

# AFRICAN STUDENT LAW JOURNAL

VOL. 1 2025



## **Feminist spatial justice: Women's informal trader movements are re-imagining the city**

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### **Abstract**

*Colonialism attempted to systematically erase black women and labour from the city imaginary. Under apartheid, this was enforced primarily through the Group Areas Act; now, in post-apartheid South Africa, women street traders have emerged as the largest group of informal traders in the Global South, yet the economy positions them as marginal to the formal labour system. As a result, exclusionary and systemic violence is inflicted upon them by the state. The Constitution of South Africa, 1996, along with the Businesses Act 51 of 1993, presents an opportunity to protect the legitimacy of these traders' struggles for survival.*

*This article seeks to answer the question: How could women street trader organisations be used to advocate for the inclusion of women street traders in South African city imaginaries? The article draws on decolonial feminist theory to address this question. It first interrogates oppressive ideals concerning the use of urban space and examines how this impacts on women street traders. Additionally, it emphasises the insights of women street traders, insights shaped by their lived experiences within the city. This article recognises that women street traders are already organising, on the basis of case law and other avenues, to resist oppressive urban ideals. Furthermore, it acknowledges their use of*

*decolonial-feminist organising as a way to assert their agency and human dignity.*

*The article concludes by calling for a stronger movement to empower women street traders politically and economically, emphasising the need for inclusive city imaginaries that recognise and celebrate their contribution to the urban landscape. Through collective action and advocacy, the potential exists to create spatially just cities that uplift the dignity and rights of women street traders in South Africa.*

**Keywords:** Feminist spatial justice; women informal traders; decolonial feminism; post-apartheid urban planning; city imaginaries; movements and organising; informal economy; spatial justice; Right to freedom of trade; the Businesses Act

## 1 INTRODUCTION

This article explores how women's street trader movements are challenging the way in which the city is imagined in South Africa. Using a decolonial feminist perspective on planning law, it argues that women, particularly black women, have been historically marginalised in city planning through oppressive regimes and erased from spatial narratives.<sup>1</sup> It illustrates this by drawing on the history and precarity of minority and black economic life under colonialism and apartheid. Although the informal sector develops in response to socio-economic conditions, legislators, and city officials frequently ignore it because they see informality as a barrier to "modern" urban space.<sup>2</sup> Research shows that street trader women have navigated oppressive systems of coloniality through resistance, emerging as the biggest street traders in South Africa and throughout the Global South.<sup>3</sup> The article argues that movements have shaped resistance in spatial narratives about colonialist cities, and proposes that, because of the link between colonialism, spatiality and the "double disadvantage"<sup>4</sup> that informal women traders

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<sup>1</sup> Hillyer RA *Planning for inclusion in a South African town: A case study of informal trading in Stellenbosch Municipality* (unpublished MPhil in Urban and Regional Planning, Stellenbosch University, 2018) at 18: "Foucault's work challenges town planners to think deeply about whose discourse or story is being told and sold as the most legitimate."

<sup>2</sup> Masuku B "Questioning governance of urban informality: A study of township economy in Alexandra, Johannesburg" (2023) 2(1) *Journal of Foresight and Thought Leadership* 1 at 3.

<sup>3</sup> Tamale S *Decolonisation and afro-feminism* Ottawa: Dajara Press (2020) at 369.

<sup>4</sup> Postcolonial feminism or decolonial feminism fundamentally recognises the multiple layers of oppression that women experience, particularly in the Global South. It highlights how colonialism continues to shape their lives through intersecting structures of gender, sex, race, class, and more. As Mba & Mzileni note, "Black women are fighting for their survival as a race, a class, a gender, and as a marginalised group most at risk from systemic violence." See Mba T & Mzileni P "Stokvels and livelihoods of black women street vendors in urban South Africa" (2023) 44(2) *African Journal of Development Studies* 167 at 169.

have, such movements are useful in studying this intersectionality; as such, their inclusion in city imaginaries is important for critiquing the dominance of the capitalist city in South Africa.

