



PENN IUR SERIES ON INFORMALITY

# Informal Vendors in Johannesburg, South Africa

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NOVEMBER 2019

Photo by M.R. Hasan



## INTRODUCTION

Operation Clean Sweep in Johannesburg, South Africa presents an extreme example of a policy approach towards street vending that focuses on control and elimination. This tendency holds true in cities all over the world, where spatial clearing or confinement of trading to specific areas ignores the complex networks of social and economic resources that allow the most marginalized of residents to participate in the urban environment, support their families, and belong to a community. Johannesburg, like many other cities, tried to reduce sidewalk trading and make it physically orderly in order to create an optimum environment for formal businesses. The Inner City Street Management Strategy specifically allowed for private management of key areas in Johannesburg, which minimized the needs of informal vending activities (Zack 2015). The idea that the central business district was an economic resource in competition with other commercial areas in world cities for corporate investment led to an extreme approach that denied an economic and social resource to people who operated in public space. Other recent campaigns have similarly used a “determined policy of displacement” towards street vendors to deny access to a public good in exchange for private interests. These campaigns include “City Decongestion” in Accra, “City Sunshine” in Calcutta, and “Operation Restore Order” in Zimbabwe (Ilda Lindell 2013).

In defining the use of public spaces, local governments can choose what kinds of economic activities are tolerated: public spaces to be used as sites for formal enterprises, for markets and malls, or for informal livelihood activities. These decisions have practical and cultural applications for the residents of a city. The balance in program (i.e. green space, market, or civic square) express the prioritization of methods of commercial, civic, and social participation. For many, street vending is not a choice, because their livelihoods depend on informal commerce. Without access to commerce, they have access to little else, so they interrupt more curated aspects of formal space—they create a tension between formal and informal activities.

## THE CASE OF STREET VENDORS IN JOHANNESBURG

### JOHANNESBURG AND THE INFORMAL ECONOMY

The central business district of Johannesburg represents agglomerations of commerce that reach across many scales, including within the formal and informal sectors. It is also a place where retail and ethnic enclaves overlap, and much of the activity does not precisely adhere to the City's by-laws, but it is a place where these sectors appropriate public space to form a symbiotic relationship with the formal activities happening around it, providing a means for living for the poor and migrants of Johannesburg.

In the year 2007, there were an estimated one million street traders in all of South Africa, over 70% of whom sold food. Street traders contribute greatly to the overall economy of South Africa, as demonstrated by the R51.7 billion expenditure in the informal economy in 2004 (Social Law Project 2014). Many workers in the informal sector who have few resources resort to informal street vending, as this activity has few barriers to entry. Street vending refers to the selling of freshly cooked foods, produce, packaged food, and other products, and the rendering of services such as shoe shining and cutting hair (Social Law Project 2014). In Guateng, the province where Johannesburg is located, 56% of workers in the informal sector are employees, meaning they are employed either in the formal or informal sector, though the security of their jobs may be undefined. It is difficult to measure how many of these people work in street trading or other types of informal commerce. While more than half of informal workers are employees, 42.5%, or 470,000, are self-employed (Chen 2018). This distinction is important, because it demonstrates that those who work in the informal sector do not do so under the same conditions, and effective policy will have to address the diverse needs of informal workers.

Guateng has received more than a million migrants since the end of Apartheid. Between 2007 and 2011, the population of the province grew by 15% (Petersen 2015). In Johannesburg, many traders come from nearby countries, including Zimbabwe, Mozambique, Malawi, Lesotho, Nigeria, and Tanzania. Many other street traders are migrants from rural areas in South Africa, including Limpopo, Mpumalanga, and KwaZulu-Natal (Social Law Project, 2014). As the most visible portion of the informal economy, street traders usually resort to these activities due to lack of other options, in a city that is rated as the most unequal in the world, with a GINI coefficient of 0.75 (United Nations Habitat 2016). In a city of extreme levels of poverty, street trading represents a viable option to earn a living. While many migrants are hoping to benefit from South Africa's booming post-Apartheid economy, they are also benefiting trade in other countries. Many of their goods produced in Johannesburg are being taken to other countries like Malawi, Zimbabwe, and the Congo. This kind of cross-border commerce requires a supply of taxis and transport companies, and wide formal and informal networks both in and out of Johannesburg (Social Law Project 2014).

