

Conceptualising Informal Livelihood Activities: Regulatory Approaches as In-Space and In-Time arrangements: The case of Dar es Salaam City, Tanzania.

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Abstract

This paper examines regulatory approaches for informal livelihood activities within cities. Informality is generally conceptualised in terms of activities, workers and governance. Scholars have concentrated much advocating development of micro enterprise and improvement of capital goods. Little focus has been put on the conceptualisation of regulatory approaches for informal livelihood activities spatially, which sought to be the aim of this paper.

The first half of this paper focuses on theoretical linkage of informal sector and space use. The emphasis is put on regulatory approaches and how they translate to proposition that there is in-space arrangement and in-time arrangement for space uses of the informal livelihood activities. The second half focuses on the assertion of this conceptualisation in in Ilala municipality. The evidences were drawn by the use of mixed method approach. Questionnaires, in-depth interviews and observation methods were used to collect data. The findings show that in-space and in-time arrangement are used concurrently in the regulation of spaces used for informal activities. Conceptualising regulatory approaches in that manner for informal activities is useful as it provide a clear framework of what a city manage can do to facilitate informal livelihood for the poor. The in-space and in-time arrangement bridge the divide of access to prime locations by different group of people and consequentially minimise the exclusion of the poor from urban spaces. It is argued that the municipalities should harness this contention to inform how they can make our cities more inclusive.

Key words: Regulatory approaches, in-space arrangement, in-time arrangement, and informality

1. Introduction

The existence of informal activities is linked to their operation which goes beyond the existing regulatory systems Tokman (2007). Apparently these informal livelihood activities can be observed in almost every city in the world, although the most alarming degree of such activities is in the less developed world (Bromley, 1998). Urban spaces play a major role as physical capital in the livelihood strategies of the poor, as a place for trade and communal activities or as a channel for movement (Brown and Lloyd-Jones, 2002; Brown, 2006). City managers have made some progress in addressing the issue of livelihood operators working on prime locations. The reasons behind engaging with the informal activities are to deal with issues of cleanness, safety, unfair competition and tourism promotion. (Ooi, 1991;

Cross, 1998; Morales, 2000; Centeno and Portes, 2003; Middleton, 2003). Furthermore, city managers are increasingly motivated towards marketing new images of their cities, and encouraging new economies which focus on wealthier clientele and city aspirations to attain world class recognition (Anjaria, 2006). This has significant implications for livelihood activities, which by nature tend to be conducted in prime spaces in the city centre (Bromley and Mackie, 2009). Despite the efforts of city managers to address the issue of urban spaces and livelihoods, the approaches used have been largely unsuccessful (Lyons et al., 2001).

Regulatory approaches have taken three main turns across all regions, with a focus of integrating informal activities into the mainstream economy (Tokman, 2007). Considering activities as the main

focus, initiatives include the development of micro enterprise policies, which have so far facilitated access to markets and productive resources. Where workers are the main focus, initiatives have included the improvement of capital goods such as transport facilities. The most common initiative, which has taken place so far, focuses on the regulatory framework for working spaces and institutions framework. Until recently the regulatory framework, which addresses spatial issues concerning the production, consumption and management of space was widely operational in most cities. Regulatory frameworks for working spaces can be divided into regulations concerning spatial arrangements and regulations concerning temporal arrangements. Each of these is discussed in turn.

Contested spaces: forces in urban spaces

Operators' involvement in the appropriation of prime locations often contradicts the intended allocation of its use; leading such locations to become spaces of contestation. Social theorists have established continuous struggles among street vendors, merchants (established business people) and the state. As argued by Staudt (2007), street vendors' conflicts and their outcomes symbolize a changing economic order, one that privileges regulation and capital. In their struggle for identity and livelihood, street vendors use opposing languages and graphic images to make political cases to fit their own interests. Bureaucracy theory as explained by Max Weber presents a phenomenon where street vendors find themselves in what he refers to as an iron cage, where strict rules and regulations are imposed upon their activities. This consequently increases the cost of doing business. An urban space consists of a fluctuating population, imposed on a spatially finite form; it raises questions of control, regulation and the projection of future development (Rafferty, 2004:1).

Fluctuations in the population throw up different pressures on the use of urban spaces, as a result of instability of our global society. These instabilities are related to difference: not just the differences, divisions and misunderstandings manifested by varying cultures and countries at the global scale, but also those at the metropolitan city-region scale.

These differences and divisions among urbanites may be rooted in various attributes, as

"...cities are frequently divided geographically and politically by income, race or ethnicity..."
(Bollens, 1999).

Consequently, some cities have problems and divisions along racial lines, according to inequality of income distribution or to the ethnic makeup of the urban population, creating social tensions and leading to the imposition of socio spatial divisions. In certain circumstances they manifest in such a way as to produce violent episodes and contestation.

Urban spaces become contested when users are excluded because of group domination arising out of scarcity, economic access or political policy. The resulting tension is either exacerbated or moderated by the extent to which the regulation of spaces by the appropriate authorities succeeds in allocating space among competing users, ensures their safety and, where possible, facilitates access to all users. It appears that contests over space are related to the cultural or economic group domination of scarce spaces. Sensitivity towards the requirements of social transformation, awareness of the economic benefits that derive from these spaces and the provision of order and safety characterize the regulation of contested spaces by various authorities. Research shows that the concept of contested and regulated space reinforces conceptions of how urban space is represented and contributes to the overall notion of spatiality (Preston-Whyte, 1999). Contestation as far as urban spaces and livelihood is concerned has been well explained by Brown (2006) in cases where livelihood operators contest their rights to trade on the street.

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II. Literature Review

The informal economy

The study of informal activities has been undertaken within different schools of thought. To start with, the pioneering dualist scholar Hart (1973) ascertained that less-developed countries are faced by problems of the working poor living in precarious conditions. This understanding has been expanded by those who looked at survival strategies which involve any kind of selling or involvement in low productivity activities that generate a living for un-absorbed surplus labour (Tokman, 2007). This contention emphasises the failure of the formal sector to create enough employment opportunities. However, this view has been widely criticised by those who focus on the interaction between these sectors (Becker, 2004). Other scholars have established the role of globalisation and changes in the international division of labour in the development of the informal sector (Sassen, 2000; Tokman, 2007). The practices of formal firms that sub-contract the production of goods to small firms or through hiring informal workers is believed to have increased these activities through mutual relations which play the role of reducing firms' production costs (Portes *et al.*, 1989).

