local government decision-making processes related to urban planning. Secondly, the power dynamics among street traders, the city council, and shop owners in the formal sector are unequal. Lastly, the role public space plays in providing a sustainable livelihood for supporting an extraordinary diversity of informal sector enterprises is not optimized by local authorities. These major findings are discussed in the following section.

McLaughlin (1987) explains that the interpretation of policy dramatically influences how a policy is implemented, and therefore communication is an important element for the effective implementation of public policy, as distorted information can result in policy failure. This study's findings have exposed inconsistencies in the processes of inclusion in public in decision-making. The community participation policy of the eThekweni Municipality outlines how policymakers should communicate with stakeholder communities before changes are accomplished. However, an "unresponsive system of governance, where there is no effective communication between councilors, officials and community members" threatens to undermine the eThekweni Municipality's good reputation around their informal economy policy.

Based on our research findings, we deduce that street traders are largely not considered in decision making related to the informal economy. The inclusion of the street traders in only the last steps in development is a rubber stamp. This threatens the reputation of Durban informal economy policy, which has gained international recognition.

The municipality not adhering to its policy is limiting citizen power, which is depicted as a more authentic form of engagement by Hart on his Ladder of participation. However, Baatjie (2003) states that the exclusion of a growing section of South Africa's informal economy from participating in meaningful political, economic and social activities is a problem of illiteracy, especially of the lack of adult education. Baatjies (2003) sees a connection between exclusion,

marginalization, and economic development, in which the local government has an important role to play. Such exclusion is exacerbated by the country's apartheid history. During apartheid black South Africans were excluded from accessing basic education, and skills development, and deprived of decent wages. Education therefore, continues to play an important role in marginalizing street traders. In addition, Skinner (2000) states that black street traders in Durban are hesitant to participate in collective action, and therefore do not affiliate to any organization, which deprives them of the benefits of the bargaining power of organizations.

Barrientos (2005) also states that socio-economic marginalization associated with the risky activities of informal street traders can result in their being excluded from any social protection system. On the other hand, socio-political marginalization acts as a major barrier to their participation in consultation processes in Durban. This is because, in partnership, citizens and officials need to possess the same power in governing board. Genuine citizen's power can only be realized when the approaches are a bottom up approaches and are able to decide on the issues that affect them in that sense they are greater opportunities of accessing service from the state (Krzmarzick, 2013). A significant gradation of citizen participation and partnership in influencing the policy in the city of Durban has been recorded in the past. The municipality's policy document aims to provide a way to increase "the level of participation, which will result in mutual trust between citizens and their city management, improved communication, better partnerships, and informed local government and communities" (Mbambo, 2006,39). These aims, which have yet to be revived can, play a role in strengthening democracy.

According to Brinkerhoff and Crosby (2006), information sharing assist to provide transparency and shapes rightfulness. The most common mode of communication applied by eThekweni Municipality when communicating with the public has been through newspapers notices and billboards. According to the International Association for Public Participation (IAPP, 2002), one of the requirements of public participation is making sure that the information about the engagement is disseminated on time and in right places where people will have access to information. Ideally, for democratic policymaking processes, one would expect this requirement to be met, but practically, this may be too ambitious.

Our study finds that participants with economic, political and any other kind of power are given priority over those who do not have power. The city's Business Support Unit set up meetings

concerning informal trading by-law amendments, but marginalized groups were not able to use this opportunity to influence the decisions taken.

The city council has also shown signs of supporting formal businesses rather than informal traders. This is evident with the Warwick Junction mall they planned to build in 2009 with little support from informal traders and other organizations such as “The Congress of South African Trade Unions and the South African Communist Party in KwaZulu-Natal province” (Mbambo,2009,29). The presentation given by the City Council Manager in 2009 demonstrated that more attention was given to the shop owners in the formal sector than to street traders.

The presentation outlined that the traders who wish to continue trading in the market will be allocated on the ground floor where commuters will remain on the upper floor. The proposal also suggested a spatial design where formal shops will be given a superior treatment, the commuters will have to pass through the shops, and they will have to go out of their way before reaching the street traders. This is totally opposing the previous approach of including traders into urban commercial planning. The traders did not accept the proposal because it threatened their visibility.

