

Charter for a Street-Trading Friendly African City

Steps that African Mayors can take to embrace inclusive and sustainable street trading management

Proposed by the Save the Hawkers Campaign, Johannesburg

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Preamble

Informal trading is a prevalent reality in African cities, still marked by high degree of poverty, unemployment and inequality, and affected by global economic fluctuations. Informal trading constitutes a safety net in times of economic hardship, and a major way for marginalised groups to enter the labour market. The most basic form of informal trading occurs in public space – the street, as it requires limited capital and involves easy access to customers. Street trading is a category of informal trading that is particularly crucial and perhaps more than other types of informal trading, subject to repression and restrictions.

Whilst informal and street trading are a common and persistent reality in African cities, its management is seldom efficient, sustainable or inclusive. Street trading management in African cities is said to be an intractable issue, and in practice oscillates between repression and laissez-faire. This not only generates violence, criminalisation of the poor and of state officials, but it also is largely inefficient as it creates a large cohort of illegal street traders which cannot be managed.

This Charter proposes a set of principles, processes and institutions to guide Mayors towards practical steps they can take to better manage street trading in African cities. These principles, processes and institutions are based on informal and street traders experience in Johannesburg, and research on best practices of street trading management. **Their premise is simple – better management solutions are found when one pragmatically faces realities, and one engages with the people concerned in constructive and inclusive ways.**

The Charter is a template that needs to be negotiated and adapted to national and local contexts on the African continent. This Charter could be a blue print, if taken seriously by local government throughout Africa, for a new way of recognising, supporting and developing informal trading. Our hopes are a change of mind-set amongst politicians and officials operating in local government in African cities – from repressive and restrictive to developmental and inclusive approaches and policies. We hope that the Mayors of African Cities will rise to the occasion and accept the challenge ahead.

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1. Turn the approach around- from wishful thinking to taking stock of the African reality, a condition for efficient management

1.1. Municipalities often allow a limited number of legal trading sites in the street. This number of legal trading sites is not related to the number of existing street traders.

1.2. This leads to making many street traders illegal, to the spread of conflict, violence and corruption, and to ineffective management.

1.3. Municipalities need to start from the recognition of existing street traders, before making decision on how many of them should be legalised, where and how. This decision should be taken jointly with street traders.

1.4. The first step a municipality needs to take is assessing the number of street traders that exist and their location. A census of all existing street traders (both registered and unregistered) is the basis of sound decision making. The census should be done by an independent assessor. Its results should be made available to the street traders, and discussed by a multi-stakeholders committee (which include the street and informal trader representatives).

1.5 All existing street traders should be registered. Registration means the street trader is recognised, entitled to trade, but the exact location and nature of the trade might be negotiated. However, principle of minimal relocation should be respected.

1.6. The sector needs to be open to new entrants as much as possible. The street traders census needs to be regularly updated (every 3 or 5 years) so as to respond to fluid realities and increasing or decreasing number of street traders. Support for those traders who can and want to formalise should be carefully crafted.

1.7. Municipal approaches to street trading should be based on the following principles: be as inclusive as possible, legalise all exiting traders, limit relocation of traders as much as possible, negotiate with relevant stakeholders (including representatives of traders and business) how accommodating traders can co-exist with other uses in the city.

1.8. Municipalities should create safe and conducive working environments, with relevant services (including ablution facilities) and storage spaces. They should explore, together with street and informal traders, how to expand storage and trading spaces, for instance by making use of vacant buildings (when relevant)

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2. Recognise and resource an independent Informal Traders Forum – empower traders to make independent strategic inputs into policies and implementation

2.1. Informal and street traders and their organisations are diverse, yet they are all confronted by similar structural issues.

2.2. Municipalities have often been playing on this diversity to entrench division, and this has allowed municipalities to avoid addressing those structural issues. Municipalities need to fully recognise informal and street trader organisations, in accordance with the fundamental principles of freedom of association.

2.3. Informal and street traders need a platform to iron out their differences and focus on their common strategic claims, independently and outside of the gaze and interference of the municipality.

2.4. Once traders have formed the Informal Trader Forum, the City needs to formally recognise it and resource it. The City should not interfere with the Forum nor participate in it, but give support to the unification effort of traders, for instance through an organisation capacity fund that the Forum could apply to.

2.5. This Forum will be independently chaired and facilitated. The facilitator needs to be independent and chosen by the Forum, even if supported through municipal funding.