This phenomenon is more prevalent in developed countries than in developing countries, owing to the smaller industrial base, thus necessitating more subcontracting (Sassen, 2000). Other research on informal activities follows the ideas of de Soto (1989) which emphasise the legal aspect of these activities. The main focus of this discussion is based on the inability of these activities to operate under the existing legal and institutional framework. The argument is based on the cumbersome bureaucratic procedures around access to working spaces and registration of activity which makes increases to the costs of transactions that the informal operators are unwilling to incur (Quijano, 2000). Centeno and Portes (2006) extended the argument that the poor enforcement of regulations will continue to allow the development of informal activities whether in developing or developed countries.

Development of the informal sector

The concept of the informal sector was introduced in the early 1970s (Hart, 1973). According to Tanaka (2010) it had considerable appeal because it questioned the success of transplanting modernisation as experienced in the developed countries to the very different context of developing countries. The initial conceptualisations of the informal sector described it as marginal, peripheral and lacking linkage with the formal sector (Quijano, 2000; Becker, 2004; Beall and Fox, 2009). The ILO study conducted in Kenya in 1972 also recognised that in the informal sector, activities are characterised as unrecognised, unregistered, unprotected or unregulated by public authority. Economists like Lewis in the 1950s predicted the failure of the informal sector, arguing that un-absorbed labour will disappear as developing countries become involved in industrial activities (Lewis, 1954). By contrast, the study conducted in Kenya two decades later, revealed controversially that the informal sector was growing and expanding and that surplus labour had created its own source of livelihoods in order to survive (ILO, 1972; Becker, 2004). Verick (2006) also claims that the growth of the informal sector is evident in its contribution to the gross national incomes of developing countries, which further highlights its importance in economic development.

The growth of informal activities has also been acknowledged by the study carried out by (Bhowmik and More, 2001) in Mumbai. Tipple (2005) noted that the contribution of the informal sector, in providing jobs for urban dwellers who cannot be absorbed by the formal sector, is highly appreciated in developing countries. Sparks (2010) even suggests that the phenomenon of the informal sector should be regarded as more permanent than temporary, and therefore as requiring more focused policies to influence its continued growth. The prevalence and persistence of the informal sector has prompted the rethinking of the informal sector concept itself. Currently the informal sector definition not only focuses on enterprises which are not legally regulated but also employment relationships that are not legally regulated or protected (Chen, 2005). Owing to its growing importance and acceptance as a permanent phenomenon, the informal sector should not be understood as 'marginal' or 'on the periphery' but as a basic component of the total economy (Chen, 2005). According to Chen (2005) based on figures reported in ILO (2002) the informal sector constitutes one-half to three quarters of non-agricultural employment in developing countries, making up 48% of non-agricultural employment in North Africa; 51% in Latin America; 65% in Asia; and 72% in sub-Saharan Africa. If South Africa is excluded, the proportion of informal employment in sub-Saharan Africa increases to 78% (Becker, 2004). The composition of the informal sector can be categorised into two main groups: the first group being self-employment in informal enterprises which are small and unregulated, while the second group is for wage employment in informal jobs without secured contacts, worker benefits or social protection (Chen 2007: 6).

Appropriation of prime locations for informal activities

The appropriation of space entails individual and group creation, choice, possession, modification, enhancement of care for, or simply intentional use of space to make it one's own (Feldman and Stall, 2004:184). Through the influence of market forces, access to working space will be determined by the highest bidder. The government intervention aims to assist in regulating access by setting zoning

regulations and providing building permits. Access to prime locations for informal activities under government regulation is mainly through allocation. As discussed above, individual operators involved in these activities are assumed to have limited resources for competing in the market. Governments have taken sole responsibility for providing access to working spaces (Dewar and Watson, 1990). As noted by Garcia-Rincon (2007) in Caracas the municipality is responsible to providing access to informal operators. However operators tend to use means other than allocation to gain access to the desired working area. These other means include purchase, renting and invasion. Conceptually, regulatory frameworks for working spaces can be divided into regulations concerning spatial arrangements and regulations concerning temporal arrangements. I will now go on to discuss each in turn.

Spatial arrangements

Policy reforms across cities in the developing world have facilitated regulatory approaches for informal livelihood activities. Global programmes and projects as identified earlier in this chapter have since played a great role in addressing these issues. The competitiveness, social cohesion and urban governance agenda are part of these global restructuring processes. Although some critics of these policies would argue that the policies have largely influenced the social exclusion of these marginalized groups, it is also important to acknowledge that initiatives resulting from these processes have facilitated the provision of working spaces for informal operators. For example, through partnership with other stakeholders the municipalities have been able to construct modern markets to accommodate these activities as well as issuing permits, which allow their operators to use prime locations. The following section provides an overview of these spatial arrangements.

Market Construction

In this approach, municipal authorities in various cities have carried out market place construction projects as part of their long-term strategy to address the problem of informal livelihood activities. Dewar and Watson (1990) argued that market construction in cities has great potential to

benefit a large number of informal operators. Since most cities under planning regulations did not provide locations for informal retail, when the importance of these activities gained acknowledgement, cities like Lagos, Mexico, Durban, Johannesburg, Nairobi and Accra were all involved in market construction as a means of providing working spaces for these activities. The construction of markets has been achieved through partnerships between municipalities and other stakeholders in cities. In terms of cost recovery, such partnerships anticipate that operators will pay for construction costs through their monthly rental payments once allocated spaces. Unfortunately, in almost all cases, the markets constructed tend to have insufficient capacity to accommodate all livelihood operators, have rental costs, which are beyond the means of operators, as well as poor design. Nevertheless market construction success stories have also been documented – for example in Mexico City’s ‘Pino Suarez’ and ‘Meaves’ and the Warwick Junction Project in Durban, South Africa (Cross, 1995; Robinson and Dobson, 2008). This success is attributed to the active involvement of the operators in these projects (Cross, 1995; Robinson and Dobson, 2008). Ofori (2007:73) states that:

“...in discussing market construction as a policy device, it is important to stress that very successful policies tended to be those where location, design and management of markets involved the active participation of livelihood operators...”

