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RESEARCH ARTICLE



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Right to the City? An Analysis of the criminalisation of the informal sector in Harare, Zimbabwe

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Abstract

This paper seeks to examine the criminalisation of informal sector operations in Harare. The responsible authorities have often viewed the informal sector as being atomistic to the formal economy, a development which has led to the harassment, arrests of informal sector operators in Harare. This phenomenon raises many questions which include, whose city is it anyway? Do informal sector workers have the right to the city? To answer some of these questions, the paper makes use of secondary sources of data such as newspapers, journal articles, magazines, research reports among others. The Government and local authorities should view the informal sector as an integral part of the urban economic system and should thus accommodate it for socially just cities to be created.

Keywords: informal sector, Harare, right to the city, socially just city, Zimbabwe.

Introduction

As the world becomes increasingly urban, there is a demand to better understand how the benefits of urbanization can be shared more equitably among its residents and develop inclusive cities where everyone, including the most marginalized, has access to basic services and the opportunity to build a prosperous future.

There are various dimensions of exclusion in the urban areas and these include Physical/Spatial exclusion: intra-urban inequalities between various neighbourhoods in terms of access to land and housing, infrastructure, basic services, and public amenities (slums and non-slum areas); Economic exclusion: inability to enter formal labour markets, obtain capital for business development, or the education necessary to be considered for employment and Social exclusion; on the basis on age, gender, race, caste, religion, ethnicity, or disability impacts an individual's participation and voice in the governance of the city.

This paper seeks to analyse the criminalisation of informal sector activities in the city of Harare, Zimbabwe. It argues that such developments work against the notion of socially just cities and the right to the city.

Study Context

Richardson (1989a) notes that urban areas are places of high efficiency for specialised and essential economic activities and are primary contributors to the national economy. Cities are also important global hubs of finance, manufacturing, trade and administration. Rondinelli *et al.* (1983; 123) postulates that cities offer locations for services that require high population thresholds and large markets to operate efficiently. This is because cities are centres for innovation and diffusion and they facilitate widespread modernization.

For example, Lagos with 5 % of Nigeria's population has 57 % of total value in manufacturing and has 40 % of the nation's highly skilled labour. The idea that cities are national financial hubs has attracted many people to move from rural areas and even from smaller towns to large urban centres leading to high urban population thresholds. On the contrary, Harris (1992) observed that most third world economies have not been able to expand at the pace needed to meet labour force growth as shown in Table 1.

The structures of these economies are rapidly changing, requiring new skills for new economic roles especially in mega cities hence the need for policy initiatives to stimulate greater urban job creation (Karsada, & Parnell, 1993).

Table 1: Harare population against unemployment

Year	Population	Percentage increase	Unemployment rate
1992	1 478 810	5.6%	-
2002	1896 134	2%	12%
2012	2 098 199	1%	88%

Source: Zimstats 2012 census

Table 1 shows that the population of Harare in between 2002 and 2012 increased by 1% when compared to the period 1992 to 2002 population census growth of 2%. On the other hand, the rate of unemployment has increased from 12% in 2002 to 88% by 2012. The difference shows that the rate of unemployment is far much ahead of the rate of population increase. This means that the increase in the rate of unemployment was not merely as a result of the increase in population but it means that the available industries and other sources of formal employment in Harare have diminished. This is a total reverse which can only be explained by an economic meltdown. The closure of companies has been directly related to the increase in informality.

