

RESEARCH ARTICLE:

Challenges Facing Street Vendors in Durban and the Role of the Law: A Means to Empowering Women

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Abstract

As a vulnerable group in South Africa, women have been the primary victims of unemployment, the lack of access to income generation opportunities and barriers to sustainable livelihoods in general. Street vendors are a significant part of the economy, and their income supports several families and sustains their livelihoods. However, such vendors, particularly women, are faced with severe problems that interfere with their daily operations, as well as challenges relating to the law. Their low literacy levels mean they have an inadequate understanding of the laws and by-laws that regulate street vending. Even though the South African Constitution guarantees equal rights and protection, as well as the freedom to choose one's own occupation, trade or profession, street vendors, especially female vendors, are not adequately protected. The purpose of this study was to investigate the challenges faced by street vendors in the Durban area and to examine the role of the law in contributing to such challenges, as well as addressing them. Through a quantitative study using a survey, data was collected from street vendors in Durban. The study's findings indicate that vendors lacked knowledge of their rights and faced poor working conditions, harassment by the police, evictions, impounding of goods and a lack of access to permits.

Keywords: street vendor challenges; informal economy; regulatory concerns; unemployment and poverty; social justice

Introduction

Street vending, as a part of the informal sector, is a common practice in many cities, including Durban, where it is a source of livelihood for many women. According to the International Labour Organization (2018), 61% of global employment is in the informal sector and in Africa, almost 86% of employment is informal. The issues facing street vendors are complex, often raising questions regarding the legal framework and the ways in which women can be empowered to work in safer and more profitable conditions. Street vendors are a common sight on busy streets, markets or on the side of the road. Such vendors, particularly those without trading permits, face challenges, including harassment and sometimes violent incidents with the police. However, they contribute immensely to poverty reduction and unemployment and provide cost-effective goods to low-income or middle-class consumers (Martinez *et al.*, 2018). Sassen *et al.* (2018) state that most street vendors are black women who are compelled into the informal sector by a lack of employment, and who engage in basic forms of street vending, such as selling vegetables, fruits, chips, etc. Moreover, they are pushed towards flexible, low-risk economic activities by household and reproductive duties, as well as poverty. As street vendors, women are essential for providing food to families, as well as creating more job opportunities in the informal sector (Woodward *et al.*, 2011). Although in many places around the globe, poor women in particular have long been required to work, they have not been afforded economic equality (World Bank, 2022a). Furthermore, women vendors are more likely to be self-employed in the informal sector rather than be employed in the formal sector due to gender inequality (International Monetary Fund, 2020).

The informal economy in South Africa employs more than 17% of the population (Ngcobo *et al.*, 2022). In a country where the unemployment rate is over 32%, the informal economy provides a lifeline for countless families who are unable to find employment in the formal sector (van Wyk and van Gaalen, 2021). Street vending is the largest

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occupation in the informal economy (Ngcobo *et al.*, 2022), yet vendors are faced with severe challenges. Furthermore, despite the important role that street vendors play in economic and social development, municipal officials continue to harass them. Moreover, they are subjected to repeated evictions, confiscation of goods and bribery by police officials. These actions are typical of South Africa's oppressive relationship between street vendors and the local Metro Police. Street vending is a huge source of contention in cities all over the world (WIEGO, 2022). In developing countries, street vendors account for a sizeable proportion of the urban labour force. The majority of street vendors are from low-income or lower-middle-class families who use trading to supplement their earning from other occupations, which may be the primary source of income (Moosvi, 2021). Globally, street vendors are facing increasing hostility (Skinner and Balbuena, 2019). In addition, street vending by-laws can be confusing, and permits can be difficult to obtain from the municipality, leaving the majority of street vendors exposed to evictions, harassment and confiscations (WIEGO, 2022).