As observed in retail sector literature, the construction of market structures is not the main factor affecting the success of informal retail. Instead, other factors also need to be considered such as: location, availability of customers, pedestrian movement, accessibility, range of goods and supply.

According to Bromley and Mackie (2009) Cusco, Peru is one of the Latin American cities where people depend on city spaces for their livelihood. It is noted that in the city of Cusco, formalisation programmes have been in operation since the 1990s. The city authorities have taken various steps to incorporate and regulate trading activities, but the main strategy is to relocate traders to constructed markets in places other than the city

centre. This has generated conflicts among stakeholders interested in urban spaces. Nevertheless these obstacles have not succeeded in discouraging informal operators from the city’s prime locations (Steel, 2012b). An emerging phenomenon in this city is the new spatial re-organisation of informal livelihood activities, which primarily involves the use of courtyards for trading activities (Bromley and Mackie, 2009). As suggested by Steel (2012) informal livelihood operators develop their own systems of regulation that compete with or challenge the efforts of local government. Operators in both designated and undesignated locations have developed ‘alternative’ and ‘fragmented’ practices, which enable them to continue utilising prime locations for their livelihoods.

Cross (1998) states that informal livelihood operators are extremely visible in Mexico City and there has been a significant increase in their number. Pena and Frontera (2000) also state that Mexico City is among those cities, which have implemented formalisation policies to address the issue of livelihood activities. This process dates back to 1993 when the city assembly enacted an ordinance, which resulted into a programme known as The Street Vending Reorganisation Programme for the Federal District. As noted by Crossa (2009) markets were constructed and operators were allowed to occupy space; however, among the conditions imposed was that they must join operators’ organisations, which were given a mandate to supervise the allocation process. In addition Crossa (2009) reported a recent programme in 2001, which aimed at reorganising informal operators in the historic centre. The reorganisation process resulted in conflicts while its success was said to be very minimal (Crossa, 2009). As noted by Dewar and Watson (1990) in South African cases, the plazas and stalls which are normally constructed as part of the process of relocation of informal activities are left empty, just as in the case of Mexico City. As noted by Cross (1998) despite the efforts of municipal authorities to regulate livelihood activities using both approaches discussed above, to their disappointment, livelihood operators usually re-emerge even stronger by operating collectively and negotiating their claim to prime locations with the

political leaders and municipal officials. In addition, Crossa (2009) reported that informal operators used strategies of manipulation, association and mobility to claim their right to prime locations.

Permit systems

Apart from market construction, this approach also stresses the use of permits. Brown (2006) discusses the use of permits as a means of allowing livelihood operators to occupy urban spaces, to combat the problem of exclusion from these areas. This approach entails strategic shifts in city policies, which include the identification of permitted trading zones and new system-managed markets. This approach mainly focuses on incorporating livelihood activities as part of the city landscape. With the great attention, which has been given to the informal economy, livelihood activities in particular, city authorities are evolving new programmes and policies to incorporate livelihood activities into urban policy and planning. Good examples can be found in South African cities such as Durban and Johannesburg. Using the permitted trading zone strategy, officials negotiate the use of urban spaces (usually streets, pavements, precincts and other public circulation areas) where there is a prevailing scarcity of commercial spaces for livelihood activities.

South Africa is presented as a case where the emerging innovation approach has been implemented in cities like Durban, Cape Town and Johannesburg (ILO, 2003b; Ofori, 2007). Starting with Durban, the city authority has put in place a legislative framework to address the issue of livelihood activities. Permitted zones include areas within the central business district, on the beachfront and other sites. Access to these places is through a purchased permit, which normally varies according to the location and facilities in place. The city has a separate framework, which regulates informal activities undertaken by itinerant livelihood operators. With regard to street traders, itinerant traders also have demarcated zones and applicable fees. All these policies provide for education on waste management options and make it a mandatory obligation for all livelihood operators who hold trading permits, to sign declaration forms on their accountability for

waste management, disposal and control. Renewal of trading permits is subject to the livelihood operators' good performance on litter control. The same applies to Cape Town: the city is demarcated and permits are used for trading spaces.

However, Johannesburg presents a slightly different case where both legislative frameworks for informal activities management are in place, as well as the idea of public private partnership in the management and allocation of spaces. After the city authority have demarcated trading zones, a private company known as the Municipal Trading Company allocates trading spaces to livelihood operators and executes management duties. The issue of waste management, control and disposal is emphasized as much as in the previously discussed cities. Additionally Johannesburg also has so-called spatial lease/ Business Improvement Districts. This strategy works by allowing property owners or private companies to apply for a pavement lease and construct suitable structures and assume the responsibility for the management of informal activities outside their buildings. These private companies play the role of the municipal authorities by supplementing services required such as pavement cleaning and waste management and therefore help in the city management process. This way of incorporating the private sector into city management has yielded some improvement in terms of the order and enforcement of registrations. According to Webster (2007) the supply of urban spaces can be balanced with demand by transferring property rights from public to private. He argues that this transformation can play a role in reducing congestion in urban spaces by restricting property rights by institutional and physical design.

The permit system is applicable in other countries too, such as India. However, in other cities the termination of permits has occurred, as a result of them failing to solve the problems in particular locations. For instance, in the case of Bombay when the city authority terminated the permits for these activities, it did not solve the problem of the illegal occupation of space. It was also suggested by Centeno and Portes (2006) and Ofori (2007) that a lack of effective mechanisms with which to enforce permits is always a problem, especially when demand exceeds supply.

Informal livelihoods operators not only operate in less developed countries, but also exist in developed countries. For instance, the United States, which is the richest country in the world, has an immigrant population who entirely depend on working on the streets for their livelihoods (Stoller, 2002). Estrada and Handagneu-Sotelo (2011) observed that at least 10,000 Latino immigrants work every day in the streets of Los Angeles as informal livelihood operators. A report by the Urban Justice Centre (2003) estimates that over 10,000 people struggle to access to prime locations in New York City alone and make their living selling goods in the city's neighbourhoods. They perform an important service by providing convenient and affordable goods to New Yorkers and visitors. Informal livelihood operators sell merchandise such as affordable watches and photographs along the sidewalks of famous streets like Times Square, Sunset Park and Brooklyn (Gendar, 2003). They are entrepreneurs who ask for nothing more than the opportunity to sustain their livelihoods. Informal livelihood operators in New York City have developed what Austin (Austin, 1994) calls a vendor-created "...commercial culture or a set of business practices..." to inspire consumer confidence. However, it should be noted that these operators are not licensed.

