



**Regulating Urban Space
at the Sub National Government Level:
Good Practices
on Participatory Rule Making**



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Informal Economy and Urban Space

Regulated access to and use of urban space is a central concern for many workers in informal employment:

- **Street vendors** need secure access to public space to sell and store goods
- **Waste pickers** need access to waste and space to sort and store recyclables
- **Home-based workers** need regulations allowing for mix-use zoning and enabling urban planning
- **Domestic workers** need access to public transport that responds to their needs





Exclusionary Legal and policy frameworks

○ **Process**

- Lack of participatory spaces
- Lack of knowledge and understanding/recognition of informal workers realities

○ **Content**

- Legal frameworks regulating access and use of public space reflect exclusionary visions of urban space as sanitized space for the use of urban elites
- Punitive approach: “control” rather than “regulate”
- Criminalize livelihood activities in public space
- Examples: vagrancy laws, nuisance laws, and laws regulating informal trade – mostly outdated remnants of the countries’ colonial past



A Framework for Participatory/Inclusive Regulation of Urban Space...

○ **The New Urban Agenda Economic function of Public Space**

- “all inhabitants” have the right to “inhabit and produce just, safe, healthy, accessible, affordable, resilient and sustainable cities and human settlements”.

- art. 100: States commit to adopt “measures that allow for the best possible commercial use of street-level floors, fostering both formal and informal local markets and commerce”

○ **ILO Recommendation 204** protection of livelihoods, economic use of public space, participation and social dialogue

○ **Right to work ACHPR art. 15** - Pretoria Declaration on Economic, Social and Cultural Rights in Africa: State’s obligations to create “enabling conditions that promote the rights and opportunities of those in the informal sector”

○ **ILO Decent Work Agenda** rights at work; employment opportunities; social protection; participation and social dialogue

...and a Landmark Court Decision

Advisory Opinion African Court of Human and people's Rights (December 2020)

- **Vagrancy laws criminalize the status – of a person and violate** the African Charter of Human and People's rights: non- discrimination, equality, dignity, liberty, due process, freedom of movement
- All signatories to the African Charter have an **obligation to review and amend their laws** to align them with the African Human Rights instruments



Co-producing Urban Space Regulations

Ordinance 1787 of 2014 of Municipality of Lima, Peru*

- **1985:** Ordinance No. 002-85/Metropolitan Lima
 - street vending is a legitimate occupation
 - street vendors allowed to use public spaces for livelihoods
- **1996-2003:** Negotiations on Relocations of Street Vendors Groups
- **2006-2007:** Street Vendor Organizations Propose Changes in Vending Regulations
- **2012:** Municipality presents new draft Ordinance to Street Vendors Organizations

* Information from: Abizaid, Olga and Ana Carolina Ogando (2022). Urban development and participatory governance: Learnings from the co-creation of street vending ordinance 1787 in Lima – Case-Based Contribution to Chapter 9: Democratizing GOLD VI Report on Pathways to urban and territorial equality. United Cities and Local Governments (UCLG), KNOW, and WIEGO.

Available at: https://www.gold.uclg.org/sites/default/files/2022-06/ch9_democratizing_63.pdf

Co-producing Urban Space Regulations: Ordinance 1787 of 2014 of Municipality of Lima, Peru

- **2012-2014:** Participatory process leading to adoption of Ordinance 1787:
 - Municipality launches large-scale consultation to inform the new ordinance
 - Street Vendors Set Up the Coordinadora Metropolitana del Comercio Popular
 - Municipality convenes the Mesa Técnica del Comercio Ambulatorio with street vendor organizations
 - Municipality Promulgates Ordinance 1787
 - Sets up Technical Tripartite Committees
 - Addresses needs of most vulnerable groups (women heads of households)
 - Extended validity of licenses
 - Vending regulations within Lima (local municipalities) to be consistent with ordinance

Co-producing Urban Space Regulations :

Ordinance 1787 of 2014 of Municipality of Lima, Peru

Enabling Factors/Key lessons:

- Strong commitment/political will of local government
- Network of allies supporting street vendors
- Coordination among vendors organizations



Co-producing Urban Space Regulations : Delhi's Master Plan and the "I too am Delhi" Campaign*

- **2018–2021:**
 - WIEGO Team with other actors started the "I too am Delhi" campaign around the 2021–41 Master Plan for Delhi
 - The campaign advocated for a more just and worker and livelihood-centered approach to planning
 - The campaign called for:
 - formal allocation of space for informal work
 - recognition of informal workers' right to use public space for livelihoods
 - flexible zoning and promotion of mixed-use
 - decentralized access to social services

* Information from: Sinha, Shalini, Malavika Narayan and Avi Majithia (2022). Claiming Space for Informal Work in Master Planning: Reflections from a People's Campaign in Delhi. WIEGO Policy Brief No. 28. WIEGO.
Available at <https://www.wiego.org/sites/default/files/publications/file/Policy%20Brief%2028%20Delhi.pdf>

Co-producing Urban Space Regulations :

Delhi's Master Plan and the "I too am Delhi" Campaign

○ **2020:**

- the Delhi Development Authority (DDA) organizes public consultations for understanding people's needs before drafting new Master Plan

○ **2021:**

- DDA releases the draft Master Plan; gives 45 days for citizens' objections and suggestions
- Campaign works to create space for informal workers & other marginalized groups to give feedback
- members simplify the plan and facilitate input from citizens
- 30 day extension for feedback
- meetings with workers (all 4 occupational groups)
- filed nearly 25,000 objections
- DDA holds hearings

Co-producing Urban Space Regulations : Delhi's Master Plan and the "I too am Delhi" Campaign

Successes:

Draft Master Plan:

- Recognizes IE as largest employer in Delhi
- Mentions Informal Vendors and Waste Pickers
- Extends mixed-use zoning norms
- Enabling norms for redevelopment of some informal settlements



Co-producing Urban Space Regulations :

Delhi's Master Plan and the "I too am Delhi" Campaign



Gaps:

- Plan benefits only a small urban elite
- No reference to workspaces for people in the informal economy
- No space allocation for waste sorting sites
- No mention of 2014 Street Vending Act



Woman standing on the left, wearing a white and green patterned sari.

Woman sitting on the orange chair, wearing a green and orange patterned dress, holding a string.

Woman sitting on the patterned sofa, wearing a white and blue patterned sari, smiling.

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Co-producing Urban Space Regulations : Delhi's Master Plan and the "I too am Delhi" Campaign

Enabling Factors/Key Lessons:

- Demystify technical content and process of Master Plan
- Set clear policy recommendations reflecting lived realities
- Form diverse coalition with a mixture of skills and expertise



Co-producing Urban Space Regulations: MOUs between municipalities and street vendors in Zimbabwe

- The Zimbabwe Chamber of Informal Economy Associations (ZCIEA) entered in Memoranda of Understanding (MoUs) with several municipalities in Zimbabwe
- ZCIEA used R204 call on governments to promote social dialogue to bring local authorities to the table
- MoUs include:
 - ZCIEA/municipalities to form partnership/bipartite social dialogues to address concerns of informal traders
 - Municipalities to provide stalls for traders , toilets, bins at workplace, user-friendly payment system, disability friendly structures
 - ZCIEA to conduct workers' education on cleanliness, hygiene; encourage members' compliance with regulations; build municipality-approved structures; engage municipal councils on formalization in line with R204

Resources:

On Lima's Ordinance 1787:

Abizaid, Olga and Ana Carolina Ogando (2022). Urban development and participatory governance: Learnings from the co-creation of street vending ordinance 1787 in Lima – Case-Based Contribution to Chapter 9: Democratizing GOLD VI Report on Pathways to urban and territorial equality. United Cities and Local Governments (UCLG), KNOW, and WIEGO. Available at: https://www.gold.uclg.org/sites/default/files/2022-06/ch9_democratizing_63.pdf

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Thank You!

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