While in West Street, there have been ongoing fights and tension between informal traders and the shop owners. The shop owners were worried about the obstruction caused in front of their businesses. Firstly these street traders are legal, they are operating in their shelters provided by the Municipality now how is this causing obstruction and crime. Clearly formal business also does not appreciate the presence of street traders hence that is why they support the idea of getting rid of informal traders.

Our study also reveals that urban public space connects diverse informal enterprises, this includes opportunity, social cohesion, providing security for immigrants who recently relocated. Witnessing change in the field of public space will call for different actor’s institutes, and policies to appreciate first the work that space provides for the poor. Such a view of public spaces would position them as an element of the political economy in which tensions related to productivity and power relations play out. Including street traders in urban planning processes does not mean all traders will be accommodated, but is still good practice to take advantage of the development potential of urban space.

Street traders have an uneasy relationship with the city authorities and the police. Findings showed firstly, that there are street traders that use unmapped routes to smuggle goods because of the privatization of space. Secondly, people end up trading anywhere because they do not have space, or space is limited and cannot accommodate all the traders forced there through unemployment. Some people in town who do not have shelters use trollies, which are movable so that they won't be confined in one space and have the Metro police confiscate their goods. These trollies are dangerous to both people and cars on the road.

Urban trading spaces play a vital role in poverty alleviation for many households whose members cannot be absorbed into the formal sector. However, these traders find it difficult to work because of different challenges introduced by the city authorities. For example, police harassment, confiscation of goods, and evictions are the main problems cited by informal traders we interviewed. Traders in the CBD were more affected than those in Warwick Junction, since they operate in the more organized space. Traders in Durban West Street reported much higher levels of harassment than those in the Markets. Some of these traders do not have licenses to operate. Evictions, lack of support during evictions, and lack of protection from or warnings before evictions, were also problems the informal traders faced.

## **5.5 Conclusion**

In this chapter, we presented the findings from the data collected through interviews with informal traders in Durban Central, a representative of the Business Unit of eThekweni Municipality. We explored the policy of eThekweni municipality, looked at the most important aspects of the policy that must be implemented fully in order for participation to be authentic. We discussed the strengths and weaknesses of the current participation of street traders in informal sector policymaking, based on the stages of Hart's ladder of participation theory. The failure of the Municipality to always consider the street traders compromises the status of their informal economy policy and their relationship with the street traders.

This chapter also devotes attention to the need for active community participation in programme conception, as well different mechanism that can be employed by eThekweni municipality in achieving integrated development. With respect to mechanisms to enhance community



participation within the local government sphere, the emphasis was placed on municipality-community partnerships in eThekweni to engage all stakeholders, including nongovernmental organizations (NGOs), in local development initiatives.

In the chapter, we highlight new trends in the use of urban space. These include highways and shopping malls that have replaced flea markets, and traditional parking where people gather and perform social activities. Shopping malls and highways dictate the new social values of modernity. This approach fails to recognize that the informal economy plays a crucial role for poor people who cannot afford to shop at malls and other formalized structures, such as online via the internet.

Warwick Junction is a dynamic and a good example of people centered market and government collaborative in South Africa. The market is known for its endemic, community activism amongst the area's informal traders. The market was saved by the strong campaigns of traders and trade unions following the threats of building a shopping mall. The market continues to improve with the new development of storages facilities and pavements. This place on its own it has generated 16 USD million in the past 15 years.

The data we collected was interpreted thematically, and these themes were developed, taking into consideration the research questions and objectives. The themes emerged after an analysis of the data using Hart's ladder of participation approach. The next chapter will provide our conclusion, and our recommendations, based on our study findings, for the government to effectively engage the public in decision-making processes related to the street trading.

## **CHAPTER 6**

### **Summary, suggestions and conclusion**

#### **6.1 Introduction**

This study's main aim was to ascertain the extent of participation of street traders in municipal decision-making on the local informal economy in the eThekweni municipality. The study underlined the main challenges preventing street traders from participating meaningfully in these decision-making processes. The problems and opportunities the street traders have in engaging with the local government were highlighted in this study.

The first chapter provided an introduction and a background to the study. We discussed the rationale for, and importance of, street trader's participation in the policy making and formulation processes. In this chapter, we laid out the main assumption of the dissertation. This is that the successful inclusion of street traders in decision-making structures requires the creation of genuine opportunities for them to engage in political decision-making. This can create a conducive environment that can improve the livelihoods of street traders, creating sustainable development in the informal sector. The first chapter also set out the research questions and the research methodology adopted for the study.