In the Los Angeles example, as stated by Kettles (2007) informal livelihood operators operate on unauthorised sidewalks. Surprisingly, the authorised sidewalks are sometimes just adjacent to the unauthorised ones. Los Angeles has only two zones in which informal livelihood operators are permitted to trade on the sidewalk; in the rest of the city space, it is strictly illegal to carry out trading activities. But street vendors still trade on sidewalks, which are not authorised. Kettle argues that although informal livelihood operators raise a lot of complaints from other business people, the city authority and neighbours, there is a need to make room for informal livelihood operators, as their operations cannot be said to impose any harm. Sahagun (1992) and Sanchez (1987) also acknowledged that informal livelihood operators are just trying to make a living in the only way they know how. In addition Devlin (2011) suggested that ambiguity in the laws regulating

informal livelihood operators in New York create a challenge and hence, called for urban managers to understand the embedded political and economic realities which contribute in the production of informality

Despite the fact that the areas used by informal operators may be unauthorised, informal livelihood operators are attracted to them because they meet their location criteria and thereby suit their livelihood activities. An increase in population as a result of immigration, which made Los Angeles host to about 62% of the Latino population, is one of the reasons leading to an increase in informal operations and hence is a source of concern (Berestein *et al.*, 1995). The number of informal livelihood operators has continued to rise. Due to the continuing competition by informal livelihood operators for spaces, which are suitable for their activities, the Los Angeles City authority established regulations for vendors to follow so that their trading activities can be considered as legal. But the legal procedure developed is cumbersome which means informal livelihood operators are unable to adhere to it. Formalisation procedures for informal livelihood operators have not succeeded in most cities. The key lesson from the Los Angeles example is that despite the imposition of regulations to restrict street trading, informal livelihood operators are still trading in spaces where they are not authorised to do so.

In-time arrangements

The first wave of studies about informal operators concentrated on documenting the municipal officials' zero tolerance movement, which mainly concerned their eviction and harassment. It is important to link this movement with the revanchist ideology. The origin of revanchist ideology can be traced back to the city of Paris in the 1890s, when the bourgeois nationalists took control after Napoleon III's government had been defeated (Slater, 2009). The main aim was to restore public order and achieve a new vision of French society. The same ideology was subsequently linked to the policies pioneered by the New York mayor Rudolph W. Giuliani in the 1990s, with the same purpose of reclaiming the city's public spaces from the homeless, beggars,

prostitutes, squeegee cleaners, squatters and others (Smith, 1999). In order to remove this group of people who were accused of destroying the image of New York City, the authorities were urged to employ 'zero tolerance'. The movement has made its way into the municipal policies of various cities across the globe (Smith, 1999). Turning attention to cities in the global South, urban managers were until recently continuing to apply the same policy in an attempt to remove poverty conditions in urban areas (Swanson, 2007; Musoni, 2010). For example Len (1991) reported that livelihood activities dramatically increased in Nairobi City (Kenya) and Kampala (Uganda) where urban dwellers scramble to access working spaces. In these cities livelihood operators sell untreated and manufactured goods, as well as services (Muinde and Kuria, 2005). Livelihood operators prefer operating in the central business district where they have more access to customers. However, in their scramble for such spaces, livelihood operators do sometimes conflict with municipal authorities since the spaces tend to be prime locations, which are meant for other uses. Such conflict has sometimes resulted in the eviction and harassment of informal livelihood operators by municipal authorities.

The aim of such measures is to restore the city image through removing unwanted elements and placing them in spaces which city managers consider appropriate for such activities. Recently the municipal response to these operators has taken a new turn towards tolerance, which this study refers as in-time arrangement. In-time arrangements take three different forms: when the municipality ignores the operators as they decide to alter working hours; when politicians decide on behalf of the municipality to allow the operators to work in prime locations; and when the operators show resistance to being moved out of prime locations.

In-time arrangement can therefore be understood as tolerance exercised by the local authority and considered to be short-term, as operators will return to the same areas within a short period of time, and sometimes choose to trade their businesses in a different time other than expected (Garcia-Rincon, 2007; Hansen, 2010). For

example, in the 1990s using in-time arrangement approach operators in Lusaka Zambia were left to occupy prime locations within the city centre. Nevertheless, government interventions in the 2000s, through the renovation and construction of market-places forced them into these new premises (Hansen, 2010). Limited transparency in the allocation of working spaces led to a vast number of operators being unable to access a space in the new markets, forcing them to re-occupy the streets they had previously vacated (Hansen, 2010). In other cases operators have invaded new locations in order to carry out their operations (Bromley and Mackie, 2009; Crossa, 2009). Sometimes pressure from the politicians' influences this kind of arrangement; and resistance from the operators themselves also provides other approaches to this kind of arrangement. This resistance occurs when relations developed with other agencies, which are politicians, police and operator organisations, allow the operators to work, even when it is against municipal regulations. As noted by Crossa (2009) in Mexico City, for example, operator organisations fought the municipality's arrangement to have them removed from their desired location, as a result of which the municipality ended up tolerating their continued presence. In Harare for example, the resistance from the margin, as analysed by Kamete (2010) as well as by Dube and Chirisa (2012), was exercised when the operators developed friendships with politicians and politics that supported them to continue with their operations. Another case is from Uganda where the President's need for political power in Kampala city has influenced him to play a part in municipal decision-making by giving permission for the operators to continue working in prime locations (Goodfellow and Titeca, 2012).

III. Methodology

This paper builds its argument using the data from the informal operators' locations in Dar es Salaam city. The study was conducted between June 2010 and December 2012. The conceptualisation of regulatory approaches for informal livelihood activities is drawn from a survey of 200 people, non-participant observation and in-depth interviews. The informal operators have a clear

temporal and permanent arrangement for their activities. The data collection was also done following that arrangement in order to capture all regulatory aspects. A temporal and permanent category constituted 50 and 150 questionnaires respectively. Convenience sampling technique was used to identify interview subjects. In-depth interview were also carried out of which some of the respondents were a subset of the 200 operators. A total of 43 informal operators, shop owners, and customers participated. This also included a number of town planners and a business officer; researchers experienced in urban management and development studies, the operators' association leaders. Descriptive information obtained from the questionnaires assisted in understanding the data obtained from the interviews to build inferences for this article.