On a more local level, there is a high level of dependence between the formal and informal sectors. Oftentimes, street traders buy products and store their inventory in formal shops on the same streets of the central business district. Some street traders are eventually able to move from the street stalls they use to formal shops in the same area after they have established their businesses. Access to credit also works this way in central Johannesburg. Formal shopkeepers offer loans to informal traders, and introduce them to suppliers and savings networks among immigrant communities (Zack 2015). Informal, and specifically migrant, entrepreneurship in South Africa has grown rapidly since the 1990s thanks to vast social, ethnic, and business networks among migrants. Entwined with xenophobic resistance to foreigners, the informal sector has come to represent the activities of "outsiders," which are seen as undesirable (Ramachandran, 2015). City government has tried in recent years to paint Johannesburg as a "World Class African City," ready to attract investors from all over the world, though unable to reconcile with the vast amounts of poverty and unemployment in the city. A shorthand strategy for dealing with this dilemma has been to try to eliminate visible forms of poverty like street vending, while prioritizing international investment and tourism over the people who reside there (Zack 2015).

## POLICY CONTEXT

Johannesburg has been a site of informal trade for decades, but both municipal policies and public attitudes have varied widely in their responses to them. As early as the beginning of the 20th century, there was recorded police hostility towards coffee-cart businesses in Johannesburg, whose owners and patrons were primarily African migrants. Court action, prosecution, and harassment of coffee-cart vendors was commonplace until the 1950s, when the City began to relax its policies against street traders. Although arrests of coffee-cart vendors declined, eventually so did the number of operators, as the City effectively cut them out of the market by requiring licenses, which were not granted to migrant businesses. This caused thousands of coffee-cart sellers to find other means of work that were even less regulated, and many of them turned to hawking alternative goods in the street (Zack 2015).

Until the 1970s, regulation of street vending rested solely in the hands of municipal, rather than national governments. However, as more and more Africans migrated to urban areas, the Apartheid-led national government sought to limit the movement of Africans, especially within urban areas. By the 1970s, the number of street vendors in Johannesburg had declined to an estimated 200. The national "Move On" law is one example of a rule that restricted street vendors by requiring them to move their goods every half an hour. It is widely agreed that this law was an extension of apartheid policies that intentionally restricted the movement of African migrants in urban areas, unless they worked for white businesses (Social Law Project 2014). By the 1980s, a national climate focused on fostering economic growth through deregulation had a positive residual impact on street vendors; in Johannesburg public spaces, fewer street traders were prosecuted, and the number of official street vending licenses increased (Zack 2015).



The 1990s saw several policy actions that moved towards limiting street vendors. In 1991, the Businesses Act was passed, recognizing street trading as a legitimate business activity, and outlining strict restrictions on their activities. However, this act lifted the requirement for street vendors to hold licenses (Social Law Project 2014). The following year, the Central Johannesburg Partnership (CJP) was established as a way to support formal businesses in the inner city. CJP was an experiment modelled after zero-tolerance policies in the United States, and began a crack-down on “illegal informal trade” throughout the city. The CJP also marked the beginning of City Improvement Districts (CIDs). CIDs were modelled after Business Improvement Districts in the United States as support structure for local formal businesses by creating private partnerships to privately manage public spaces in key business districts. This model protects the physical image of commercial corridors or districts by using private funds to apply aesthetic standards to public space. In 1993, the Businesses Act was amended to be even more lenient towards street traders. They would only be restricted by municipal by-laws, which prohibited street vending in certain areas like in front of churches or courthouses (Social Law Project 2014). More power was granted to individual municipalities insofar as what restrictions they could put in place, as long as they did not prohibit street trading altogether.

In the 1990s and early 2000s, migrants flooded South Africa's urban areas, where many migrant enterprises began as survivalist enterprises (Jonathan Crush 2015). Nationwide, individual municipalities have focused on supporting the entrepreneurial potential of street traders, emphasizing the transition from the informal to formal sectors, without acknowledging the value of the informal sector as a means unto itself. After Apartheid ended in 1994 street businesses flourished. In particular, Johannesburg's by-laws tried to gather informal vendors in market spaces by accommodating a small number of them in designated areas (Zack 2015). It instituted this “developmental approach” with the aim of allowing access to entrepreneurial opportunities afforded by the informal economy, with the ultimate goal of transition from informal to formal economic activities. The by-laws unequivocally established the right to informal trade activity. It also granted trading permits and demarcated specific trading areas, while establishing the right of the City to shut down other street trading areas. The by-laws also instituted health and safety measures and defined the penalties for violation of by-laws, making it clear that they were subject to the rights and responsibilities of all users of public space (Social Law Project 2014). As in most South African cities, the by-laws concentrated on the manner in which street traders occupied public space: street traders were prohibited from interrupting the flow of vehicle or pedestrian traffic, blocking delivery vehicles, using gas or electricity sources that might pose a threat to the public, or blocking fire hydrants and road signs (Social Law Project 2014).