The second chapter covered the literature on informal trading, to provide an understanding of the informal economy in South Africa, and Durban, in particular. The main aim of this chapter is to provide a broad review of other scholars' findings on the subject. This chapter looked at the role of informal trading in serving the needs of the unemployed and poor. It provided a background on the informal economy in Durban, concentrating on informal trading. It also linked informal trading with local economic development (LED), presenting the importance of informal trading in addressing the goals of LED, which aims at poverty alleviation through encouraging job creation and growth in the local economy.

It also examined the role of public participation in local Municipal planning processes in the promotion of the informal trading sector. We covered the degree to which public participation procedures are used to endorse practitioners in the informal economy, particularly informal trading, and to address the obstacles of job scarcity and poverty.

The third chapter of the dissertation outlined the theoretical framework, which is Hart's Ladder of Participation theory, further developed by Sherry Arnstein (1969). Three other typologies were also used as a basis for our study. These include the ladder of citizen's empowerment of Burns, et al. 1994, and Wilcox (1999) and Burke's (1968) five strategies of citizen participation. These typologies show that participation contains different degrees of power and powerlessness. Hart's Ladder of Participation was used in this dissertation to evaluate street traders' involvement in decision making processes and whether the policy process provides the street traders with significant opportunity to participate in decision making.

In the fourth chapter, we discussed our research methodology. The chapter outlined the different stages that guide a research design and strategies, as informed by the above choices from a general perspective. It also focuses on the methods that were followed to conduct the study. These stages are organized as follows: Research design, sampling method, data collection techniques, and analysis, limitations of the study, ethical issues, and lastly, a summary of the methods in line with the research questions.

The fifth chapter includes a description of the settings for the study, that is, Warwick Junction Market, and West Street. This section contextualises both sites and how the street trading in these areas has changed over time. These two settings form the busiest hubs in the CBD. This section further looked at the inclusion and exclusion of street traders in municipal decisions concerning their trading, analysed using Hart's ladder of participation. Finally, our study has three major findings. The first finding is that street traders are not generally considered in decision-making processes. Secondly, we find claims that formal shop owners receive better treatment from the city council than the street traders. Lastly, we find that the demand for urban public space for commercial trading is limited while the demand from traders and its poverty-mitigating role for poor and middle class household are increasing.

In summary, the study finds policy contradictions between the municipal rhetoric of an inclusive and developmental city, and its practice of repressive management of informal trading. We argue that this is partly due to the fragmentation of urban governance.

It is important for the Municipality to pay attention to this, in order for decisions on the informal sector to be inclusive. Public participation requires a favorable environment to maximize its

impact. Policy processes should not only be about rhetoric, but must be able to improve the lives of people, and be sustainable and transparent. Public participation is essential for the functioning of democratic societies and lack thereof provides a recipe for lack of legitimacy of governments decisions, and can result in civil disobedience and unrest. This can be prevented by facilitating informal sector stakeholders' participation in informal economy policymaking and lawmaking processes.

This action must include the strengthening of participatory mechanisms which allow for the regular participation of informal traders in policymaking for their sector. The eThekwin Municipality's informal trading policy of 2001 has adopted progressive principles, but its implementation seems to have been stalled and local policymaking on the informal economy is now subject to contestation by social movements and nongovernmental organizations. We provide recommendations in the next section, based on our conclusions.

## **6.2 Recommendations**

### **6.2.1 Improve city council–trader relations through regular meetings**

A major constraint that is affecting the operations of traders in the Durban CBD is poor communication. The city of Durban economic and political success in informal trading provides a conducive space for the council and the traders to be able to work together. The quality of communication need to be strengthened, this is currently presenting a challenge to the government officials and the traders. Government officials agreed that the only medium of engagement currently used is eThekwin Municipality's Informal Economy Forum (EMIEF); this forum is designed for informal trader's representatives. Therefore, there must be a forum for all traders for regular meetings and updates for the broader community.