IV. Findings and discussion:

Regulatory approaches for policy implementation

The municipality is involved in the process of producing and governing spaces for informal livelihood activities. The strategies used are conceptualised into two main groups, which are referred to as in-space arrangements and in-time arrangements. All strategies, which relate to space production fall into the in-space arrangement category. They include the formalisation of identified spaces and subsequent relocation projects, designing new layouts, which provide for informal activities and the construction of new market places. In-time arrangements entail cleaning projects and tolerance. These strategies also extend to other services such as provision of finance and the institutional framework. The following section sets out to begin examining in-space arrangements.

In space arrangements: Production of spaces

The municipality has embarked on the process of formalizing spaces in specific locations used by informal livelihood operators since 1992 under the Sustainable Dar es Salaam project. Under the new Urban Planning Act (2007) section (30) subsection (1), the municipality can opt to alter the use of a

particular location for other activities such as informal activities. The process involves the identification of spaces within the municipality, which is supposed to be participatory, as stipulated in the Urban Planning Act (2007) section (19). Then the municipality, under the Urban Planning Section, is involved in the change of use by presenting the intention to change the use of a certain area to the full council. At this meeting they have to agree to the change, and consequent upon this, a planner prepares a notice to the public, which describes that intention, and clearly specifies the change. The notice remains open to the public for 30 days, providing an opportunity for people to become aware of the changes and present their observations, if any, to the municipal director. After 30 days, the comments will be collected and analysed and then presented to the Urban Planning Committee (UPC) for discussion. If the application is successful the planner will present the application to the Minister responsible for Lands, Human and Settlement Development to authorize land use changes. Throughout this process, the planner has to make sure that all the minutes and the analysis for each meeting are attached to the application.

About eight markets have been partially established within the Ilala municipality through this process. However, the process has not been completed to the point of being included in official detailed planning schemes. This is owing to subsisting official uses to the spaces, which could not be altered in the plans, such as road and railway reserves. The markets which have been established through this process include: Kigogo Samburgusa, Kibasila, Tabata Tenge, Mchikichini, Gerezani, Ilala Boma and the use of pavements along the Uhuru and Msimbazi roads. However, these markets are not functioning at full capacity and others have closed. One respondent explained the underperformance as follows:

"...We are engaged with the process of establishing formal working spaces for these activities but some authorized areas are not working to their full capacity whilst other markets, for example, Kibasila are closed. The main reason for the failure of these markets is the issue of insufficient customers going to

these locations, as well as poor accessibility. And also it is difficult to make total change of use of these areas owing to their locations..." (Interview 1, municipal official, 2010)

The failure or underperformance of some of these markets is mainly due to being sited in locations, which do not attract passing trade. As noted in Chapter 5, informal livelihood operators are attracted to locations within the CBD because of the high flow of potential customers; thus decentralising their activities continues to pose a challenge to both the operators and the municipality. The more the municipality creates a boundary which forces these activities out of prime locations, the more the operators respond with innovative ways to stay within such locations.

The production of working spaces sometimes depends upon political influence, whereby people in power make decisions about the presence of informal operators in a particular working space. This is the case in the market facility, which is the subject of this paper. Following the city clean-up campaigns of 2000, informal operators who had been evicted from the central business district and other parts of the city were relocated to the Mchikichini area which was designated to be a bus stand according to the 1979 Dar es Salaam city master plan. Since then, tensions over the future use of that space have occasionally led to the involvement of the Mayor, Municipal Councillors and Prime Minister in the process of officiating over the use of space for operators. One respondent explained their understanding of the market's future as follows:

"...This market was initially set up temporarily for informal activities because by then operators had nowhere to conduct their business, since then, the market has been well established and we have been guaranteed by the Mayor and the Prime Minister that we are not going to be moved elsewhere..."(Interview 5, municipal official, 2010).

The informal operators have continued to use the Mchikichini market and undertake renovations to their working spaces without the approval and consent of the Ilala Town Planning Department.. One Municipal Officer explained:

"...We have not officially changed the use of Mchikichini area to market space. Its current use was politically influenced..." (Interview 1, Municipal official, 2011)

The process of change of use, however, allowed the municipality to facilitate the space formalisation process, whereby new areas are identified and allocated to these activities. In the case of the current example, according to an interview with the Town Planning Officer, the municipality is now working on a request of Tabata Kimanga residents, which is within Ilala Municipality, to change the football ground into a market place.

Temporary use of space approach

Municipal engagement with the formalisation of spaces for informal activities entails the concept of the temporary use of space. Road and railway reserves are currently used as temporary locations for informal activities. Other markets fall in the 'temporary space' category because the process of making them official on land use plans remains uncompleted, for example, the official use of the Mchikichini space was zoned as for a bus stand, but the municipality nevertheless allowed operators to use the space for their activities. Owing to political intervention and influence, informal operators have been able to continue to use the space for their activities, although the Planning Office has not officially sanctioned a change of use for the space.

Construction of market buildings

Formalisation also involves a market construction strategy. The Ilala municipality is currently involved in constructing modern markets to accommodate informal activities. Notwithstanding the failure of the market construction approach, the municipality/city continues to use this approach with the aim of providing more working spaces for these activities in urban areas. Through the market construction approach, the recent project completed by the city as a whole was the construction of the Machinga Complex Mall in Ilala Municipality. This mall was intended to accommodate 10,000 informal operators; however, to date the numbers of operators who will actually be accommodated are only 4,000, a shortfall of