## 2 DECOLONIAL FEMINISM AND WOMEN STREET TRADERS

Decolonial feminism forms part of the greater decolonisation project. It seeks to sever the socio-economic and political ties of coloniality and confront Western hegemonic influence in Africa (or other formerly colonised lands).<sup>5</sup> Decolonial feminist theory expands upon the idea of coloniality to assess the structures that continue to impact on women in the Global South.<sup>6</sup> Decolonial feminism advocates for dismantling these systems of oppression by recognising other forms of oppression and their effects on various identities.<sup>7</sup> For example, while there has been systemic violence against informal traders, this experience differs between genders. Tamale enumerates the key components of decolonial African feminist studies:

Reclaiming our humanity; rebuilding our territorial and bodily integrity; re-asserting our self-determination; restoring our spirituality; dismantling the material and symbolic foundations and colonial capitalistic state; decentering Western hegemonic knowledge and cultures regarding race, gender, sexuality; reparation of historical wrong; embracing the Ubuntu philosophy.<sup>8</sup>

A decolonial feminist perspective on urbanity entails a spatial framework where urban cities are imagined in a postcolonial and decolonial ideology that makes visible the systems of power and domination that women face in these settings.<sup>9</sup> Street traders work in precarious labour and are susceptible to exploitation, regulation, exclusion, and systemic violence due to capitalism.

In South Africa, black women were pushed to the bottom of the Human Development Index under apartheid, a trend which has not altered in the post-apartheid era.<sup>10</sup> They have turned to the informal economy as a means of self-empowerment and liberation from the burdens of poverty, unemployment, violence, divorce, and single motherhood.<sup>11</sup> Beyond this survivalist

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<sup>5</sup> Tamale (2020) at xiv defines decolonisation as “a multi-pronged process of liberation from political, economic and cultural colonization. Removing the anchors of colonialism from the physical, ecological and mental processes of a nation and its people.”

<sup>6</sup> Platt MA *Women's roles in the informal economy of Senegal* (unpublished Masters of International Affairs, Conflict Resolution, and Civil Society Development, American University of Paris, 2021) at 26.

<sup>7</sup> Tamale (2020) at 280.

<sup>8</sup> Chirawu DD *A Decolonial African Feminist approach to women's political participation in Zimbabwe* (unpublished MA Erasmus Mundus Human Rights Practice and Policy, University of Tromsø – Arctic University of Norway, 2023) at 24.

<sup>9</sup> Kolet E et al “Decolonising feminist explorations of urban futures” (2023) 44(9) *Urban Geography* 1843 at 1844.

<sup>10</sup> Mba & Mzileni (2023) at 168.

<sup>11</sup> Mba & Mzileni (2023) at 168.

motivation, black women also use the informal economy as a basis from which to challenge poverty, patriarchy, domestication, and indignity.<sup>12</sup> Black women who live in the city's ghettos refuse to accept stereotypes of themselves inherited from colonialism.<sup>13</sup> Instead, they organise in order to survive the brutality of a patriarchal, racist, and classist system.<sup>14</sup>

Therefore, street trader women offer a nuanced case study for city planning inasmuch as they resist the class, division-of-labour, race, and patriarchal underpinnings of planning law. When black women engage in street vending, this turns into an intersection of various interconnected types of structural oppression and struggles. Decolonial feminist theory is a lens through which to critique underlying assumptions about the use of space in the city. It illustrates that women street traders afford a melting pot of experiences that can present an antithesis to colonial imaginaries of the city. By sharing and centring their experiences, women street traders may highlight realities common to other inhabitants who occupy similar roles within the city.<sup>15</sup>

These women's existence in the city is an act of resistance, and their daily movements push back against the capitalist city, which was built to strip them of their agency and human dignity. The next section explores the ideological foundations of modern South African cities and the legal framework that was a vehicle for such ideology, starting from pre-constitutional period and leading into the democratic dispensation; it so doing, it delves into the post-apartheid legal framework to explore whether these foundations and ideologies still exist.

### **3 WHO PLANS AND SHAPES THE SOUTH AFRICAN CITY?**

#### **3.1 Apartheid ideology and planning law**

According to Mba & Mzileni, "The South African capitalist state was birthed out of the womb of spatial anti-Black racism and white urbanism, and the current bureaucracy that manages the state accelerates this violence."<sup>16</sup> To understand the origins of street trading it is essential to critically examine the ideas that underlie the design of a contemporary city. In Europe, a city, as capitalism's domain, included mass manufacturing, environmental degradation, labour exploitation, and spatial suburban seclusion.<sup>17</sup> This system was introduced in South Africa

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<sup>12</sup> Mba & Mzileni (2023) at 174.

<sup>13</sup> Mba & Mzileni (2023) at 174.

<sup>14</sup> Mba & Mzileni (2023) at 174.

<sup>15</sup> This alludes to the various roles that women street traders play in their lives, which will be expanded upon below.

<sup>16</sup> Mba & Mzileni (2023) at 172.