There is limited political support for informal trading as the government has paid little attention to making sure that the right infrastructure is in place, such as shelter, toilets, water, storage and electricity (WIEGO, 2014; Skinner, 2013). In addition to these general challenges, the implementation of laws and regulations has harsh consequences for informal traders. Such vendors, many of whom are women, encounter difficulties with the police, such as the confiscation of their goods, xenophobic attacks, threats by criminals and permit fees to trade in certain areas (WIEGO, 2014). Officials misused their power of impounding goods as they do not issue receipts reflecting all the traders' goods so that they can pay a fine (as stipulated by Clause 35 on the impounding or confiscation of goods) and have the goods returned to them (Skinner, 2008). The confiscation of goods by authorities has a major impact on the livelihoods of street vendors because, not only does it violate the traders' right to trade, but it also causes loss of income as some of the products are not returned because the procedure relating to the confiscation of goods was not followed (Hodgson and Clark, 2018).

A study conducted by Ngomani (2020) in the Mbombela Municipality concluded that due to the high unemployment rate, women create jobs for themselves in the informal sector, and that they are faced with a number of challenges as street vendors, including a lack of infrastructure. Street traders also face numerous challenges with the police, including harassment and evictions, which cause uncertainty as the laws are not clearly communicated to them (Roever, 2016). Pamhidzai (2019) notes that some of the restrictions enforced against street vendors are not fair and are often inconsiderate. In addition, when such vendors fail to comply with the restrictions, it is a serious criminal offence which can lead to a penalty of imprisonment. They are also excluded from urban spaces in terms of zoning scheme regulations, as they are not recognised as part of the modern urban landscape (Roever, 2014; Skinner, 2016). Furthermore, in some cases, the laws and policies implemented by local authorities do not correspond with the constitutional rights and national policies that support and protect street vendors. Access to permits and the payment of rent are also major challenges (Mkhize *et al.*, 2013).

It is clear that street vendors face numerous challenges. Hence, this article investigates such challenges of street vendors and the role of the law in addressing them.

Literature Review

Street vendors make a sizeable contribution to the economy, contributing 6% to the national gross domestic product (GDP) in South Africa, and a significant contribution to reducing poverty (Statistics South Africa, 2014; Thwala *et al.*, 2023). This section opens with a discussion on the significance of street vending as a means of providing a livelihood for people. Thereafter, it examines the general challenges of street vendors, followed by the challenges relating to the law. Finally, it focuses on the role of the law in addressing them. Street vending represents a vital source of income for poor and marginalized people (Recchi, 2020). Ndabeni and Maharajh (2013) iterate that after two decades since the ending of apartheid colonialism in South Africa, problems such as unemployment and poverty remain persistent. The authors add that contributions to the Gross Domestic Product of South Africa should also focus on the informal sector because the formal sector alone cannot provide adequate jobs for the expanding labour force. Street vending is an essential segment of the economy because it employs many less-educated people who cannot find employment in the formal sector (Mramba, 2015; Hermawati and Runiawati, 2017). It is dominated by, but not limited to, women due to limited economic opportunities presented to women in both the rural and urban areas (Uwitije, 2016; Ogunkan, 2019). It is an essential source of livelihood and an escape from poverty (Bota, 2013).

The informal economy is recognized as a significant contributor in the city of Durban, as well as to the economy. It provides valuable goods and services closer to customers at reasonable prices. It also helps to reduce unemployment and it attracts tourists (Mkhize *et al.*, 2013). Uwitije (2016) states that street vendors comprise various segments, such as fixed-stall vendors and mobile sellers. Roever (2014) observes that street vendors sell everything from cigarettes to crafts, fresh vegetables and prepared foods, etc. In most developing countries, the informal sector has become the primary source of income for women, who are more active or seen mostly in the informal sector (Chen, 2004). It is more difficult for women to obtain employment than men (International Labour Organization, 2022). Hence, they resort to getting jobs in the informal sector and low-skilled occupations (Saade, 2019). According to KMT Cultural Enterprises (2003, cited in Khumalo and Ntini, 2021), 60% of traders in the Warwick Junction, Durban, were women, and about 88% of women vendors were sole breadwinners supporting their families. Street vending provides employment opportunities for women, since the majority of street vendors in the Durban area are women (Thwala *et al.*, 2023). Street vending provides livelihoods and a source of employment for vendors and their families (Woodward *et al.*, 2011), helps to alleviate poverty and affording vendors an opportunity to generate income (Khumalo and Ntini, 2021). Hence, from the areas of significance presented, it would be expected that policy-makers and the law would do what is necessary to encourage and support such activities.