In 2000, the Johannesburg Development Agency was established to designate mayoral priority area for precinct-based planning in areas such as Johannesburg's central business district. The Inner City Management Strategy was one program within this initiative, which aimed to eliminate informal street trading in the mayoral priority areas. By 2005, this policy had confine street traders to other areas and restricted their activities so severely that they began to demand that the City provide additional designated trading spaces, and the City responded by giving them metal stands, known as “cages,” to be used along public sidewalks. Notably, this contradicted the municipality's own by-law that prohibited vending on sidewalks. Within the formal private sector, a report from that year emphasized that informal sidewalk vending was harmful for businesses because they crowded sidewalks and encouraged crime (Zack 2015). In 2007, The Johannesburg Informal Trading Policy implemented smart cards, periodic markets, incubation, cooperative development, and participatory structures for traders, but without recognizing that micro commercial operations could not be served by these types of programs.

The City of Johannesburg established a forum to negotiate the terms of informal trading between private property organizations and street trader organizations, including the South African Informal Trading Forum (SAITF) and the South African National Retail Traders Association (SANTRA). While this consultation process ostensibly sought to legitimize street traders within a policy landscape that increasingly supported formal

businesses and their interests in public space, it is unclear how the City intended to support street traders specifically. These talks dissolved inconclusively, except for a vague commitment on the part of the City to support informal businesses as a link to entrepreneurship and entrance into the formal sector (Béni-Gbaffou 2018). Operation Clean Sweep began at the end of these negotiations, with an agreement between the City, CID block leaders, and informal trade associations that the City would provide a better business climate by chasing away street traders who had no licenses or permits at all. However, the City did not keep its word, and effectively treated all street businesses as “illegal” in the months to come; it is estimated that at least 2,000 of the traders evicted as part of Operation Clean Sweep were members of SAITF or SANTRA (Social Law Project 2014).

## OPERATION CLEAN SWEEP

Against this backdrop of mixed support for street vendors nationally and in Johannesburg, Operation Clean Sweep brought to light both the ambiguous attitudes of national and local governments towards informal businesses, and the biased assumptions against those who operate in the informal sector. Through the month of October 2013, the City of Johannesburg began an initiative that forcibly evicted 6,000 street vendors from the city’s central business district. Members of the South African Police Services, the South African Revenue Service, and the Johannesburg Metropolitan Police Department searched and seized the inventory of street businesses in within a 24-block radius in the central business district. This included breaking and entering formal shops where goods were stored to be sold on the street, and removing both people and goods. Not only were the street traders forced to leave their trading locations, but they were also harassed, sometimes through the use of tear gas and other violent means (Zack 2015).

This treatment took place regardless of the legal status of each of the street businesses. In fact, the metal stalls that had previously been provided by the municipality to be used on city sidewalks were loaded into police department trucks and taken away (Zack 2015). One street trader interviewed in November 2013 reported that after his cage and goods were confiscated, the police followed him home, where they vandalized his house in search of any hidden money (Zack 2015). The reported success of the operation counted on the following indicators: 528 incidences of impoundment of counterfeit goods, the confiscation of one “bad” building, and the arrest of 192 illegal immigrants (Sarah Evans 2013).

Operation Clean Sweep was an uncharacteristically brutal measure for addressing issues the City had struggled with for years, but that encompassed a variety of purported problems. These included a need for more consistent governance, but also aesthetic judgments and effective prioritization of users and uses of public space. In regards to governance, the City wanted to reduce illegal dumping, littering, land and building invasions, and electricity theft. The City openly announced that it would be targeting thieves and vendors of counterfeit goods, but in reality it evicted street vendors regardless of the legal status of their goods and activities (Zack 2015). The contravention of City by-laws that regulate the activities of street vendors was indeed a problem, but became an excuse for indiscriminate evictions. The stated goal was to reallocate trading bays after the City had determined which street vendors were registered and trading lawfully (Social Law Project 2014). They did so without acknowledging that for survivalist operations, an interruption like this could easily cause a financial hardship that would be impossible to recover from.