<sup>17</sup> Mba & Mzileni (2023) at 170.

using legislation such as the Group Areas Act 41 of 1950 and the Black (Urban Areas) Consolidation Act 25 of 1945. This restricted African people from accessing viable trading points in the city and limited their trading activities to townships.<sup>18</sup>

In post-apartheid South Africa, the state continues to plan, manage and govern the modern city using the logic of the Group Areas Act.<sup>19</sup> Local government targets black men and women who work as street vendors, seizing their belongings or evicting them from public areas entirely due to the “dirtiness” their sales create in areas that are approved by the government for the use of property elites and tourists.<sup>20</sup> This causes antagonism between the upper-classes and street vendors.<sup>21</sup> Similarly, Hillyer observes that tourist demands influence planners to preserve history for the sensibilities and anxieties of the coloniser class.<sup>22</sup>

The informal sector emerges as a response to socio-economic conditions, yet it is often disregarded by urban planners, policy-makers, and city authorities, who view informality as an impediment to “modern” urban space, resulting in ignorant urban planning and management.<sup>23</sup> South Africa’s policies tend towards “controlling” the informal sector or street traders’ participation in ways that align with the imagined “world-class” European ideal which informed regressive apartheid spatial planning. These approaches aim to curtail the number of existing street traders, which often involves tracking and sanctioning practices associated with street trading or seeking the total removal of traders.<sup>24</sup>

This continuity of attitudes is an indictment on South Africa’s constitutional dispensation. The Constitution has conferred important rights, such as the right to trade, to street traders through the Bill of Rights, which is binding. The supremacy of the Constitution dictates that all laws and conduct must be consistent with its principles, and emphasises the importance of the Bill of Rights.<sup>25</sup>

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<sup>18</sup> *Makwickana* para 31(d).

<sup>19</sup> Mba & Mzileni (2023) at 171.

<sup>20</sup> Mba & Mzileni (2023) at 171; Hillyer (2018) at 2.

<sup>21</sup> Mba & Mzileni (2023) at 171–172.

<sup>22</sup> Hillyer (2018) at 9.

<sup>23</sup> Masuku (2023) at 3.

<sup>24</sup> B  nit-Gbaffou C “Governing street trading in contemporary cities: Anatomy of the policy instruments used by the City of Johannesburg in the post-apartheid era” (2018) 11(4) *Urban Research & Practice* 396 at 400; *South African Informal Traders Forum and Others v City of Johannesburg and Others*; *South African National Traders Retail Association and Others v City of Johannesburg and Others* [2014] ZACC para 7.

<sup>25</sup> Section 2 of the Constitution states: “[T]his Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled.” Section 39(2) of the same

### 3.2 The Constitution

Section 22 of the Constitution guarantees each citizen the freedom to choose his or her trade, occupation, or profession freely, subject to regulation by law. Consequently, while informal traders enjoy the freedom to engage in trade, the Constitution allows for the regulation of informal trade by the state through legislation or policy documents. Beyond section 22, the Bill of Rights enshrines fundamental rights and protections related to informal trade, including human dignity, equality, and the right to just administrative action.<sup>26</sup> As a result, South African courts have confirmed – as demonstrated by cases like *Somali Association* and *SAITF* – that the right to human dignity is directly linked to the ability of informal traders to continue to make a livelihood.<sup>27</sup> Therefore, street traders are offered protection under the Constitution, and, as such, when legislation is enacted to regulate spatial planning in the city, principles of freedom and human dignity must be enforced, unlike in the past with the Group Areas Act.<sup>28</sup>

The Businesses Act 72 of 1991 is one such piece of legislation to have demonstrated major evolution in making space for street traders. It is national legislation binding upon local authorities when exercising power conferred by it. It runs concurrently with a multitude of other national legislation that governs space for street traders in South Africa.<sup>29</sup>

### 3.3 The Businesses Act

The primary legislation governing informal trade in South Africa is the Businesses Act. The Act, in contrast to earlier frameworks that sought to eliminate informal economic activities, recognises informal trade as an essential sector supporting the economy and enabling informal traders to make a living.<sup>30</sup> The Businesses Act empowers municipalities to enact laws regulating trading areas. Section 6A was added by an amendment, giving municipalities the authority to create by-laws controlling informal trade and limit or outlaw trading in particular

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states: “[W]hen interpreting any legislation, and when developing the common law or customary law, every court, tribunal or forum must promote the spirit, purport and objects of the Bill of Rights.”

<sup>26</sup> Socio-Economic Rights Institute of South Africa (SERI) & South African Local Government Association (SALGA) *Informal trade in South Africa: Legislation, Case law and recommendations for local government* (June 2018) at 11.