A concept that has relevance when considering the challenges facing street vending is 'social justice'. Social justice not only means equal rights, opportunities and fair treatment for all, but also recognizes the persistence of income inequality and extreme poverty as an injustice (United Nations, International Forum for Social Development, 2006). According to Hammell (2012), occupational injustice is one of the critical challenges hindering people from different backgrounds having the opportunity to participate fully in society. Furthermore, people living in poverty suffer the most due to having a lower educational level and limited work opportunities. This study is based on the Social Justice Theory, which implies that the law has to ensure that there are fair and equal opportunities in the lives of people, as well as uplifting them to an appropriate level (Freiman, 2012). Even though street vending provides an opportunity for the socio-economically disadvantaged to empower themselves and provide for their families, there is a paucity of studies linked to the challenges they face and the Social Justice Theory, and its application in the Durban area. In addition to this theory, this study is based on the Sustainable Livelihood approach, which according to Serrat (2017), is a means to reflect on the activities undertaken by the impoverished in an attempt to survive harsh and adverse challenges.

The need for social justice places an obligation on the law to address these challenges faced by street vendors. Street vendors have been provided with the right to trade by the Constitution (Section 22 of the Constitution, South Africa, 1996) but, at the same time, the limitations clause (Section 36) takes away certain rights for the purpose of balancing it with competing rights and to manage the city. In addition, in terms of Section 156, local government is given certain powers and functions, including the right to administer street vending through the adoption of municipal by-laws governing such trade. Section 25 prohibits the arbitrary deprivation of property by stating that no one should be deprived of their property unless it is specifically authorized by a general law. Section 33 of the Constitution states that everyone has a right to fair procedures or standards. Street vendors should not be deprived of this right and administrative action (receipts issued or fines) should be lawful and fair. If a decision taken by the state is not lawful, reasonable, and procedurally fair, the affected informal traders have the right to approach the court for the decision to be either reviewed or set aside (Section 34). Also, the Promotion of Equality Act (South Africa, 2000), together with Section 9 of the Constitution, provides that everyone has the right to equality, including street vendors. This implies that the rights of property developers and private companies should be balanced with street vendors' rights, and they should not be excluded simply because their activities/trade are "unattractive to tourists and international investors" (Roever and Skinner, 2016). Yet this has not happened.

The Businesses Act 71 of 1991 (South Africa, 1991) also recognizes street vendors' rights to trade. However, the amendments introduced by the Businesses Amendment Act 186 of 1993 gave municipalities the power "to publicize controlled and inhibited trade zones", thus giving them freedom to control street vending, including the issuing of licences to permit such trade. Hence, the Act requires street vendors to have licences to trade and empowers local authorities to issue licences to permit such trading. It is also expected that anyone who wishes to open a business in the district registers with the Business Licensing Department. Registration for permits was also a challenge for street vendors (Khumalo and Ntini, 2021). Although the role of the law is to regulate businesses, such regulation may result in further constraints for street vendors. WIEGO (2014) states that street vendors are faced with legal challenges in their daily operations, such as those relating to registration, permits, location and the

confiscation of goods. The authors also mention that irregularities in the application of these by-laws makes it difficult for street vendors in Durban to run their business. Furthermore, it is questionable whether the municipal by-laws applicable to street vendors are defective in that they permit or fail to prevent such irregularities. Roever and Skinner (2016), for instance, mention that there are extreme large-scale violent evictions where street vendors are removed from public spaces. Even though the government has given more attention to the informal sector in relation to economic development and has introduced laws to benefit street vendors, the situation has not improved significantly since 1994 (Xue and Huang, 2015).