more than half the numbers expected. Although this project is complete and some operators have started operating in the mall, the process for gaining access to mall spaces was not seen to have been implemented in a transparent way, with allegations that some people who are not informal livelihood operators were the ultimate beneficiaries. The completion of this market project does not necessarily allow the conclusion that the project was a success, especially in the light of continuing complaints about the insufficient daily tally of customers visiting the mall. It is not the first time a newly constructed market for informal activities has failed to meet the basic criteria for success. Notwithstanding these complaints, the city has plans to construct more malls within the city to accommodate informal activities. The Director of Ilala Municipality Council through a local newspaper article in 2011 confirmed the plans for constructing markets to accommodate informal activities. According to the Director, the focus was on developing and erecting new markets in the Dar es Salaam city's environs such as Segerea and Pugu in order to deter vendors from trading in the city centre. He noted further that the city authority was to initiate talks with domestic investors to pump in funds for the erection of new and modern markets, which would help in accommodating a large number of petty traders. "...*The Machinga complex is just an example of such projects to be developed in collaboration with the local investors...*", (Sebastian Mrindoko, *Daily News*, 26th July 2011). Although the municipal agenda of formalising informal activity is beneficial to both parties involved, the focus on decentralising the activity to peripheral locations is unrealistic. Based on the experience of operators as was found from the study, operators' choice of location for these activities differs from that proposed by the municipal director in the above quote. As the criteria for choosing a location are dominated by the availability of passing trade and accessibility of a range of goods, as well as safety concerns, the provision of locations which do not meet these criteria might constitute a waste of municipal resources on constructing or designating locations in the peripheral area. Machinga Complex has at least up to now managed to attract its own

customer base, due to having some limited elements that attract customers.

The idea of formalizing urban spaces for informal activities was borrowed from the ideas of de Soto, who argued that extra-legal activities consist of dead capital, which if transformed into liquid capital could enhance the participation of the informal economy in the capitalist economy (Roy, 2010). These ideas are well articulated in the MUKURABITA¹ programme in Tanzania which operates in collaboration with MKUKUTA² (implementation of Millennium Development Goals) (Wangwe and Charle, 2010). The programme influenced the review of business registration in Tanzania which led to the passing of the Business Registration Act (2007). The programme has so far implemented projects in different locations; with reference to informal properties, this is particularly land in the villages and informal settlements. For informal activities the ideas are articulated through the registration of micro enterprises, which have higher capital investment than the kinds of operators found in the study area. Nelson and De Bruijn's (2005) study of the voluntary formalisation of informal activities reports on activities which have undergone the process. This could be used to provide a clear distinction from the kinds of activities studied in this thesis.

Detailed planning schemes

Through formalization the Municipality is also engaged in providing spaces in new neighbourhoods through detailed planning schemes. One respondent explained:

"...One of the municipal strategies is to prepare town planning drawings which allocate spaces for informal activities in order to reduce some of issues related to informality in newly developing areas..." (Interview 6, Municipal Official, 2011). The detailed planning schemes for new neighbourhoods incorporate spaces for informal

¹ MUKURABITA: Tanzania's Property and Business Formalisation Programme

² MKUKUTA: Tanzania's poverty reduction strategy

livelihood activities. So far the Ilala municipality has successfully prepared a number of detailed schemes, namely: Kizinga Part II, Chanika, Mvuti, Gongo la Mboto Squatter Corporation, Gongo la Mboto Ulongoni and Buyuni layout plan part VII. However, the implementation of these schemes has not yet taken place. With the preparation of these detailed schemes, attention is now on new neighbourhoods where there are less development and hence less attractive to informal livelihood operators. By contrast, the redevelopment plans for the CBD concentrate on changing building heights but do not provide for informal operators. The municipal approach of relocating these activities to peripheral areas has not played a positive role in addressing the pressure from these activities to be integrated in prime spaces.

Permit system

The municipality has initiated the provision of working spaces by allowing operators to work in particular locations and issuing them with permits. Through this system, the municipality is able to collect user fees. In this study the permitted zones are along Msimbazi/Uhuru Road, where operators mostly sell newspapers and provide shoeshine services. All informal products and services require such permits; however, priority is given to these two activities. When asked why other activities were not considered in such locations one respondent explained:

'Huduma zao zinahitajika humo humo mitaani, huwezi mtu kutoka ofisini kiatu chako kimechanika ukaenda mbali, au kununua gazeti.'

Translation:

"...Their service is required on spot; you cannot leave the office with a broken shoe and walk a long distance to find shoe repairer, the same as newspapers..." (Interview 1, Municipal Official, 2012).

There is a grey area in distinguishing between permitted zones and unpermitted zones; nevertheless the municipality uses the issuing of permits as a strategy to accommodate informal activities in prime locations.

Who decides on the best location for informal livelihood operators in prime areas?

The answer to the above question furnishes a clearer understanding of the basis for the formalization of spaces for informal livelihood activities. Formalization is the municipality's strategy for facilitating informal operators' access to working space. However the decision about where to locate such spaces within the prime area has not been the responsibility of the municipality. Since the Sustainable Dar es Salaam Project of 1993, the decision was made to relocate the operators to peripheral markets. To ensure the operators moved, the decision was followed by municipal clean-up campaigns in 2000 and 2003, and later in 2006. Operators were directed to the markets at Makumbusho and Kigogo Sambusa in Kinondoni District, which were known to have failed to attract sufficient customers as well as informal operators. It was clear to the operators that they were unwanted in prime locations. As said before, they were able to press politicians and relocated in places such as Mchikichini. From the research, it was clear that the municipal departments were not part of the relocation decision. Nevertheless they participated in the implementation. The question remains on what was the role of the municipality with regard to the decision on where to locate informal operators in the prime locations. Despite the collaborative approach adopted by the city and respective municipalities on pressing issues in the SDP or under, 'good governance', political leaders are making decisions relating to the precise location of informal operators. In addition, it seems that the political decision in most cases favours the presence of operators in prime locations, in contrast with the decisions made by municipal departments. Politicians seem to be dictating the decisions concerning informality in prime locations and playing a part in space transitions. Their influence also seems to extend to the location and construction of markets within the city, without fully considering the reasons for their failure up to now.

Political decisions are influenced mainly by the need for political support from the working poor. Operators appear to take advantage of the desperation existing in the political sphere to

advance their claim on prime locations. Ultimately it is the operators who decide the business location; but their decision will be deemed either legal or illegal, depending upon how the municipality ascribes to their choice.

Activity transition: formalization of informal activities

The process by which operators formalize their informal activities requires that they make an application to the Tanzania Revenue Authority Income Tax department. The operator pays an application fee based on the type of business involved. The applicant is then issued with a tax number. The operator is then required to present the tax number to the Registry Office where additional forms will be completed and if successful, they will be issued with the Certificate of Registration. It is important to note that in each office the applicant is required to pay specified fees, which vary according to the type of business for which the operator is making an application. Once the certificate is issued, the applicant is required to register their business name with the Business Registration and Licensing Agency (BRELA). However in the study area there was no case reported to have undergone such a process. It was also confirmed by the BRELA officials that they do not deal with the kinds of informal livelihood operators referred as *wamachinga*³. One respondent was categorical that BRELA does not register informal livelihood activities (Interview 7: BRELA Official, 2011).