Beyond questions of governance, there were telling tones in the message Johannesburg authorities conveyed to the public. They stated the issues of street congestion, blocked service delivery access, and “unsightly and disorderly” street conditions (Social Law Project 2014). They argued that these conditions were encouraging crime and inhibiting the enjoyment of nearby facilities. City leaders cited a lack of sense of pride and ownership, and obstruction of pedestrian right-of-ways. What they did not specify was to *whose* enjoyment, pride, or sense of ownership they were referring.



The negative impacts of Operation Clean Sweep were immediate. Because many of the street trading businesses were survivalist enterprises, the source of the street traders' day-to-day livelihoods was taken away overnight. The economy of central Johannesburg felt the effects, too. Owners of formal businesses reported that their sales went down, because their stores typically drew foot traffic from the lively atmosphere made up by street trading, as well as having their usual customer base of the street vendors themselves diminished (Niren Tolsi 2013). Operation Clean Sweep had indeed relieved some of the congestion of the inner city, to the detriment of the formal and informal economies. While Operation Clean Sweep interrupted the livelihoods of day-to-day earners for many months, it would have caused more permanent damage to the future of the informal economy in Johannesburg had it not been for street trading organizations (Bénil-Gbaffou 2018). However, the street trading organization did not act in complete solidarity.

Some of the street traders had been operating in the same place for years, many of them legally registered and relatively established in their locations. Later on, the City Council openly admitted in court papers that it had chosen to evict street traders regardless of their registration status because it was more convenient to take this all-encompassing approach. This blatant violation of the City's own by-laws led street vendors to protest en masse beginning on October 24, 2013, which in turn led to formal re-negotiations between street traders and the City (Social Law Project 2014). By the following week, the City and the traders agreed to a process of verification, so that all the traders would be re-registered and subsequently allowed to return to their stalls. The traders were not in fact allowed to return to their stalls, and were again forcibly removed when they tried to do so. It was at this point that many street traders decided that this process was a clear indication that the City was not just trying to enforce governance issues, but rather that it was trying to permanently remove the street traders (Social Law Project 2014).

The SAITF and SANTRA, along with the organizational help of the Socio-Economic Rights Institute of South Africa (SERI), took their case to the Gauteng Division of the High Court of South Africa (this is the superior court in the provinces of Gauteng, where Johannesburg is located, and Mpumalanga, Limpopo, and North West) (Social Law Project 2014). Both organizations held legal permission for their members to operate in street trading (Hogan Lovells 2014). They invoked sections 9 and 10 of the City of Johannesburg's by-laws on street trading with two applications. On November 19, 2013, SAITF and SANTRA, along with 1,000 of their members, submitted Part A, an urgent application asking that the City of Johannesburg be required to re-install the trading stalls that it had removed, or at least allow traders to return to those locations. The application was filed as urgent because they had lost income and had no other financial recourse, and could not wait for the normal months-long court process. In the case that some by-laws were indeed being violated, the traders requested that the City provide them written notice and two days to correct the violation or three days to vacate the location ( Socio-Economic Rights Institute of South Africa 2014). On November 26, the Court heard the case, but agreeing with the City's answering affidavit, postponed the case, stating that it was not urgent.

Meanwhile, at least 300 street vendors, unaffiliated with the vendor organizations or otherwise, gathered outside the Court to wait (Nxumalo 2013). The following day, the judge decided to consolidate the two cases, deeming neither of them urgent, and requiring each party to pay the associated costs (Socio-Economic Rights Institute of South Africa 2014). Part B of the application was a request by the trader organizations that the Court review the City's implementation of Operation Clean Sweep, the demolition of trading stalls, and the relocation of street vendors out of the central business district (Hogan Lovells 2014). Because the consolidated case would take much longer to process, and the street traders were in a desperate financial situation, SANTRA and SAITF approached the Constitutional Court of South Africa, also on an urgent basis. Groups or individuals are not normally allowed to escalate their cases from High Court to Constitutional Court on an urgent basis, but it is allowed "when it is in the interests of justice and with leave of the Constitutional Court" (Hogan Lovells 2014). The trader groups were applying to the Constitutional Court for interim relief, which would mean that

they could be allowed to return to their street vending locations until the High Court had time to hear their case (Socio-Economic Rights Institute of South Africa 2014).