<sup>27</sup> *Somali Association of South Africa and Others v Limpopo Department of Economic Development Environment and Tourism and Others* 4 All SA 600 (SCA) (*Somali Association*) paras 1, 22–28; *South African Informal Traders Forum and Others v City of Johannesburg and Others*; *South African National Traders Retail Association and Others v City of Johannesburg and Others* [2014] ZACC 8 (*SAITF*) paras 11, 31.

<sup>28</sup> See section 1(a) of the Constitution.

<sup>29</sup> See Local Government: Municipal Systems Act 32 of 2000; Spatial Planning and Land Use Management Act 16 of 2013.

<sup>30</sup> SERI & SALGA (June 2018) at 11.

zones or areas.<sup>31</sup> Section 6 of the Act relates to the nexus between street trading and spatial planning. It contains the ambit of the powers municipalities have in controlling space and street trading practices. The Businesses Act operates within the broader framework of national, provincial, and municipal legislation that regulates spatial relationships in South Africa. Although the Businesses Act was not enacted specifically as spatial legislation—unlike, for example, the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA)—in practice, these legislations at the respective levels of government interact. For instance, in the *Somali Association* case, the Musina Land Use Management Scheme of 2010 (MLUMS), issued in terms of section 18 of the Town Planning and Townships Ordinance 15 of 1986 (see provision 2 of part 1 of MLUMS), was enacted specifically to regulate land use. However, in this case, the declaratory relief sought by the applicants, and granted by the court in paragraph 46, relied on both the Businesses Act and MLUMS. Municipal by-laws must therefore align with the Constitution and the Businesses Act, given the supremacy of the Constitution in guiding the actions of local government officials. Municipalities must fulfil their constitutional obligations in formulating and implementing policies related to informal trade.<sup>32</sup> As is discussed in the next section, court decisions give more context and guidance to the rights conferred by the Constitution and the Businesses Act. This is important when discussing regressive approaches that municipalities and their agents take to planning law, approaches that are informed by apartheid policies. The analysis considers the extent to which the courts, through their engagement with cases and facts, demonstrate that apartheid thinking is regressive and antithetical to the Constitution, and further examines whether women's roles and perspectives come to the fore in such judgements.

### 3.4 Case law

South African jurisprudence of informal trade encompasses four notable cases: *Somali Association*, *Makwickana*,<sup>33</sup> *SAITF*, and *Thipe*. In these cases, the courts provided urgent relief and took cognizance of the vulnerability of street traders when their rights are violated by government officials. They have interpreted the Act widely in accordance with the constitutional protections afforded to street traders, in the process highlighting the city's duties

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<sup>31</sup> SERI & SALGA (June 2018) at 11.

<sup>32</sup> SERI & SALGA (June 2018) at 14.

<sup>33</sup> *Makwickana v Ethekekwini Municipality and Others* 2015 (3) SA 165 (KZD) (*Makwickana*).

to act in line with the Businesses Act and the Constitution. The courts' protection of the rights of street traders is important for women, as they are largely the main participants in street trade.

First, *Makwickana's* declaration that the municipality's act constituted administrative action favours women street traders.<sup>34</sup> The exercise of municipal by-law powers by officials must be lawful, reasonable, and procedurally fair, and traders must be given written justification for the decisions in this regard.<sup>35</sup> Powers such as confiscation and impoundments have severe effects on survivalist traders, many of whom are women. Thus, the extension of the principles of administrative review serves as a useful legal mechanism for the protection of street traders.

Secondly, in *Somali Association*, the Supreme Court of Appeal recognised that the constitutional right to human dignity requires that the traders should be able to earn an income.<sup>36</sup> Thus, the Court concluded, this is the case irrespective of whether such employment is earned through "wage-earning employment" or "self-employment".<sup>37</sup> The Court, using human dignity as a value, found that the denial of the right to trade to refugee informal traders would result in a fundamental impairment of their human dignity. Therefore, the extension of the right to trade in respect of foreign traders provides protection to refugee women traders. Similarly, foreign women traders engage in the informal economy as a means of survival, given that they face exclusion from the formal labour system due to their refugee status.<sup>38</sup> They are a melting pot of identities and are exposed to state violence and other forms of discrimination, as highlighted in the *Somali Association* case.<sup>39</sup>

Thirdly, in *Thipe*, the court provided the extensive remedy of requiring that street traders sit on the Dennebloem Facilities Management Board.<sup>40</sup> Having a seat at the planning table is

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<sup>34</sup> In this case, the applicant challenged the constitutionality of the eThekweni Informal Trading By-law, which allowed for the arbitrary confiscation of informal traders' goods. It was found that the by-law was inconsistent with the Businesses Act, in that it failed to distinguish between minor and major contraventions that would warrant the confiscation of goods.