A number of pieces of legislation and policies have been introduced in attempts to support informal businesses. The National Informal Business Upliftment Strategy aimed at uplifting the conditions and operations, particularly of informal businesses, is one such policy (Ramsuraj, 2020; Thwala *et al.*, 2023). At a provincial level, the Gauteng Informal Business Upliftment Strategy (GIBUS) was introduced to uplift informal businesses in Gauteng, both in the form of financial and non-financial support (Gauteng Province, 2017). In KwaZulu Natal, the Policy for the Informal Economy (Department of Economic Development and Tourism, 2010) was introduced to set a policy framework to sustain economic growth and to amend or repeal laws that inhibit the development of the informal economy. Further, the informal sector and the sustainable livelihood concept and approach, plays a significant role in poverty reduction and employment (Takaza and Chitereka, 2022; Thwala *et al.*, 2023). In addition, at a local government level, the Informal Trading By-Law applicable to the eThekweni Municipality, was passed in 2019 to regulate informal trading within the area. In addition, since access to the international market will help in growth of the informal sector, the World Trade Organization Trade Facilitation Agreement (WTO TFA), which came into effect in 2017, recognises that women traders who come across the border to trade, encounter many challenges, such as lack of information, cross-border regulations, harassment and gender-based violence at borders (World Bank, 2022b).

Recent court decisions have also come out strongly in favour of protecting street vendors' rights. In the case of *Makwickana v eThekweni Municipality and Others* (South Africa, 2015), the court ruled that Section 35 of a by-law in terms of the Businesses Act (71 of 1991) permitting the impoundment of street vendors' goods was unconstitutional. In the case of *South African Informal Traders Forum and Others v City of Johannesburg and Others* (2014), the city intended to relocate street vendors to an alternative trading area. However, the steps taken by the City to relocate street vendors were seen as illegal as they did not meet the requirements outlined in terms of the Businesses Act. In the *Somali Association of South Africa v Limpopo Department of Economic Development, Environment and Tourism* case (2015), the Supreme Court of Appeal decided that informal traders who are foreign nationals are protected by the Constitution.

Although several studies have been conducted relating to the legal provisions that have to be complied with when engaging in street vending, little has been done with respect to how such laws affect such vendors, as well as their awareness and understanding of such rules. Even though the law has addressed some of the challenges faced by street vendors, it has also contributed to a number of problems which in fact affect their daily operations. Furthermore, the government has implemented changes to the law in order to address certain problems, but only a few street vendors are aware of such provisions.

Methodology

In this study, the descriptive survey method was adopted. Quantitative data was collected to describe the challenges faced by street vendors and the role played by the law in addressing them, as a means to empowering women. The study was limited to street vendors in the Durban area. Hence, the target population for the study was street vendors in Durban. According to Arde (2021), the City of Durban has 45 700 street vendors. For a population of 45 700, the sample size was 381 in terms of the table provided by Sekaran and Bougie (2016). The study used non-probability sampling techniques, namely, convenience and purposive sampling. Questionnaires were distributed to street vendors over the age of eighteen who were willing to participate in the study. Thus, vendors who were under the age of eighteen and those who conducted their vending outside the Durban area were excluded. For this study, street vendors located at Durban, particularly at the Victoria Street and Berea Market, who were available and accessible, were selected.

For the overall study, 381 self-administered questionnaires were distributed and 291 were returned. Hence, the response rate was 76.37%. All questionnaires returned were satisfactorily completed, as a result, all questionnaires were included for analysis. There were no incentives given to the respondents to complete the questionnaire. The

questionnaire consisted of five sections and used mostly closed-ended questions, including 5-point Likert scale questions which were derived from existing literature. Section A focused on biographical information. Section B related to the significance of street vending as a means of providing livelihood. The awareness as well as understanding of legislation and regulations pertaining to street vending is covered in Section C; Section D related to the challenges faced by street vendors; and Section E related to possible intervention measures and strategies. A pre-test of the questionnaire was conducted among 15 individuals to check for clarity and remove ambiguities. The data was analysed using SPSS Version 28.0 software. Further, the anonymity and confidentiality of the questionnaires ensured that responses from respondents are honest and unbiased. Ethical clearance for the study was obtained for the study.