The court case acknowledged that the traders were experiencing “severe irreparable harm” in waiting for their case to be heard by the High Court, so they decided to hear the case (Hogan Lovells 2014). On December 5, the Constitutional Court heard the case and prohibited the City of Johannesburg from interfering with the street vending activities of the traders until the Court could hear Part B of the original application (Social Law Project 2014). When the Constitutional Court upheld the appeal and heard the case, the City of Johannesburg did not challenge the evidence presented by the street trader organizations. It was clear that the members of the street trader organizations were operating lawfully, and Operation Clean Sweep was completely unlawful, and the Court noted that “these persons were rendered destitute and unable to provide for their families,” and that the situation would be exacerbated further if they had to wait several more months for the case to be heard in High Court (Hogan Lovells 2014). The court case noted that:

The ability of people to earn money and support themselves and their families is an important component of the right to human dignity. Without it they faced ‘humiliation and degradation’. The city did not dispute this. The city’s conduct has a direct and ongoing bearing on the rights of children, including their direct rights to basic nutrition, shelter and basic health services. The harm the traders were facing was immediate and irreversible. (South Africa Informal Traders Forum, Ayanda Kela, Rosemary Ndebele, and one thousand two hundred and eight further applicants Vs. City of Johannesburg 2013)

Operation Clean Sweep was a violation of the Businesses Act of 1991, and the Court ruled that the City could not violate its own by-laws by evicting traders. Additionally, the original case made in High Court was set aside, while the Constitutional Court prohibited the City of Johannesburg from interfering with informal trading (Jonathan Crush 2015). On April 4, 2014, the Constitutional Court handed down its final judgment, and Chief Justice Dikgang Moseneke noted that the City of Johannesburg had “gone about achieving its objectives in flagrant disregard of the traders’ rights,” and that the fact that the City did not acknowledge how it was rendering thousands of people destitute “may well border on the cynical” (Socio-Economic Rights Institute of South Africa 2014).

#### **AFTERMATH OF OPERATION CLEAN SWEEP**

The aftermath of Operation Clean Sweep led to more talks between street vendor organizations and the City. Though these talks are contentious and rarely have had concrete conclusions, the City has often proposed a solution of providing designated areas for vending that would avoid the chaotic conditions of general street trading, although this has typically not been effective in Johannesburg or other African cities. After Operation Clean Sweep, the City also went through a process of determining who was trading with proper licenses, without removing the street vendors in the process (Zack 2015).

A major outcome of Operation Clean Sweep was a consolidation of street traders’ advocacy. In the leadup to Operation Clean Sweep, the City negotiated with SAITF and SANTRA, the constituents of which were not all authorized traders, yet they did not object to the proposal of Operation Clean Sweep, which would purportedly only pursue unauthorized traders. These organizations protested Operation Clean Sweep only after authorized traders had also been evicted, even though they had both types of constituents.

Although the appeal to the High Court stated that the actions of the City of Johannesburg were illegal because they had evicted authorized traders, the High Court went one step further by stating that evicting any traders in that manner was humiliating and degrading. Although the street trader organizations fought for a limited set of interests, the benefits were reaped by a broader set of people (Bénit-Gbaffou 2018).



In 2015, the Save the Hawkers Campaign was launched as a response to the need for solidarity among street traders post-Clean Sweep. They drafted a charter arguing for more inclusive policies towards street traders in South Africa. Along with the Centre for Urbanism and Built Environment Studies, Save the Hawkers advocates for policy changes this way, and conducts research on street-trading management in Johannesburg, and looks for best practices from other African cities. They work with the Department of Economic Development and the Trading Task Team of Johannesburg to try to implement their findings, but the issues remain contentious (Nicolson 2015).

## **SOCIAL THEORY OF PUBLIC SPACE**

Street vendors represent a significant share of the workforce in Johannesburg, and contribute to both the formal and informal economies. Street vending sustains low-income households and migrants who have no other economic options, though they rely on social networks that give them access to street trade. There are many barriers to making a living through street vending, but one of these is the access to public space and public services. When discussed as an economic resource, the reality of public spaces often fall short of their supposed function as a “public good.”