<sup>35</sup> *Makwickana* para 75.

<sup>36</sup> *Somali Association* para 21.

<sup>37</sup> *Somali Association* para 31.

<sup>38</sup> See Hillyer (2018) at 6, 7, 37–40.

<sup>39</sup> *Somali Association* para 6.

<sup>40</sup> In this case, station street traders faced threats to their livelihoods due to a new mall development that was initiated without their consultation. The developers, with the support of the City of Tshwane, interfered with the traders' business activities by cutting off utilities and demolishing their trading structures. Constructive eviction occurred as a result, depriving the traders of their dignified source of income. A settlement was reached through court involvement and subsequent negotiations, resulting in a formal court order. The community was provided with appropriate amenities to support the traders during the development phase, including containers for those with fixed structures, designated trading areas for temporary stalls, and shared utilities. This arrangement enabled the traders to continue operating from a temporary location while



important. However, most street traders are not well-versed in the language of rights. Planning involves the tension between competing interests, and a seat at the planning table does not mean that their best interests in that board are catered to. It would have been interesting to see whether the court mandated the presence of a woman as a member of the board.<sup>41</sup>

In the *SAITF* case, women's voices and narratives are evident and were carefully taken into consideration throughout the litigation.<sup>42</sup> Here, 2,162 informal traders were operating legally with valid permits from the city in 24 blocks in inner-city Johannesburg.<sup>43</sup> Among the applicants, 12 of the listed 24 were women. Several women identified in the proceedings were the sole breadwinners for their families, with many of them having minor children. Some faced eviction, lacked electricity, had children that were forced to quit school due to financial constraints, and struggled to afford necessities such as food and transportation, consequently resorting to loan sharks for cash.<sup>44</sup>

In October 2013, officials from the Johannesburg Metropolitan Police Department (JMPD) forcibly removed all informal traders from their trading stalls in inner-city Johannesburg and seized their goods.<sup>45</sup> The eviction was especially concerning because the JMPD did not distinguish between traders who were operating legally and those who were trading illegally.<sup>46</sup> The evictions took place under the auspices of "Operation Clean Sweep", the aim of which was to "rid the City of unsightly and disorderly trading areas" which "gave rise to disorderliness,

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construction was under way. Additionally, to ensure ongoing foot traffic and support for the traders, commuters would be directed through the temporary trading area. To safeguard continued trading opportunities post-construction, three trader representatives were appointed to the Dennebloem Facilities Management Board; the design of the new trading facilities would be undertaken in consultation with the traders, ensuring that the new structures reflected their previous trading conditions.

<sup>41</sup> Not for optics, but rather to place women traders at the centre of the remedy, as they were in the court case itself. However, this does not address the tension arising from the fact that many street traders might not be well-versed in the language of rights. Moreover, as will be discussed later in relation to the importance of women's movements in street trade, patriarchy may have silenced the very women who would have been "mandated" to represent traders on that board.

<sup>42</sup> For example, in paragraph 34 of the High Court judgement in *South African Informal Traders Forum and Others v City of Johannesburg and Others; South African National Traders Retail Association and Others v City of Johannesburg and Others* (Case No: 43427/2013), the issue of irreparable harm to women was emphasised, highlighting the immediate destitution they face when their rights as street traders are infringed upon.

<sup>43</sup> *SAITF* para 6.

<sup>44</sup> See Notice of Motion *South African Informal Traders Forum and Others v City of Johannesburg and Others; South African National Traders Retail Association and Others v City of Johannesburg and Others* (Case No: 43427/2013) paras 68–178.

<sup>45</sup> *SAITF* para 7.