Apparently, BRELA registers only business activities that meet certain threshold such as those specified in the SME policy, often with substantial capital investment of up to TZS 5 million which is far beyond capital held by ordinary informal operators. Nevertheless, for those entrepreneurs with such capital investment, as noted by Nelson and De Bruijn (2005) in their analysis of the voluntary formalization of small scale enterprises, there is a provision in the SME policy for semi-formal status.

In this study, however, the manifestation of formalisation can be viewed in a different way,

³ Informal livelihood operators

from the perspective of Mchikichini market, Machinga complex and Msimbazi/Uhuru Road. One respondent explained:

“...We have done a great job in Ilala, we have formalised informal activities, look at Mchikichini market...” (Interview 9; municipal official, 2010).

Municipal officials are proud of their involvement in the integration of informal activities in citywide processes and the progress they have achieved so far. Mchikichini market is authorized for informal operators to undertake their activities. To do so they are supposed to pay a daily space user fee together with security and cleaning fees. Although there are no official licenses provided to them, the local authority regulates all activities in this location. One respondent explained:

“...In order for an operator to conduct their business on these premises they are required to pay a total of TSh. 300 per day which per calendar month equals TSh. 9,000...” (Interview 5, Municipal Official, 2010).

The operators are considered formally regulated through their payment of a daily user fee for the spaces they occupy. The payment made to the municipality does not change the status of the operators to a formal one, because their activities remain unregistered and unmonitored for tax returns. Thus, their actual status could be called semi-formal, because while, as regulated activities they are not subjected to regular cleaning campaigns, they can still face relocation. The user fee payable to the municipality as laid out in the excerpt above is a reasonable amount for an operator, to the extent that it is possible to suggest that in a way the local authority still subsidizes the informal livelihood operators to continue working in these locations so that they can continue to earn a living. The difference is noted in projects where the municipality is not collaborating with private investors, for instance the Machinga Complex. It was noted that the fees required from operators who have accessed space in this project are high, with a difference of TSh 51,000 per month more to pay than in the case of municipal-only projects. The reasons could be to cover construction costs,

and the fact that these premises are equipped with permanent vending structures, while for municipal-only projects, spaces without structures are allocated.

The formalisation of informal activities is the ultimate goal of municipality initiatives to integrate them into the citywide economy. However, most informal operators have not been able to meet the requirements for formalisation. Since the operations of informal operators occur in undesigned areas, whether invaded or sanctioned by the municipality, they still infringe the planning regulations, as they are yet to be recognised in official land use plans. Such activities also lack a determined physical address. This shows that initiatives effecting formalisation through registration are less likely to impact on micro businesses than on medium and macro informal businesses. Nevertheless the municipality's disposition to recognise informal operations in places such as Mchikichini mandates them to collect user fees, which make a contribution to the municipal budget.

Projects and campaigns: relocation

The municipality is involved in the implementation of relocation policies for informal operators. Formalization process is deemed complete when operators are relocated to these new designated spaces. To implement relocation policies, the municipality notifies the operators of its intentions, so that those who are willing to move to these newly designated spaces can do so. The operators are then given an ultimatum to relocate. Once the deadline elapses, the municipality uses all means possible to forcibly remove all non-compliant operators from the undesigned areas in question. Ilala municipality has so far relocated operators to new markets, which were first pioneered by the city council. Enforcing relocation policies has not been entirely successful for the municipality as the new locations have failed to attract customers and hence the markets there have closed.

In-time arrangements

Tolerance

The municipality also exercises a degree of tolerance towards informal operators. It is

important to note that in-time arrangements can also be a key part of space production for informal activities. However before the arrangement is made the initiatives are developed by the operators in most cases. For example, notwithstanding the major clean-up operation which took place in the year 2006, the informal operators are currently back in their hot spots and it is business as usual. In returning to those spaces, they took a strategic approach, opting to work during off peak hours. So far the municipality is tolerant of the operators. One respondent explained:

'...The municipality is aware of the presence of the informal operators in undesigned areas after working hours. We have allowed them to work in these areas for the time being...'
(Interview 3, municipal official, 2011).

According to the interview carried out with the Town Planning Officers (Ilala Municipality, August 2010) the municipality is aware of this phenomenon and they have allowed operators to work in these places from around 5 p.m. in the evening. The operators are evident across the city as they are constantly developing mechanisms to protect their informal tenure and their presence in urban prime spaces. The tolerance, which is being shown by the municipality, has also been reported in the local newspapers:

Tolerance for informal livelihood activities in Ilala Municipality

The Dar es Salaam city authority has warned of individuals impersonating as taxman, levying hawkers who trade during evening hours in some parts of the city without issuing receipts, saying the misconduct amounts to theft.

"...No one has been seized in connection with the malpractice but legal measures will be imposed against such an offence..." said the Ilala City Director Mr Gabriel Fuime, in an interview with the 'Daily News' in Dar es Salaam on Tuesday.

He said plans were on board to devise strategies, which would facilitate the accommodation of the petty traders spread in various parts of the city in a harmonious and authentic manner, without interfering with other systems. For the time being, he said local government authorities have been directed to manage and arrange ways to

accommodate the increasing number of hawkers in different parts of the city to prevent possible breaches of peace. (Sebastian Mrindoko, *Daily News*, 26th July 2011).

So far the municipality initiatives to integrate the informal livelihood activities in the municipal economy and institutional framework have had limited success. The informal livelihood activities still appear to be only semi-formal, for example, the operators located in the formalized spaces still do not pay tax on their activities, just like those who have received permission to trade after peak hours but are operating from undesignated spaces.