Findings and Discussion

Using a quantitative approach, data was collected via questionnaires to street vendors in Durban. The findings are presented in terms of the following sub-themes: (i) street vendors' awareness and understanding of laws and regulations pertaining to street vending; (ii) the general challenges faced by street vendors; and (iii) the challenges they face in respect of the law.

The Cronbach alpha coefficient was used to determine internal consistency reliability (Sekaran and Bougie, 2016). A reliability coefficient of 0.60 or higher is considered acceptable for a newly developed construct. The reliability scores for all sections of the questionnaire exceeded the recommended Cronbach's alpha value (0.60). With respect to validity, Shrestha (2021: 6) posits that the Kaiser-Meyer-Olkin (KMO) test is a metric designed to assess the suitability of data for analysis and the sampling adequacy for each variable in the model as well as for the entire model. The requirement is that the KMO Measure of Sampling Adequacy should be greater than 0.50 and Bartlett's Test of Sphericity less than 0.05. The results for the KMO and Bartlett's test with respect to the awareness and understanding of laws, and the challenges facing street vendors are presented in Table 1 below. As shown in Table 1, all the conditions for factor analysis are reached, that is, the Kaiser-Meyer-Olkin Measure of Sampling Adequacy values are greater than 0.500 and the Bartlett's Test of Sphericity sig. values are less than 0.05.

Table 1: KMO and Bartlett's test

Section		Kaiser-Meyer-Olkin Measure of Sampling Adequacy	Bartlett's Test of Sphericity		
			Approx. Chi-Square	df	Sig.
C7	Awareness and understanding of laws and regulations pertaining to street vending	0.594	710.281	28	0.000
D8	Challenges faced by street vendors	0.581	502.298	28	0.000
D9	Challenges in respect of the law that you face as a street vendor	0.624	375.859	21	0.000

Source: Authors' own compilation

The analysis indicates that 51.2% of the respondents were females and 48.8% were males. Hence, the findings presented below include both male and female respondents, unless indicated otherwise. It was also revealed that the vast majority of women indicated that street vending helps them to provide for themselves (99%), to support family members (91%), to improve their standard of living (77%) and to provide employment for others (66%).

The findings of the respondents' awareness and understanding of the laws and regulations pertaining to street vending are presented in terms of the relevant sub-themes. Table 2 below shows the results:

Table 2: Respondents' awareness and understanding of laws and regulations pertaining to street vending

	Not aware	Aware of but do not understand	Aware of and understand
The Constitution gives me the right to trade.	16.5%	34.4%	49.1%
This right to trade is subject to limitations – which means that authorities may place restrictions on such trading or require permits.	20.3%	59.5%	20.3%
The Constitution gives municipalities the power to administer and regulate street trading.	41.0%	40.0%	19.0%
The Businesses Act (71 of 1991) recognised street vendors' right to trade.	71.5%	22.3%	6.2%

However, the Businesses Amendment Act (186 of 1993) gave municipalities the power to control and restrict trade zones and thereby control street trading.	59.5%	26.5%	14.1%
In terms of municipality regulations and by-laws, street vendors need to have a permit to trade.	15.8%	36.8%	47.4%
In terms of Zoning scheme regulations, the municipality has the power to determine where street vending may take place.	19.2%	49.8%	30.9%
The municipality has the power to evict traders who do not comply with the regulations or move them to other locations.	10.0%	62.9%	27.1%

Source: Authors' own compilation

Findings showed that, collectively, about half of the respondents are not aware of or do not understand that the Constitution gives them the right to trade in South Africa; and the majority were aware of the right to trade but do not understand the limitations or restrictions in place. Collectively, many respondents are either not aware that the Constitution gives municipalities the power to administer and regulate street trading, or they are aware of such law but do not understand it. In fact, majority of the respondents were not aware of The Business Act 71 of 1991 and that this Act recognised street vendors' right to trade; and they were also not aware that the Business Act (186 of 1993) gave municipalities the power to control and restrict trade zones. The findings further show that just under half of the respondents are aware of and understand that, in terms of municipality regulations and by-laws, they require a permit to trade; while the rest (including 49% of female respondents) are either not aware of them or are aware but do not understand the provisions. Furthermore, most of the respondents were aware of but did not understand that, in terms of the zoning scheme regulations, municipalities had the power to determine where street vending can take place. The majority of respondents were also aware that municipalities could evict or move street vendors who did not comply with such provisions, but they do not understand it.

