



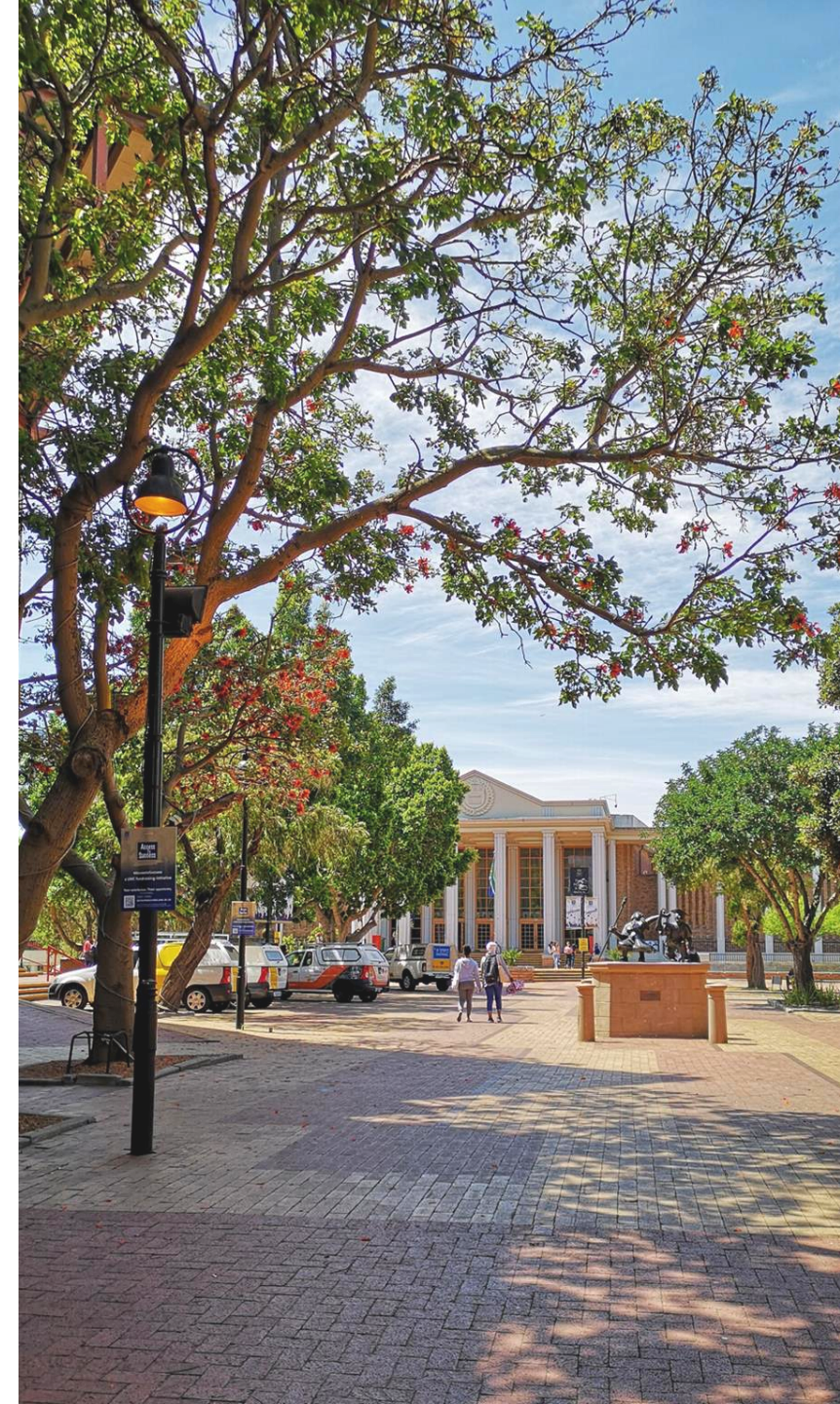
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Sub-national governance and the plight of people working in public spaces

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Introduction

- The socio-economic and political landscape in many African countries remain stark. Although there has been some improvement over the years, the COVID-19 pandemic further exacerbated the situation.
- Main challenges present in African cities include overpopulation, local water shortages, inadequate infrastructure and socio-economic ills such as crime, inequality, poverty and high unemployment rates, resulting in rise of self-employment in the informal economy.
- The informal economy is the diversified set of economic activities, enterprises, jobs, and workers whose work are either under-regulated or not regulated or protected by the state. It has become the main economic driver in Sub-Saharan African countries, making up between 25 and 65% of the Gross Domestic Product.
- Activities within the informal economy include: sale of food, fresh produce (fruits and vegetables) and other small products; waste picking, mini-bus operations and touting, the collection and recycling of waste products, the operation of small businesses (e.g. barbershops and hair salons) in public spaces.
- What is 'public space'?
- The right to work in public spaces has in recent times become a highly contested issue.