### **6.2.2 Provide business support and training**

Government advocates for people to do things for themselves. While people have adopted the strategy of doing things for themselves government needs to ensure that the support is there for the sector. In eThekwin Municipality, there is a Small Enterprise Development Agencies support service supported by both the eThekwin Municipality and the national Department of Trade and

Industry. This support unit is mandated to develop programmes that will help street traders market and grow their business. Some traders that were interviewed identified marketing strategy as a problem that hinders them to participate meaningfully in the business. Therefore, the city should consider working with Department of Labour, and the Wholesale and Retail Sector Education and Training Association (WRSETA) in designing and implementing new training that is relevant to the target market.

### **6.2.3 Develop trade specific strategies**

In Durban, many street traders mentioned that their wish is to trade next to taxi ranks because that is where they mostly sell their products. Therefore, there is a need for developing more markets such as Warwick Junction that will benefit street traders while also being able to coordinate street trading sector. Understanding where street traders fit into the economic value chain presents practical and specific strategies that will contribute positively to the sector.

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## **Appendix one**

### **A. Letter of informed consent and a declaration.**



#### **LETTER OF CONSENT TO PARTICIPATE IN THE STUDY**

You are invited to participate in a study conducted by Anele fortunate Cebile Jiyane from the Department of Politics at the University of KwaZulu- Natal, Howard College, South Africa.

#### **TITLE OF STUDY**

The Informal Sector and Public Participation in Policy Formulation and Practices in the Informal Economy: A case study of eThekwin Metropolitan Municipality

#### **OBJECTIVES OF THE STUDY**

The main aim of this dissertation to ascertain whether the informal traders are involved in the consultation, planning and influencing decision-making that affects them and to investigate the limited urban public space, which forbids full participation of street trading

#### **PARTICIPATION**

While your assistance in answering the interview questions would be much appreciated, your participation in this study is voluntary.

#### **POTENTIAL RISKS AND DISCOMFORTS**



There are no anticipated risks or discomforts associated with this study; only your views/opinions will be sought on the interview questions.

#### PAYMENT FOR PARTICIPATION

There is no compensation for participating in this study; participation is voluntary.

#### CONFIDENTIALITY

Any information that is obtained in connection with this study and that can be identified with you will remain confidential and will be disclosed only with your permission.

#### PARTICIPATION AND WITHDRAWAL

You can choose whether to be in this study or not. If you volunteer to be in this study, you may withdraw at any given time.

Thank you for your anticipated cooperation

For more information, you can contact my supervisor

Mr Biniam Misgun

University of KwaZulu-Natal | Howard College

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**B. Declaration letter**

I.....(full names of participant)  
hereby confirm that I understand the contents of this document and the nature of the research  
project, and I consent to participate in the research project.

I understand that I am at liberty to withdraw from the project at any time, should I so desire.

I consent/do not consent to this interview being recorded (if applicable).

SIGNATURE OF PARTICIPANT

DATE

.....  
.....

## **Appendix two:**

### **Interview Guide/Question**

#### **Questions for government officials**

- What are different levels of public participation that can be employed in local government processes to influence decision-making?
- To what extent are the street traders included in the Policymaking, implementation and evaluation?
- To what extent is the informal trading by-laws amendment in the city of Durban a participatory process?
- Does the Local Government provide opportunities for the informal traders to participate in the process of Policy Formation? How does it go about?
- Is there any empowerment from local government initiated to promote participation in decision-making? Please elaborate about it.
- How does urban public space affect the livelihoods of the urban poor informal economies?
- How the urban Managers and street traders can create a conducive space that is both attractive to the foreign investment?
- How is your view of public participation in decision-making?

#### **In-depth questions for street traders**

- How local government invites the street traders in the meetings that they conduct?
- How is the relationship between the government officials and street traders?
- How do you feel about privatisation of urban public space?
- Do you have any representatives that represent street traders in policymaking processes?
- How often do you pay you license?
- Are the working conditions conducive to a daily workout?
- Does the final decision reflect all Stakeholders' Interests?

- Defining the Place to Hold Meetings, is it accessible to everyone?
- Was the information about the public participation shared with informal traders?

### **In-depth questions for Civil Society**

- What role does civil society play in the informal traders?
- Does your organisation include creating equal opportunities for participation?
- Do you think the rights of the humans are violated by limiting the social space for the benefits of the government?
- How can urban public spaces be available to everyone?
- Do all the participants have an opportunity to influence the final decisions taken on Policy?
- To what extent are the street traders included in the policymaking, implementation and evaluation?