<sup>46</sup> *SAITF* para 7.

criminality and obstruction of citizens' rights to the proper use and enjoyment of facilities in and around trading areas".<sup>47</sup>

At first, the City said that people who re-registered could resume their trade; even so, the City denied them permission to return to their trading stalls.<sup>48</sup> It soon became clear that the traders' removal was not just being done to make sure they followed the law; rather, the intention was to permanently displace them from their stalls and move them to undisclosed "alternative designated areas", where they would not be allowed to trade until later.<sup>49</sup>

The traders approached the Constitutional Court for an interdict, contending that the City of Johannesburg had disregarded the legal processes for relocation or eviction specified in the Businesses Act and that the City's actions posed a threat to their livelihoods.<sup>50</sup> The legitimate governmental purpose of the City's Operation Clean Sweep was acknowledged by the Court; however, it criticised the City's strategy, claiming that its practices flagrantly ignored the rights of informal traders.<sup>51</sup> In fact, the City admitted in court that JMPD officials had acted unlawfully but had done so because it had been "convenient".<sup>52</sup> The Court highlighted the duties of the City and its constitutional obligation to protect vulnerable persons, such as children, and safeguard human rights.<sup>53</sup> The City had violated the law, and consequently the Court granted an interdict allowing street traders back to their trading areas.

In sum, the existing framework shows that where municipal by-laws are influenced by regressive attitudes, the courts are quick to step in and vindicate the rights of informal traders. The *SAITF* case shows that when women's voices were considered, they had an impact, as the relief sought was palpably urgent.

However, as highlighted by Mba & Mzileni, there has been continuing state violence against street traders in the aftermath of these judgements.<sup>54</sup> The next section highlights the importance of street trader organisations as a site for change and advocacy for women street traders' rights and places movements at the core of decolonial feminist praxis. Stokvels and other forms of

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<sup>47</sup> *SAITF* para 7. This clearly illustrates the attitude informing street trader regulation, as discussed above.

<sup>48</sup> *SAITF* para 9.

<sup>49</sup> *SAITF* para 10.

<sup>50</sup> *SAITF* paras 26–28.

<sup>51</sup> *SAITF* para 31.

<sup>52</sup> *SAITF* para 28.

<sup>53</sup> *SAITF* para 31.

<sup>54</sup> See Mba & Mzileni (2023) at 173.

informal organising are explored as a decolonial feminist way of organising outside of trade union structures. Movements are, inter alia, an important tool for bringing these judgments to life, advocating for the voices of women who are silent or unobserved in litigation, and serving as sites of resistance as further discussed in the next section.

#### 4 DEFINING A DECOLONIAL FEMINIST MOVEMENT

Moving forward involves defining a movement that enhances the participation of women who engage in informal trading. Feminist explorations of the city through organising and mobilising have changed the legal landscape and physical imagination of cities; therefore, women street trader organisations in South Africa can be used to empower women politically and counter the politics of invisibility.<sup>55</sup> The organising of black women street vendors can be seen as a form of resistance, as they develop coping mechanisms to overcome the hardships of coloniality.<sup>56</sup> Literature shows evidence in support for organising, which was pivotal in the lead-up to these cases; however, the literature fails to encapsulate the experiences of women.<sup>57</sup>

The absence of internal democratic principles and procedures in street trader organisations, which are patriarchal, limits their potential to grow and exert political influence. Many organisations function without regular elections or meetings, and their leaders are frequently chosen on their own or given unchanging mandates.<sup>58</sup> This organisational structure may slant conversations against women and their interests, especially when combined with patriarchal attitudes and beliefs.<sup>59</sup> While the majority of street traders are women, the most important leadership roles are held by men, and when women sit on management boards, they are “silent”.<sup>60</sup> Motala observes that male members are hesitant to acknowledge the necessity of advancing gender equality.<sup>61</sup> Moreover, it is common knowledge that increasing the number of women in organisations does not necessarily ensure more equality in gender engagement.<sup>62</sup>

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<sup>55</sup> See Bénit-Gbaffou C “Do street traders have the ‘right to the city’? The politics of street trader organisations in inner city Johannesburg, post-Operation Clean Sweep” (2016) 37(6) *Third World Quarterly* 1102 at 1104.

<sup>56</sup> See Mba & Mzileni (2023) at 174.

<sup>57</sup> See Bénit-Gbaffou (2016) 1102-1129.

<sup>58</sup> Bénit-Gbaffou (2016) at 118.

<sup>59</sup> Maharaj S “Workers of the world, un-united: A discussion through a gendered lens on why stronger protection of workers in the informal economy will better equip South Africa to cope with labour market changes of the Fourth Industrial Revolution” (2020) 14(2) *Pretoria Student Law Review* 238 at 251.

<sup>60</sup> Motala S *Organising in the informal economy: A case study of street trading in South Africa*. SEED Working Paper No. 36. Geneva: International Labour Organisation (2002) at 21

<sup>61</sup> Motala (2002) at 21.

<sup>62</sup> Motala (2002) at 21.