The explosive growth of cities has been accompanied by a plethora of problems of unmanageable proportions (Karsada, & Parnell, 1993). The problems of urbanisation include high rates of unemployment and underemployment as urban labour markets are unable to absorb the expanding numbers of job seekers, soaring urban poverty, insufficient shelter, inadequate sanitation, inadequate or contaminated water supplies, air pollution, environmental degradation, congested streets, overloaded transportation systems and above all municipal budget crises (Devas, & Rakodi, 1993). All the urban challenges that the developing cities are facing emanate from rapid population growth. Yet, Devas and Rakodi (1993) argue that continued rapid urban growth in the developing world is inevitable. In this regard, urbanisation has been condemned on the basis that there is failure to cope with its effects, and that local authorities do not have the capacity to develop infrastructure necessary to meet population growth (Rondinelli *et al.*, 1983). Urban growth can be controlled efficiently using totalitarian controls yet they obstruct the initiative and dynamism that is required for economic growth and inescapably undermines the social, economic and political controls, which contain growth (Harris, 1992).

Zimbabwe is not an exception to the urban miseries that accompany urbanisation. Cities such as Harare and Gweru continue to grow without any apparent limit and this poses a huge challenge to those responsible for the management of urban development and the provision of services (Tibaijuka, 2005). The rapid process of urbanisation seems to be dodgy for the scale of problems it seems to entail. Local authorities in Zimbabwe have been challenged with budget restrictions, decreasing revenues and cuts in public sector expenditures (Chaeruka, & Munzwa, 2009). Urban management issues common in Harare are urban sprawl, squatter settlements, corruption, street

children, inadequate urban service delivery and urban agriculture (Tibaijuka, 2009). The major challenge that has gained popularity in the country's major discussion forums is of the informal sector. The sector expresses itself in many different forms, that is, housing, vending, theatre, transport and urban agriculture. Urban managers have been subdued to the pressures of the informal sector and have criminalized the sector (Brown, 2006).

Theoretical Framework and Literature Review

This section provides an outline of the key concepts that underpin this study. Concepts such as the right to the city and socially just city are explained so as to give adequate theoretical expositions for this study.

Right to the City

The theoretical framework for this paper anchors heavily on the works of Henri Lefebvre (1901- 91). This was a French Marxist philosopher. His works have become prominent in the fields of political science, geography and urban studies (Elden 2007). Lefebvre utilised this notion in his numerous works in urban and rural sociology. His understanding of space was further developed in his *La survie du capitalisme*, which suggested that the reshaping of the global spatial economy was an important historical development (Elden, 2007).

Social space is allocated according to class, and social planning reproduces the class structure. This is either because of an abundance of space for the rich and too little for the poor, or because of uneven development in the quality of places, or indeed both. Like all economies, the political economy of space is based on the idea of scarcity. "Today more than ever, the class struggle is inscribed in space." There are also 60 crucial issues around the idea of marginalisation or regionalisation. This was one of Lefebvre's points in his call for the right to the city [ville]. Segregation and discrimination should not remove people from the urban. Nor are space and the politics of space confined to the city (Elden, 2007).

The right to the city is, therefore, far more than a right of individual or group access to the resources that the city embodies: it is a right to change and reinvent the city more after our hearts' desire. It is, moreover, a collective rather than an individual right, since reinventing the city inevitably depends upon the exercise of a collective power over the processes of urbanisation.

In general terms, when we talk about the right to the city it means ensuring that women, men, youth and children have equal access to basic services in the communities they live. These basic services include access to water and adequate sanitation. The right to the city also implies minimum levels of safety and security so that people do not live in constant fear of being assaulted or of being robbed, the right to the city also affordable energy and public transport to facilitate access to jobs, education and recreation. Moreover, the right to the city include the right to adequate housing and the right for people to participate in decisions affecting their livelihoods. Finally, the right to the city should translate to equal opportunities for all to improve their living conditions and livelihoods without jeopardising the rights of future generations to do the same. The concept of the right to the city is closely linked to that of socially just cities.

Conceptualising the Informal Sector

The term informal sector has various meanings and explanations. There is no universal agreement on what informal sector is. Its definition and understanding varies from country to country. However, informal sector is basically defined as production units that operate on a small scale and at a low level of organisation with the primary objective of generating income for the people involved. In other words, informal sector consists of businesses that operate outside the rules, laws and regulations of any country. Since it was first coined in the early 1970s, the term 'informal' has been used with different meanings for different purposes. Originally, it referred to a concept for analysis and policy-making.