2.6. The Forum needs to be broad and inclusive of all representatives of organisations and structures. Every participant to the Forum should join an organisation of their choice. The Forum needs to open its door to new organisations of traders that might emerge and that meet the criteria of representativeness that the Forum will have agreed upon.

2.7. The City should develop a Code of Conduct applicable to all its departments, officials and any other municipally-owned entity, to ensure that they are sensitised and trained to respect the abovementioned organisational rights of street and informal traders, and made fully aware of the boundaries (not to be crossed by any of them) between support for the capacitation of organisations as opposed to manipulation and interference in the affairs of such organisations.

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3. Establish and engage with a Multi- Stakeholders Informal Trading Committee (MITC) – build consensus and find locally adapted solutions with the people involved

3.1. Municipalities need to systematically include all affected parties in making decisions on informal trading policy and implementation. A *de facto* “closed shop” of insiders recognised by the City, versus outsiders whom the City prefers not to recognise, needs to be avoided.

3.2. There is a need to have a permanent, relatively small committee, meeting regularly, resourced and recognised by the City, where these affected parties are negotiating and reaching agreements.

3.3. This Committee needs to include relevant representatives from the City, from the Informal Trader Forum (as the broadly representative body of street and informal traders), from formal business, from civil society.

3.4. The issue of how the street vendors and informal traders’ sector will be represented on that committee would need to be decided by the Informal Traders Forum itself (as the broadly representative body of informal and street traders), with a balance between representativeness and strategic efficiency.

3.5. The exact composition of this Committee needs to be determined, provided traders are given a prominent representation in this Committee, in recognition of the unequal power balance that exists between street traders on the one hand, City and formal business coalitions on the other. The Committee needs to be set up as one space where the playing field is level, for meaningful negotiations to take place.

3.6. The Committee should decide how it is going to be chaired (whether to have an independent chair, rotating chair, elected amongst the members of the Committee, etc.).

3.7. The chair convenes a Committee meeting at least once every three months, but allows for ad hoc committee meetings when the need arises. The Informal Trading Forum should be able to request from the chair that a Committee meeting is convened.

3.8. The agenda for the Committee meeting is proposed by the MITC chair, and other participants are entitled to make additions to this agenda. The agenda is to be communicated in advance.

3.9. The terms of reference of this Committee (mandate, scope) should be decided and clarified jointly.

3.9. The Committee needs to be part of the census process. Negotiations and decisions affecting informal trading need to be based on the census results.

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4. Clarify responsibilities and mandates: a clear and accountable department in charge of street trading, with inclusive area-based management committees – limit governance opacity and delegate local issues to area-level

4.1. As street trading management is straddling several functions of municipalities (economic development, social development, land use management, planning, transport), it is often located nowhere clearly in municipalities. This leads to confusion, opacity, blurred accountability.

4.2. A department, or section of a department (that is not municipal police department) should be clearly in charge of all matters pertaining to street and informal trading, including their management, development and support. It should have a clear mandate, vision, business plan, budget, and provide a unified platform to engage with traders.

4.3. This department should have a clear mandate to ensure that there are no evictions of street traders who have occupied sites for many years, from their workplaces with no suitable alternative arrangements, in favour of big franchises seeking to buy and/or occupy public spaces.

4.4. This department/ section in charge of street and informal trading should send a high level representative to the Multi Stakeholders Informal Trading Committee, and work jointly with that Committee.

4.5. Reporting to the department or section in charge of street trading, area-based management committees should be set up that include City officials and relevant stakeholders. The department in charge of street and informal trading should be responsive and accessible to issues reported by area-based management committees.

4.6. These area-based committees negotiate local house rules, location of traders and type of trade, solve issues and conflicts, identify local needs.

4.7. Area based management should be around flexible adaptation, facilitation, locally-based negotiations, practical solutions, rather than restriction and prohibition.

4.8. The police should be used in the very last resort.

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The Save the Hawkers Campaign is a gathering of Johannesburg-based informal trader organisations, coming together for ad hoc, joint strategic action. The Campaign around this charter involved the African Cooperative for Hawkers and Informal Businesses (ACHIB-Gauteng), the African Traders Organisation (ATO), Congolese Traders Association (CTA), Gauteng Informal Development Alliance (GIDA), the Nigerian Union of Traders (NUT), the South African Informal Traders Forum (SAITF), the South African National Traders and Retailer Alliance (SANTRA), One Voice of All Hawkers Association (OVOAHA). The Charter was framed by these organisations with the technical support of the Centre for Urbanism and the Built Environment Studies (CUBES), at Wits University; and of StreetNet International and WIEGO, in Johannesburg, November 2015.