General challenges faced by street vendors

Table 3 below sets out the results for the general challenges facing street vendors. The findings showed that the majority of respondents agreed that the lack of start-up funds was a challenge (including 86% of women); that they lacked entrepreneurial skills and infrastructure (58% of women); that they faced operational (92% of women) and socio-cultural challenges (75% of women); that they experienced health issues caused by weather conditions (69% of women); and that financial loss (97% of women) was a challenge. The majority of respondents disagreed that xenophobia was a challenge for them.

Table 3: General challenges faced by street vendors

General challenges faced by street vendors	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Lack of start-up funds	0.0%	10.3%	5.5%	42.3%	41.9%
Lack of entrepreneurial skills,	0.0%	35.4%	8.2%	45.4%	11.0%
Operational challenges,	0.0%	0.3%	7.2%	23.7%	68.7%
Socio-cultural challenges	2.4%	3.8%	17.5%	66.0%	10.3%
Xenophobia effects on street vendors	34.7%	45.4%	16.8%	1.7%	1.4%
Lack of infrastructure	0.7%	0.3%	0.0%	32.0%	67.0%
Health issues caused by weather conditions	0.3%	17.2%	16.2%	33.3%	33.0%
Financial loss	0.0%	0.3%	0.0%	54.6%	45.0%

Source: Authors' own compilation

Challenges faced by street vendors in respect of the law

Table 4 below reflects the results relating to the challenges faced by street vendors in respect of the law.

Table 4: Challenges faced by street vendors in respect of the law

Street vendor challenges in respect of the law	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
There are a manageable number of regulations/laws which are easy to understand.	37.8%	43.0%	18.6%	0.7%	0.0%
I am familiar with all the laws and regulations relating to street vending.	40.5%	35.4%	15.8%	5.8%	2.4%

I am allowed to trade without a permit.	34.7%	61.5%	3.1 %	0.7%	0.0
Zoning scheme regulations, allow me to trade in all areas.	20.6%	18.9%	60.1%	0.0%	0.3%
There are restrictions on trading in certain public places which are ideal for street vending.	0.0%	1.0%	4.8 %	57.7%	36.4%
My goods have been confiscated/impounded.	0.0%	0.7%	0.0 %	25.4%	73.9%
We are harassed by police and given unnecessary fines.	0.0%	7.6%	0.7 %	33.0%	58.8%
The lack of infrastructure and amenities (water and toilets) for street vendors is detrimental to our health.	0.0%	0.7%	0.0 %	48.1%	51.2%

Source: Authors' own compilation

The findings showed that the majority of respondents disagreed that the number of regulations/laws applicable to street vending are manageable and easy to understand (81% of women respondents); and that they are familiar with all the laws and regulations relating to street vending (74% of women). In addition, the majority agreed that there are restrictions on trading in certain public places which are ideal for street vending (93% of women); that their goods had been confiscated (99% of women); that they were harassed by the police and given unnecessary fines (91% of women); and that the lack of infrastructure and amenities (such as water and toilets) for street vendors were detrimental to their health (99% of women).