While one may think of a street or public park as a non-rival and non-excludable resource, access for some tends to mean restriction on the use or enjoyment of that space for others. In cities of high income inequality and diverse social and ethnic groups, there are always conflicts of interest. The regulation of public space is a balance of priorities and a reflection of the values of those who hold power (Kingwell 2013). In addition to a discussion of public space as an economic resource with social outcomes, the social dimensions of public space play a large role for those who operate in both the formal and informal sectors. The streets of Johannesburg, as publicly owned spaces, operate as what Wael Saleh Fahmi refers to as “commerce public spaces” rather than “commercial public spaces.” This refers to public places that, although they are used for commerce, are still essentially public (in the sense that they are open to all without requiring people to buy things to be there), and are platforms of local traditions and “informal horizontal communication and networking” (Fahmi 2018).

In order to examine the social dimension of public space for the interaction between the formal and informal economy, Sharon Zukin provides a useful framework of the levels of meaning in public space. Although these dimensions are not static, even with a single space, they provide insight into the micro-social, social, macro-social, and meta-social values of public space.

On the most basic level, the micro-social dimension of public space is an expression of authority. Whether public or private, those who manage public space exert direct control over users’ behaviors. Bans of certain behaviors such as vending, cooking, or disposing of trash, rules can be universally or selectively enforced, and rules can be made to privilege one type of user over another. Conversely, public spaces can also be designed and managed to protect vulnerable groups, such as those created to accommodate women, children, or the disabled.

Regulation of space doesn’t necessarily entail physical confrontation; prevailing social norms also speak to the “authority” of society. The fear of physical confrontation or of surveillance can have the same effect (Chen 2018). For informal vendors, this means they must regulate their daily activities, knowing that the force of the local police may come down on them in any moment, regardless of the technical legality of their activities. Through extra-legal expression of force on informal vendors, the City demonstrated that they are not welcome at any moment.

People experience the rule of law in public space by managing their behavior according to local laws. Police force, the need for a permit for demonstrations, or posted rules at a playground all operate on the micro-social level. Operation Clean Sweep represented a contradiction of the City of Johannesburg’s own policies when

it evicted authorized street traders and confiscated vending stalls that the City itself had previously provided. Given the fact that street vendors are working to make a day-to-day living, and that many of them are migrants, disciplinary power on the part of the City marginalizes their activities even more (Chen, 2018).

Secondly, the social dimension of public space involves the physical expression of power relations. Symbolic appropriation, such as statues of historical figures or posted symbols privilege some stories over others. Public space acts as a confirmation of social privilege; while Johannesburg was trying to convey the image of a world-class city by making public space a desirable environment for tourists or investors, this could raise property values, bringing in new development and further excluding the marginalized. This type of exclusion and access to public space also raises questions about whose interests are prioritized (Zukin 2018). In central Johannesburg, the economically and socially marginalized had predominant use over public space, which was an interruption of the normal social order (Chen 2018).

Before and after Operation Clean Sweep, the numbers of informal vendors in Johannesburg were so great that they were able to shape the feelings of urban space so much that they expanded their own capabilities by forming social and businesses networks with formal businesses and migrant communities in the area. Although these networks were not all clearly consolidated, they operated in conjunction with one another, and ultimately were able to shift a balance of power related to the previous (micro-social) dimension of public space.

In the next tier, the macro-social dimension represents collective cultural values expressed through public spaces. This dimension, more than any other, expresses the tension between aesthetic and ethical values in the programming of public space (i.e. green space, market, or civic square) (Zukin 2018). A clear example here is a prioritization of customers of the formal economy over the informal. A city may prioritize creating an amenable shopping district for clients of formal stores, but exclude the informal businesses who may provide goods and services to the same people. Narrowing sidewalks to allow for more street parking is another example of how vehicle transport is prioritized over pedestrian flow (Chen, 2018). In this way, public spaces allow people to perform routines that contribute to certain sets of values; for example, city residents may support the formal and informal economies based on the mix of programming around them, or they may adopt more environmentally friendly practices such as walking or enjoying nature by virtue of the city that they live in. In Johannesburg, customers can choose to buy goods that are local, imported, made by migrants, or contraband.

The South African Constitution guarantees equality of benefits and protection of the law, and the right for one to choose their own occupation, trade, or profession. Non-citizens may not have the same protections depending on their immigration status, although the State may not violate basic rights, and it is unclear whether or not this applies to activities like street trading (Social Law Project, 2014). Because this area is unclear, the spirit of the national laws have to play out on a very local basis in an expression of the use of public space.