City cleaning campaigns

The municipality is regularly involved in city cleaning campaigns. The campaigns target unauthorized use of urban spaces, garbage collection and other issues. These campaigns are executed by the Environmental Working Group, which works through the department of Human Settlements, Lands and Environmental Conservation. The environmental working group works with city municipal militia to evict informal operators who are considered to be 'polluting the city environment'. The latest big city cleaning campaign, which took place in 2006, had a significant negative impact on the informal operators, their merchandise and their livelihoods (Lyons and Msoka, 2010). City cleaning campaigns have so far provided only a temporary solution to the problem of informality in urban spaces, as the operators always return to their places of choice after an interval, which in some cases can be a matter of a few minutes. The operations have almost become a game of cat and mouse between city police and informal operators. The cleaning campaigns aroused mixed views among customers, with some reporting themselves as tolerant about the presence of the operators while others regard them as a waste of resources during and after operations. One respondent explained:

"...Informal operators are mixture of people who failed to continue with education and decided to generate their own income. I think they should be allowed to conduct their activities and pay user fee, the municipality will benefit from that. When the

municipality evicts them, it is their loss because it will have to pay for the city policy, buy diesel, and take them to the jail house where they will feed them for free, which is a loss for the nation..." (Interview 2, with Mariam (customer), 2010).

Throughout the history of Dar es Salaam, the city has been faced with the challenge of dealing with informal operators. Steps in the area of policy reform have been taken towards acknowledging the importance of informal livelihood activities. Despite this acknowledgement, it has still not been possible to achieve 'grudging acceptance' as noted by Cross and Karides (2007) because of the non-acceptance by regulatory officials. This non-acceptance is evidently perceived publicly as a hindrance to achieving ultimate goals in the vision for the city. Paradoxically, non-acceptance also contributes to the municipal revenue through confiscated goods and fines levied on operators, a practice which was also reported in Ankara by Varcin (2007). However, this interpretation fails to take into account the cost of human resources employed in the streets, fuel and firearms and tear gas when city clean-ups take place.

Other arrangements

Provision of capital

The municipality plays a role in the implementation of national policies on microfinance. This has facilitated the availability of capital, which was once inaccessible to informal livelihood operators. Although most are still facing limited access to finances, the reform has provided a chance for them to access other services such as opening a savings account (Kessy and Urio, 2006). In the study area, fewer than 5% of respondents reported having access to loans from either microfinance banks or SACCOS.

Institutional Framework: formation of informal operators' organizations

Since the city commenced the Sustainable Dar es Salaam Project, it has recommended the establishment of an informal economic working group, which would oversee the formation of an informal operators' organisation. One respondent explained:

“...*Informal operators are supposed to form groups in order to get representatives who are supposed to contact the municipality on their behalf...*” (Interview 1, association leader, 2010).

As a result organisations have been formed which range from the national to local level. The main role of these organisations is to mediate between the needs of informal operators and those of central government and local authorities as well as other institutions interested in informal sector issues.

Institutionalising Planning Approach – Environmental Planning and Management Process (EPM)

Since Dar es Salaam city embarked on the Sustainable Dar es Salaam Project in 1992 it has continued to use the processes in its municipalities as a means of addressing issues identified therein. The environmental planning process entails identifying and prioritizing environmental issues in a collaborative and participatory manner, by mobilizing resources from various partners and donors to support implementation of identified projects. The Ilala Municipality has, alongside two other municipalities, established a Planning and Co-ordination Department (PCD), which is led by the Head of the Urban Planning Department and includes a coordinator of the Sustainable Cities programmes. Furthermore, the Ministry responsible for Lands, Housing and Human Settlement Development supported the development of the course curriculum on the Environmental Planning and Management approach (EPM) at Ardhi University so that it can be taught to all planning students (Nnkya, 2004). Notwithstanding this initiative of institutionalising a new planning approach, it still has no legal backing as a standalone initiative. The approach continues to be used as the means of developing the city’s environmental profile but does not go so far as to produce a Strategic Urban Development Planning Framework. Planners in Dar es Salaam are still embracing the traditions of master planning approaches in preparing general and detailed planning schemes; however the new Urban Planning Act made provision for stakeholder participation which is yet to be

embedded fully in everyday practices. One respondent explained:

“...*Kwa sasa wananchi wanahusishwa katika kuainisha eneo la mradi wa makazi mapya, ili kutafutaa ushirikiano wao. Wananchi sasa wapo makini kwa mfano kumetokea na mgongano kati ya wakazi wa Kinyerezi ambao wamekataa maeneo yao yasichukuliwe kwa sababu ya kutoshirikishwa. Hata hivyo wananchi wanashirikiswa sana katika miradi ya urban renewal...*”

Translation:

“...*For now residents are involved in the initial stages of identifying planning areas in order to ensure their cooperation. Residents are now alert, for example there is on-going conflict between the municipality and Kinyerezi residents who felt they were not involved in the Kinyerezi project, they have taken the matter to the court of Law. Nevertheless residents are more involved in the urban renewal projects...*” (Interview 3, municipal official, 2011)

Although the municipal officials are reluctant to employ stakeholders participation, forces from the stakeholders may eventual make them embed them in the planning process.

Conclusion

Both developed and less developed countries use specific regulatory approaches to address the issues of the informal livelihood activities. In this paper such regulatory approaches are conceptualised into two main parts, that is, in-space arrangements and in time arrangements. The most common in-space arrangement is the construction of markets. The market construction strategy has been possible because of an established relationship of collaboration between city authorities and private investors. The result of such partnerships has influenced relocation policies across the cities; whereby operators are evicted form the prime locations within the city. The permit system is another strategy of in-space arrangement, which the city authority uses to regulate informal activities. A permit system is widely used to allow informal operators to use spaces within the city.

In-time arrangements are measures, which city authorities use to keep informal operators either in or away from the prime locations. Clean-up campaigns and tolerance are commonly used in-time arrangement approaches. Clean-up has its roots in the revanchist ideas pioneered long ago by New York Mayor Rudolph W. Giuliani in the 1990s (Smith, 1999; Swanson, 2007; Slater, 2009). It was revealed that in-space arrangements entail processes of change of use, market construction and the preparation of detailed planning schemes. The municipality use these arrangements to produce spaces for informal activities; nevertheless this is not without its challenges. The in-time arrangements are short-term arrangements, which include tolerance and cleanliness campaigns. Conceptualising regulatory approaches for informal activities is useful as it provide a clear framework of what a city manage can do to facilitate informal livelihood for the poor. The in-space and in-time arrangement bridge the divide of access to prime locations by different group of people and consequential minimise the exclusion of the poor from city urban spaces.

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