Additionally, due to the unstable nature of their work, street traders face significant potential costs and uncertain returns associated with participation, and frequently show reluctance to commit time and energy to organisational activities.<sup>63</sup> This is especially true for female street vendors, whose schedules are constantly pulled in different directions. Numerous studies attest to the fact that women do not have the time or opportunity that males do to form relationships and often lack the knowledge and experience required for entrepreneurial endeavours.

Moreover, when organising for women, it should be considered that the informal economy is a dynamic entity which is always evolving; therefore, it does not comprise a single type of worker.<sup>64</sup> Women are not a homogeneous group, and mandates should go beyond universalised notions of organising for women.<sup>65</sup> Decolonial feminism provides a useful lens to conceptualise such organising, as it views women's full citizenship in all domains as a means of restoring them.<sup>66</sup> African feminists do not allow their ideologies to be "universalised" but acknowledge the "many and different "femininities" through which women resist fitting neatly into categories such "the oppressed" in contrast to "marginalised Third-World women" or "empowered men".<sup>67</sup> African feminism serves to promote a theoretical framework that can accommodate the diverse roles of women.<sup>68</sup> Moreover, a decolonial feminist lens dictates that additional avenues for mobilising and advocating for women's issues using street traders' organisations should be explored and that this should not be confined to unionisation.<sup>69</sup>

Stokvels are an example of how black women have shown intellectual rigour in their business ventures, this by using their personal networks as a source of steady income and as a means of

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<sup>63</sup> Motala (2002) at 15.

<sup>64</sup> For example, see Kinyanjui N "Mama Jua Kali: Female resistance and resilience to the colonality of modernism and neoliberalism in Nairobi, Kenya" (2020) 11(1) *Journal of Language, Technology & Entrepreneurship in Africa* 39 at 53.

<sup>65</sup> See further Motala (2002) at 7.

<sup>66</sup> See Chirawu (2023) at 61. The study underscores that women's organising and activism are crucial for decolonial feminist praxis because they directly challenge systemic inequalities rooted in patriarchy and coloniality, emphasising community-based, culturally grounded strategies that elevate women's voices and agency. The study advocates for a reinvigoration of African feminist organising that centres on women's voices, promotes solidarity, and destabilises patriarchal and colonial structures, underscoring that organising and movements are vital tools for genuine emancipation.

<sup>67</sup> See Chirawu (2023) at 25. This is key in this context because participation and women's movements in street organising do not occur in isolation of the spaces they inhabit alongside male street traders. The literature shows that a sense of community often exists between men and women engaged in street trade, and that these men are not always antagonistic to women's presence or leadership.

<sup>68</sup> See Chirawu at 25. Chirawu's use of the phrase "African feminist theorising" arguably describes decolonial feminism.

<sup>69</sup> See Maharaj (2020) at 252.

accumulating capital for investment projections.<sup>70</sup> By organising in this way, women challenge the conventional presumption in economics that anyone who does not fit into the established economic systems is unemployed, impoverished, illiterate, or non-existent. Stokvels are an illustration of a movement where women who work in the informal sector are able to empower themselves, regain their independence and dignity, and demonstrate resilience and resistance to the status quo.<sup>71</sup> They are actively exhibiting decolonial feminism.<sup>72</sup>

Although these women may not actively identify as decolonial feminists, women theorise from their everyday experiences.<sup>73</sup> Their intersecting identities, often products of Western hegemonic ideology, have pushed them into precarity, but through organising, they have created pathways within informal trade to empower themselves and others. By restoring their dignity and actively taking on roles as mothers, employers, business owners, and leaders, they defy the inhumane realities they find themselves in. They counter the narrative of white Western feminism that likes to portray women of the Global South as helpless and devoid of any agency.<sup>74</sup> Therefore, their movement in the dominant capitalist city is a force that should be valued and considered in shaping decolonial feminist spatial imaginaries of South Africa's cities.

## 5 CONCLUSION

This article has argued that women street traders in South Africa, positioned at the margins of the formal economy and city planning, should be recognised as central figures in reimagining urban spaces. By using the lens of decolonial feminism, the article has shown that their organising efforts are both acts of survival and resistance against the spatial violence inherited from colonialism and apartheid. These women are not simply passive economic actors; they actively shape the city through their presence, movements, and collective action.

The article has demonstrated that existing legal frameworks – namely, the Constitution and the Businesses Act – offer important tools for the protection and recognition of informal traders. However, case law reveals an ongoing tension between progressive constitutional values and regressive municipal practices. It is through movements and everyday organising – often

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<sup>70</sup> See Mba & Mzileni (2023) at 178.

<sup>71</sup> See Mba & Mzileni (2023) at 178.