Finally, the highest scale of social order is the meta-social, in which public spaces contribute to collective identities. The experiences of user groups such as women, immigrants, or the poor reinforce the experience of what it is like to be such a resident of a city (Zukin 2018).

Although Johannesburg has tried to frame its identity as a place of emerging economies and access to entrepreneurship, it has set people at odds with one another: the formal vs. the informal, local needs vs. foreign investment, authorized vs. unauthorized street traders, and immigrant vs. citizen. Conversely, the attack on different types of informal traders in Operation Clean Sweep resulted in an unprecedented act of solidarity among them because they experienced the same plight in making a living through the use of public space.

## CONCLUSION: A LINK TO GLOBAL AGREEMENTS

*Promote sustained, inclusive and sustainable economy growth, full and productive employment and decent work for all (SDG # 8)*

*Make cities and human settlements inclusive, safe, resilient and sustainable (SDG # 11)*

*Promote local development strategies, both rural and urban, including regulated access for use of public space and regulated access to public natural resources for subsistence livelihoods (ILO Recommendation 204)*

*Recognize the contribution of the working poor in the informal economy. . . . Their livelihoods, working conditions and income security, legal and social protection, access to skills, assets and other support services, and voice and representation should be enhanced. (The New Urban Agenda)*

Public space is a limited resource that brings conflicts of interests to the fore. It is an important economic resource for street vendors, but also a source of belonging and solidarity in a place that is often hostile to migrants and the poor. The use of public space as it relates to the formal economy has been increasingly prioritized in recent years, effectively squeezing out opportunities for those who do not operate in the formal sector. In the case of Johannesburg, privately managed business districts limited the movements of street vendors, who rely on agglomerations of networks to maintain their businesses in public and well-trafficked spaces. Public space represents a platform to allow access to the ideals expressed in the excerpts of the global agreements cited above (Chen 2018). Regulated access to public space was recognized as a key dimension of formalization of the informal economy in ILO Recommendation 204 on the Formalization of the Informal Economy and in the New Urban Agenda. Yet cities do not typically recognize the need for public space as an issue of equity for the poor and marginalized (Chen, 2018).

Operation Clean Sweep was an example of uncoordinated actions catering to the interests of private business district groups, while simultaneously speaking the language of equity towards those who work in the informal economy, even as they were being eliminated from shared space. Municipal policy in Johannesburg will have to address these conflicts of interests in order to maintain an overall order that allows people of all economic strata to participate in the city. The participation of street trader organizations has been one step in this direction.

The 1995 “White Paper on the National Strategy for the Development and Promotion of Small Business” emphasized the importance of targeting small and micro-enterprises for black-owned businesses in South Africa, making an argument that workers of the informal sector could transition on a large scale into the formal sector. In spite of this, most policies focused on lending, and support for small businesses has gone towards medium-sized businesses, which do not include many street trading businesses, who in reality will likely not transition to the formal economy any time soon. Rather, they need support to operate freely in the markets where they currently work (Rogerson, 2015).

In thinking about how to support street traders in Johannesburg, identifying and isolating spaces to permit trading has been a simplistic approach with few positive returns. Mainly, this idea has ignored the complex social networks that exist in the public spaces that exist between private businesses, and the opportunity this presents for agglomeration economies (Zack 2015).

Migrants especially have been adept at using public space to take advantage of these dynamics in Johannesburg. Supporting these activities through policy would mean recognizing how public spaces accommodate different activities, mixed use, and mixed income (Petersen 2015). The first error in failing to recognize this is maintaining the idea that all informal vendors are self-employed entrepreneurs. Many street

traders do not have capital to expand, but instead rely on their proximity to the formal sector. In Johannesburg, where the population is 4.5 million, street traders have a wealth of networks to rely on if they are allowed to do so (Social Law Project 2014).

If the city of Johannesburg is concerned with allowing transitions to the formal economy and supporting entrepreneurship, it should recognize where this is already happening through the natural formation of agglomeration economies, where traders and customers rely on a density of activities to keep their costs low and their social networks intact (Zack 2015). The public spaces and streets of Johannesburg offer a great opportunity for these activities to flourish, if the City takes into account the importance of public spaces in its policy approaches to informal vendors.



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