Today it is sometimes used in a much broader sense, to refer to a concept that defines activities not covered by the existing, conventional sources of statistics. Moreover, the informal sector may be broadly characterized as consisting of units engaged in the production of goods or services with the primary objective of generating employment and incomes to the persons concerned. These units typically operate at a low level of organization, with little or no division between labour and capital as factors of production and on a small scale. Labour relations – where

they exist – are based mostly on casual employment, kinship or personal and social relations rather than contractual arrangements with formal guarantees (International Labour Organization [ILO], 2013).

Socially Just City

Socially just city are also referred to as inclusive cities. The concept of an inclusive city has several meanings and explanations. Cleobury (2008) defines an inclusive city as one that provides all its citizens with decent public services, protects citizens' rights and freedom, and fosters the economic, social and environmental wellbeing of its citizens. It strives to produce a beneficial framework for inclusive economic growth and improves the quality of urban living. If a city is inclusive it means that all the citizens have access to basic services, access to employment opportunities, promotes human rights, spatially and socially cohesive among other attributes.

Results and Discussion

There is increasing control over the use of public spaces, especially those within the Harare city centre. The urban zones are always characterised by the 'winners, losers', the 'included' and the 'excluded' which raise questions with regards to spatial democracy in space and land utilisation. It has become survival of the fittest, which those without the political and economic 'muscles' greatly disadvantaged. Informality has become a source of livelihood especially for the urban poor. However, a study conducted by Njaya in 2014 suggests that there is currently no law that protect informal sector players' right to livelihood. Though informality has become a permanent feature of the urban economic system, the players in this sector have become targets of harassment and eviction by both the national and municipal police authorities. These have adopted militaristic ways of responding to urban informality (see Figure 1).



Figure 1: Informal trader fighting with municipal police

Now, there is increased politicisation of public space and now Harare resembles what Brown (2006) referred to as 'contested space'. Different parties are always clashing in as far as the control and management of public space is concerned (Dube, & Chirisa 2012). This raises several questions concerning urban spatial governance. It becomes difficult for players in the urban informal sector

to enjoy their right to the city and thus the notion of 'a fair shared' city cannot be achieved. This in its own sense is an obstacle to effective and meaningful spatial democracy. The urban poor are most severely affected by the erosion of spatial justice and exclusionary citizenship that is accompanied by urban development activities (Lawson, 2008). There is increasing conflict on the use of public space in Harare, which has somewhat created spatial polarization, where city dwellers are spatially sorted into areas of relative privilege and disadvantage.

Informal vending

Harare has been characterised with high population growth, high industry closures and consequently high rates of unemployment and enormous poverty. A huge manifestation of unemployment is seen through the informal vending. Shop fronts in Harare are littered with informal traders of various goods and services such as carrier bags, locks and keys and food items. Foreign currency dealership and airtime hawking has become the most lucrative ventures by most sectors of the public (Chirisa, 2009). Brown (2006) elucidates that Local Authorities (LAs), have criminalized the informal sector. Most informal traders are in a situation of dilemma always, that is poverty at home and police at their workplace (Chirisa, & Dube, 2012).

The informal traders have positioned themselves on strategic points where it is easy to attract customers for example along streets close to transport pick up and drop off points. An issue of concern to most private businesses is that informal traders have cowed them to unfair competition, for instance in Harare Central Business District (CBD), those who sell groceries usually stand in front of shops selling the same goods such as OK and TM super markets.

With this challenge in mind, city residents and the local authority have alternated to the practice of allowing quick gains through promoting "innovation". The practice removes barriers to entry, creates simple networks and challenges government bureaucratic requirements. The above strategy manifests in workplaces that do not have services to cater for the users and customers to those businesses. For example, the new public market along Speke and Chinhoyi Street in the CBD of Harare accommodates huge numbers of clothes sellers and customers but does not have a toilet or water point. Focus is on providing for operating space but little attention is on the provision of infrastructure and services to cater for these operating spaces.

