

ANNEXURE A

8. GENERAL OBSERVATIONS BY PARTICIPANTS

- Landlords **invading land** - Is it a concern for Human Settlements or Informality?
- City of Johannesburg - **funding** for informal trading/sector
- Land markets** in the city.
- Waste Management Strategy** – Should the informal economy exist as a separate section in the document? (City of Cape Town): can be integrated into sector plans/mainstream policies.
- Health and Safety standards** should be featured but the intention is to not overregulate.
- The issue of **access to land** is very strong. The Position paper to consider asset transfer regulations – for informal economy opportunity.
- Why are Informal Trading By-Laws only developed from a **litigation point of view**? It is normally the user department (LED) that adopts a developmental approach towards the sector.
- Nelson Mandela Bay researched which **other By-Laws impact on informal traders** prior to developing a Policy, which was compiled without a legal background. Thereafter, it was sent to Legal for scrutiny.
- City of Cape Town has a **Policy Unit that assists the user department** to deal with transversal implications. Legal involvement in drafting and the public consultation process is undertaken.
- Policy versus By-Law**? The eThekweni user department is working closely with legal department. The following process is followed:
 - ✓ Approach the Political Oversight Committee for permission to undertake stakeholder engagement;
 - ✓ Presentation of draft in road shows and open for public comments;
 - ✓ Consolidation of comments;
 - ✓ Undertake process of promulgating in newspaper;
 - ✓ The MEC approves for gazetting

- Courts use the **constitutional right to Dignity**
- **Property rights** are centred around avoiding the arbitrary deprivation
- **Administrative justice** is where we often get it mostly wrong
- **Permit vs licence?** A Licence is used in the Act and a permit is regarding use of municipal/public land
- What are the **negative externalities** for having 'too' many traders –eg waste? An approach to deal with this must be adopted. In Europe informal traders are part of the urban fabric
- What are the **values** of the Business Act and By-Laws of the municipalities? Do they have race connotations (perceptions of a particular race)?
- **Lobby issue:** A new Act to replace the Business Act
- **Facilitation** not just enforcement
- The data is too high level and there is a need to make **nuanced argument**. Therefore, at city/provincial level these stronger arguments must be made
- SALGA is to consider city Informal Trading Policies and By-Laws as they are **stifling implementation**
- **WCEDP** – township economies are protecting it. The two townships were compared (Delft and Emfuleni). The **area assessment toolkit** was developed. What are the aspects to intervene in?
- **Formal vs. Informal** - There is a **false narrative** of the two economies. There must be a consensus on the definition and what it entails. South Africa comprises of two economies ie social construct and business.
- The Informal economy has its **own dynamics**
- Formalisation takes **different degrees** and this issue must be engaged
- The **definition of an economic space** must be established and clarified, and determine how to engage the people affected
- Historically, townships in South Africa were designed to be dormitory areas. Therefore, it is **not possible to retrofit any township** as they individually have a rich history. The question is, *what outcome are we seeking?* This links to how the sector is defined.
- SALGA can assist with the **transfer of assets** to communities (MFMA & PFMA)