<sup>72</sup> Mba & Mzileni (2023) argue at 169–172 that this could be interpreted as Marxist feminism.

<sup>73</sup> Dangarembga T *Black and female: Essays* Minnesota: Graywolf Press (2022) notes at 108 that “[w]e build our theory as we go, constructing it out of our own experience”.

<sup>74</sup> See Chirawu (2023) at 22–23.

outside of traditional structures – that women traders assert their dignity, livelihoods, and right to the city.

In embracing the plurality of women's experiences, including those formed in stokvels and informal networks, a decolonial feminist imaginary of the city emerges: one that refuses erasure, values difference, and centres those long excluded. The way forward is not simply about inclusion into existing systems but about rethinking the very foundations of how cities are built, governed, and imagined. Women street traders should not only be protected but also seen as the co-authors of spatial justice and key agents in building more just, feminist urban futures in South Africa.

## BIBLIOGRAPHY

### *Books*

Dangarembga T *Black and female: Essays* Minnesota: Graywolf Press (2022)

Tamale S *Decolonisation and afro-feminism* Ottawa: Dajara Press (2020)

### *Chapters in books*

Peake L “Women in geography” in Richardson R, Castree N, Goodchild MF et al *The AAG international encyclopaedia of geography: People, the earth, environment, and technology* New York: John Wiley and Sons (2017)

### *Journal articles*

Bénit-Gbaffou C “Do street traders have the ‘right to the city’? The politics of street trader organisations in inner city Johannesburg, post-Operation Clean Sweep” (2016) 37(6) *Third World Quarterly* 1102-1129

Bénit-Gbaffou C “Governing street trading in contemporary cities: Anatomy of the policy instruments used by the City of Johannesburg in the post-apartheid era” (2018) 11(4) *Urban Research & Practice* 396-425

Koleth E et al “Decolonising feminist explorations of urban futures” (2023) 44(9) *Urban Geography* 1843-1852

Maharaj S “Workers of the world, un-united: A discussion through a gendered lens on why stronger protection of workers in the informal economy will better equip South Africa to cope with labour market changes of the Fourth Industrial Revolution” (2020) 14(2) *Pretoria Student Law Review* 238-255

Masuku B “Questioning governance of urban informality: A study of township economy in Alexandra, Johannesburg” (2023) 2(1) *Journal of Foresight and Thought Leadership* 1-14

Mba T & Mzileni P “Stokvels and livelihoods of black women street vendors in urban South Africa” (2023) 44(2) *African Journal of Development Studies* 167-180

## ***Legislation***

Constitution of the Republic of South Africa, 1996

Businesses Act 71 of 1991

Local Government: Municipal Systems Act 32 of 2000

Musina Land Use Management Scheme of 2010

Spatial Planning and Land Use Management Act 16 of 2013

Town Planning and Townships Ordinance 15 of 1986

## ***Case law***

*Makwickana v Ethekekwini Municipality and Others* 2015 (3) SA 165 (KZD)

*Somali Association of South Africa and Others v Limpopo Department of Economic Development Environment and Tourism and Others* 4 All SA 600 (SCA)

*South African Informal Traders Forum and Others v City of Johannesburg and Others; South African National Traders Retail Association and Others v City of Johannesburg and Others* (Case No: 43427/2013)

*South African Informal Traders Forum and Others v City of Johannesburg and Others; South African National Traders Retail Association and Others v City of Johannesburg and Others* [2014] ZACC 8

*Thipe and Another v City of Tshwane Metropolitan Municipality and Others* (254/2019) [2020] ZASCA 131

## ***Reports***

Motala S *Organising in the informal economy: A case study of street trading in South Africa*. SEED Working Paper No. 36. Geneva: International Labour Organisation (2002)

Socio-Economic Rights Institute of South Africa (SERI) & South African Local Government Association (SALGA) *Informal trade in South Africa: Legislation, case law and recommendations for local government* (June 2018)



## ***Theses***

Chirawu DD *A decolonial African feminist approach to women's political participation in Zimbabwe* (unpublished MA Erasmus Mundus Human Rights Practice and Policy, University of Tromsø – Arctic University of Norway, 2023)

Hillyer RA *Planning for inclusion in a South African Town: A case study of informal trading in Stellenbosch Municipality* (unpublished MPhil in Urban and Regional Planning, Stellenbosch University, 2018)

Platt MA *Women's Roles in the Informal Economy of Senegal* (unpublished Masters of International Affairs, Conflict Resolution, and Civil Society Development, The American University of Paris, 2021)