Background and key issues

- Unlike the formal economy, the informal economy is flexible by nature, but is governed by rules and regulations set at local government level.
- People working in public spaces are often vulnerable and marginalised, depend on it for survival as this is where their customers and sources of income are found.
- General challenges facing people working in public spaces:
 - Bureaucratic requirements (trading or market permits)
 - Municipal by-laws and regulations (restriction on trade areas and trading hours)
 - Penalisation and criminalisation through harsh treatment and enforcement by local law enforcement officials (formal penalties i.e., fines, confiscation of goods, arrest and detention, and informal penalties i.e., solicitation of bribes, extortions, etc.); the use of force.
 - Local governments fail to ensure the minimal conditions in public spaces (i.e., sanitary ablution facilities, cleanliness in markets), infrastructure (i.e., adequate street lights, sufficient trading spaces in markets)... *A result of poor town planning or the absence of political will to cater to the informal economy and certain groups of people... or a combination of both?*



The plight of people working in public spaces

Women traders

- Form the majority of informal market traders in numerous African countries.
- Are considered as backbone of food distribution and food security for the urban economy and they contribute towards the sustainability of local government revenue through market permits.
- Limited educational opportunities, and general high levels of inequality and poverty.
- Striking a balance between maintaining households (child-care responsibilities) and informal trade.
- Women traders face certain challenges working in public spaces.
 - Safety and Security: often victim to harassment, stock theft in markets; vulnerability perspective (less likely to fight back), lack of proper infrastructure such as street lighting in some markets also a concern.
 - Discrimination: gender discrimination – tendency to ‘negotiate prices’ with women traders, harassment, carry childcare burdens especially during COVID-19 when forced to bring children along to markets.



Migrants

- Groups of people who leave their countries of origin to settle in another for economic, political or social reasons.
- Are public spaces really accessible to all (even migrants)?
- Migrants bring new skill sets, innovative ideas.
- Migrants encounter a number of challenges working in public spaces:
 - Administrative issues: Undocumented or using temporary asylum-seeker permits which require 3 or 6 month renewals. This restricts opportunity to obtain trading permits from local governments and access to financial services such as bank loans.
 - Limited opportunities: Failure to secure formal employment, resulting in reliance on the informal economy for survival (informal trading, barbershops and hairsalons).
 - Negative sentiments and actions: Local citizens, especially those living in the lower-income neighbourhoods generally consider that migrants are worsening conditions ‘stealing their jobs’ (i.e., xenophobic attacks in South Africa).
 - Law enforcement: Ever-present risk of harassment and arrest by law enforcement officials due to their inability to secure market spaces, as a result, they tend to operate in spaces not demarcated for trade.



Waste pickers

- Also referred to as ‘recyclers or waste salvagers’.
- Face social stigma and discrimination as most are vulnerable groups.
- Significantly contribute to public health, sanitation, and the environment by promoting recycling, resource circulation and reducing the amount of waste in landfills.
- Waste pickers encounter a number of challenges working in public spaces:
 - The waste-picking sector is one of the most vulnerable in the informal economy, yet faces socio-economic exclusion, harassment and criminalisation.
 - Not legally recognized as workers, and suffer from poor and hazardous working conditions and a lack of social protection (occupational safety and health).
 - Local government policies or processes exclude them from participating in the municipal waste management system in comparison to ‘formal recyclers’ (often private or public companies).
 - Law enforcement officials use sub-national laws dealing with nuisance or urban zoning to arrest waste pickers; often harassed and criminalised.
- Given their significant contributions, they should be included in waste management policies to promote recycling and resource circulation, the creation of decent work, and poverty reduction.



Informal transport operators

Informal buses and taxis, minibus-taxi (South Africa), dala dala (Tanzania), matatu (Kenya), cars rapide (Senegal) and *tro tro* (Ghana) are some of the main transport mobility services in Africa.

- Other unconventional forms of transport such as bicycles and motorbikes are also used (Boda-boda in Kenya; Okada in Nigeria, Wewa in the DRC).
- Informal transport modes are highly favoured by passengers for many reasons (flexible mobility options, relatively low-cost and charge reasonable fares, late-night services, make convenient stops on long distance routes).
- These modes of transport provide employment opportunities for people.
- Informal transport operators face a number of challenges working in public spaces:
 - Often excluded in public transport policy.
 - Motorbikes are confiscated, and auctioned off by the state, taking away their source of income,
 - Frequently face arrest and detention.



Passenger Touts

- Minibus passenger touts (also known as “touts” or “callboys”) “recruit” (mini-bus calling) and organize passengers to board minibuses; and receive a fee or a commission.
- For some, a nuisance or harassment, however, this is the only option available to earn a livelihood owing to limited education and employment opportunities.
- Touts face a number of challenges working in public spaces:
 - They are arbitrarily arrested under other related (vagrancy or nuisance) offences, depriving them of their only source of income. A study in Malawi revealed that a ban on touting has adverse socio-economic impact on marginalised groups of people seeking to earn a living.
 - Frequently face arrest and detention in countries where touting is outlawed.
- Using the criminal justice system to address such low-level non-violent offence types is not a sustainable solution to the problems associated with touting or other informal transport related offences



Conclusion

- The enforcement of regulations and by-laws in public spaces is useful in ensuring sanitary and safe public spaces for all, but must be proportionately conducted.
- Certain informal economy sectors are not formally recognized and regulated.
- The challenges of vulnerable groups working in public spaces on a daily basis must be considered by local authorities.
- Policy makers tend to exclude people working in public spaces in the decision and policy making process. Little to no consultation with them.
- Law enforcement officials tend to harshly enforce laws on marginalised and vulnerable groups.
- Encourage less of a reliance on the criminal justice system by solving socio-economic challenges and building compliance to the law through risk prevention, public education and awareness.
- Local governments, law enforcement agencies, and other stakeholders support the efforts of those working in public spaces, through equitable approaches to improve security in public spaces because these activities significantly contribute to the socio-economic development of the country.

Thank you

