THE MODES OF GOVERNANCE IN INFORMAL TRADING MANAGEMENT IN THE INNER CITY OF JOHANNESBURG

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Introduction and Purpose

The aim of the research is:

• to explore urban governance of informality through a political rather than a normative analysis focusing on a relational concept of power

• to analyse the power relations between informal actors, plural state actors and other governance actors (private sector and trade unions)

• To identify the plural and complex institutional configuration of state authorities that produce policies and their entanglement with multiple social actors and practices (institutionalisation of power relations; Hagman and Péclard, 2010)

• To focus on the practices and agencies shaping the municipal modes of governance (Olivier de Sardan, 2014) which operate on the ground to institutionalise the informal trading policy
Theoretical framework

The study focuses on

- multiple dimensions of local dynamics and plural forms of action and practices that constitute the ‘real governance’, in contrast with the normative approach of international financial institutions (Olivier de Sardan, 2008)

- ‘negotiating statehood’ (Hagmann and Peclard, 2010); ‘hybrid governance’ (Meagher, 2012)

- the practices of the State. The relational processes of negotiation do not occur ‘outside’ but ‘with the complicity of the state’ (Meagher, 1995). In Africa, the State (historically) defines ‘formality’ and ‘legality’ to the benefit of urban-based elites, excluding the majority and creating the marginalisation and criminalisation of informal actors (Jenkins, 2004).

- the voice of informal traders engaging plural state authorities and other non-state actors in multiple sites of urban governance (Lindell, 2008)
Research Questions

✓ Analysis of informal trading policy in a historical perspective (change and continuities)
✓ Plurality of state and social actors interacting in the production of public policy (complexity of governance)
✓ Divergence between normative and empirical models (focus on power relations and decision-making process)
✓ Asymmetric systems of informal trading management (neoliberal and neocolonial reordering of spaces)
✓ Engagement of informal traders with state authorities and other non-state actors (voices of traders and entanglement of the state)
Historical Perspective

Continuities in public policy

• Municipal authorities’ double agenda: Co-optative strategy to incorporate a segment of “regularised” informal traders while excluding the majority as “illegal”

• Continuity of repression, criminalization and marginalization of the “informal” activities (functional to the development of the “formal” economic system)

• Modernist vision of the city (order, security and public health)
‘public production of scarcity’
(Bénit-Gbaffou, 2015)

• The current Informal Trading Policy for the City of Johannesburg (2009) combines a basic approach on ‘formalisation’ and ‘upgrading’, focusing on the development of regulated ‘market’ and ‘linear market’ facilities within business improvement districts (CIDs), with some developmental approaches which consider these ‘survivalist’ activities as a social protection for poor households.

• A restrictive implementation of management model differentiates between informal traders and supports the development of the only structured categories of ‘permanent’ and ‘linear’ markets, institutionalising the ‘illegalisation’ and the criminalisation of the majority of traders.
Plurality of State and social actors

• Municipal authorities (Mayor and MMC, DED, MOEs, Regional Departments)

• Informal traders (local associations, national and trans-national networks, market committees, block leaders, ITF)

• Private Sector (CJP-Urban Genesis, property owners, CID)

• Trade Unions (COSATU)

• National and Provincial (Gauteng DED) spheres of government
## Complexity of governance

Actors and interests interplaying in different phases of the policy-making process

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<th>PHASES</th>
<th>ACTORS</th>
<th>INTERESTS</th>
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<td>Policy formulation</td>
<td>Top municipal authorities (Mayor and his Cabinet), stakeholders but not informal traders</td>
<td>Local development and economic opportunities</td>
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<td>Demarcation</td>
<td>Municipal authorities (political and administrative), stakeholders, limited participation of informal traders</td>
<td>Use of urban land</td>
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<td>Allocation</td>
<td>Municipal authorities (DED), informal traders</td>
<td>Access to trading spaces</td>
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<td>Law enforcement</td>
<td>Municipal authorities (JMPD), informal traders</td>
<td>Control of spaces</td>
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Asymmetric governance

• Mix of state interventions shaped around policy and arbitrary practices to hamper the consolidation of collective organisations, where the rhetoric of participation contrasts with the repressive enforcement of bylaws.

• The apparently contradictory behaviour of the state (or double agenda) results from a plurality of actors and interests operating differently within its structure.

• Strategy legitimising a part of informal traders through the implementation of policies shaped around ‘formalisation’, ‘incorporation’ or ‘integration’, and, at the same time, predatory practices keeping the majority of informal traders in a constant uncertain ‘state of exception’ between legality and illegality.

• ‘Selective incorporation’ of informal traders from above and from below which is functional to a neoliberalisation of the urban policies
<table>
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<th>Asymmetric governance</th>
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<td><strong>‘neocolonial reordering of space’</strong></td>
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<td>intolerant forms of space control</td>
<td>variegated interests and actors</td>
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<td>reproducing historical patterns of repression and co-optation, limiting and fragmenting informal traders’ agency</td>
<td>emerging and organising autonomously on the ground in new entrepreneurial models of informal trading management</td>
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Informal trading management systems

Municipal management system
(Chaotic mismanagement)

generates

- Emergence of “private” empirical management model (CIDs)
- Unmanaged areas not conducive for traders’ collective organisation (congestion, corruption, police harassment)
JOHANNESBURG INNER CITY CIDs
Linear Markets in a CID (1)

Kerk Street Linear Market

Source: Thomas Coggin, 2013
Linear Markets in a CID (2)

Linear market in RID pedestrianised street (Kerk Str.) © Abdul Abed for Yeoville Studio 2011
Linear Markets in CBD

Hoek Street Linear Market
© Bénit-Gbaffou 2014
Traders in areas mismanaged by municipal authorities ‘state of exception’ (1)

Street traders on Delvers Street © Hlela 2014
Traders in areas mismanaged by municipal authorities ‘state of exception’ (2)
Traders in areas mismanaged by municipal authorities ‘state of exception’ (3)
Informal traders’ agency

- passive moving away and returning to their selling sites
- opening and reconfiguration of public spaces
  ‘the quiet encroachment of the ordinary’
- collective action combining different strategies in engaging and/or contesting the different state levels and authorities
  (the Gauteng Provincial Government Platform in 2012-2013)
  (the appeal to the Constitutional Court against the Operation Clean Sweep forced evictions in December 2013)
Historical Perspective

Continuities in informal traders agency which contribute to their fragility

- Fragmentation of informal traders’ organisations
- Personalisation of leadership
- Low accountability and representativeness of their leadership and unequal access to decision-making processes
Passive resistance

Traders after having been noticed eviction by the JMPD in Wanderers Street
Reconfiguration of public spaces

Negotiated built-in niches on to the Shoprite building blind walls in RID
© Abdul Abed for Yeoville Studio 2011

Negotiating functional trading spaces around Park Station
© Bénit-Gbaffou, 2014
Collective action

SAITF General Meeting, 21 August 2014, Beyers Naude Square, Johannesburg Inner City
© Mhlongo 2014
Engaging the State

Gauteng Provincial Government Platform

Informal Traders Consultative Workshop, Parktonian Hotel, Braamfontein, 22 April 2013

Picture by the Author
Contesting the state

Informal traders fight against Operation Clean Sweep
Source: Greg Nicolson, *Daily Maverick*, 27 November 2013