With respect to street vendors' lack of awareness and understanding of laws and regulations: workshops (for instance, by the municipality) should be held to educate vendors about the laws and regulations with respect to street vending; how can they become compliant; on the registration of permits to prevent confiscation of their goods; and costs. The municipality should also create a self-service help centre allowing street vendors' ease of access to all relevant information. They should also be given clarity as to why certain areas are restricted; they should be educated on the right procedure that the police must follow with the enforcement of rules; and there should be channels to assist them if they are treated unfairly. In relation to the general challenges of street vendors, there is a need for programmes to facilitate financial assistance for street vendors and access to finance/credit, as well as to educate vendors about entrepreneurial skills. There is also a need to protect street vendors from crime and theft of stock; to provide sanitation facilities, storage space at a reasonable cost, and proper infrastructure to protect street vendors and their goods from inclement weather conditions. A study by Ngomani (2020) recommends that street vendors need access to credit; there is a need to train female street vendors to diversify their products and expand their businesses; and that illegal vending should be controlled.

As women are also subjected to socio-cultural constraints, they should be educated about their street vending rights, and there should be security measures to keep vendors, particularly women, safe. Women should be involved in decision-making with regard to the challenges facing street vendors. As far as the challenges in respect of the law are concerned, the following recommendations are made: Rather than a restrictive approach, the by-laws should be designed to encourage and facilitate street vending, and also take an approach that emboldens the expansion of street vending. The municipal by-laws controlling the street vending business and the decisions made by the state should be in accordance with the Constitution. Furthermore, government officials responsible for enforcing the by-laws must comply and adhere to the administrative law standards governed by the municipal by-laws. A fundamental standard of the rule of law is that government authorities should only do what is legally acceptable under an enabling law (SERI-SALGA, 2018).

With respect to measures and interventions directed at the municipality/government, the constitutional right to equality should be applied to the vendors' right to trade, and the limitations to such right should not be unreasonable. The concept of social justice means that laws and other regulatory measures should permit vendors to earn an income in order to sustain themselves and their families. The municipality should review the restrictions in place which present challenges for street vending as a sector, and the relevant legislation/regulations need to be amended to accommodate all persons. In the event that vendors have breached any regulations, before they actually take action, the municipality should warn them about the consequences of failure to comply with the rules and regulations for vending. If they fail to comply, then only should this result in the confiscation of goods or other police action. The police should follow proper procedures when confiscating the goods and receipts should be provided, and the goods should be labelled and sealed, awaiting payment of the fine by the street vendor. Street vendors must be afforded an opportunity to log queries and report harassment from the police. The power given to the authorities to maintain law and order should not be abused.

Conclusion

Based on the findings from the study, the following conclusions are drawn: With respect to the awareness and understanding of laws and regulations pertaining to street vending, street vendors are aware of and understand that the Constitution gives them the right to trade in South Africa, but they do not understand the limitations or restrictions in place. Furthermore, they are either not aware that the Constitution gives municipalities the power to administer and regulate street trading, or they are aware of such laws but do not understand them. They were also not aware that the Businesses Act (71 of 1991) recognised street vendors' right to trade; and that it gave municipalities the power to control and restrict trade zones. They are aware of and understand the municipal regulations and by-laws that street vendors require a permit to trade. However, they did not understand that the Zoning Scheme regulations gave municipalities the power to determine where street vending can take place. With respect to the general challenges, street vendors lack start-up funds and entrepreneurial skills; they are faced with operational and socio-cultural challenges (especially women); they lack infrastructure; they experience health issues caused by weather conditions; and financial loss is also a challenge.

Regarding challenges in respect of the law, there are many regulations/laws which are confusing to street vendors; it is difficult for them to understand such laws; they were not familiar with all the provisions regulating street vending; and they were not allowed to trade without a permit. Zoning scheme regulations do not allow street vendors to trade in all areas, with restrictions on trading in certain public places which are ideal for street vending. In addition, street vendors' goods were confiscated, they were harassed by the police and were given unnecessary fines. Street vending businesses form a crucial part of the informal sector and contribute vastly to the economy of the country. Such an occupation also plays a significant role in creating employment for women, particularly those with low levels of education, those that cannot find employment in the formal sector, and those from poor backgrounds, etc. The Constitution recognises street vendors' right to trade. Therefore, traders should not be harassed or be subject to harsh treatment in the process of law enforcement. Social justice implies that people must have fair and equal opportunities to assist them in improving their socio-economic conditions. The law should serve to protect those who are subject to social injustice, rather than contribute to it.

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