Box 1: Police Clash with Vendors

Police and vendors fought running battles forcing shops in the First Street Mall and Nelson Mandela to close, the stone throwing vendors smashed windowpanes of police post. The police had visited the area following the assault of a member of force by the vendors. Police Chief Superintendent Oliver Mandipaka confirmed that there are some political activists masquerading as vendors or vendors masquerading as political activists who have become so confrontational each time the police want to enforce the law. *The police were armed with teargas, canisters and rifles while patrolling, violence erupted after vendors resisted arrest and pelted the police with stones.* Mr Mandipaka noted that some vendors were hiding behind politics to engage in illegal activities. He further on pointed out that residents should not fear the law enforcing agents, but they should respect what they stand for; confrontational cannot be tolerated because we want tranquillity to prevail. Thus direct confrontation with the police is gross illegality inviting heavy handedness.

The Herald January 12, 2012, page 1

Informal transport system in Harare

The government of Zimbabwe has failed to provide adequate formal public transport. In response to this, informal public transport systems have emerged to take advantage of the demand that has not been met by formal public transport systems (Mbara, *et al*, 2014). This supports the classical model of the informal sector which states that when the formal sector shrinks, the informal sector expands (Gibson and Kelley 1994). Informal transport relies heavily on

traditional knowledge and resources, family labour and ownership, small-scale operations and labour-intensive techniques, and offers low barriers to entry for potential participants (Rakowski 1994).

The informal transport in Harare uses small cars and minibuses which park willy-nilly blocking other traffic and causing congestion (Mbara, 2015). Chirisa and Dube (2012) reiterated that transport woes in Harare range from congestion, pollution and shortages of transport. The informal transport system in Harare has opened informal bus terminals known ‘*mushikashika*’. *Mushikashika* means “...an aggressive approach to transport shortages characterised by hitch hiking any mode of transport”. The informal transport system has also developed incidental informal bus stops. Both the *mushikashika* type of transporters, formal and semi-formal transport operators have become inefficient in terms of travel time and routing.

The most worrying characteristic of the informal transport system in Harare is that players usually lack formal documentation and experience to transport the public. Reckless driving is also common in the sector. This has led to numerous police blitzes on kombis. There now exist what Chirisa and Dube (2012) termed as the “BMW euphoria”, in which police with BMW cars have embarked on a beast-like nationwide crackdown marauding on all transport operators to enforce operational permits and other regulations. This operation by the police prompts radical change of routes as Kombi drivers run away from the BMW.

Informal housing in Harare

People who cannot afford decent accommodation are flocking into informal settlements dotted around Harare as the government has no resources to build houses for the poor. Financial institutions are unwilling to invest in housing in informal settlements. The City of Harare has started to demolish houses that are deemed to be illegal. The move was in line with government’s order to demolish illegal structures around the country in a development resident’s view as reminiscent of the 2005 Operation Murambatsvina. Such initiatives are considered to be a violation of urbanites’ housing rights and a denial for them to enjoy city life. Such activities in the housing sector means that the concept of inclusiveness within the City of Harare has since been dropped as the City is now characterised by the ‘included’ and the ‘excluded’. Figure 2 show woman standing outside after her house was pulled down a bulldozer in the City of Harare, Zimbabwe.



Figure 2: A woman standing outside after her house has been pulled down by a bulldozer in Harare, Zimbabwe

Conclusion and Policy Direction

This paper has argued that the rampant criminalization of the informal sector in Harare is a violation of the citizens' right to the city. Urban residents are entitled to live and enjoy benefits that come with urban life without fear of being intimidated and harassed. However, the City of Harare has unleashed terror in the informal sectors of transport, vending, urban farming and informal housing, thereby going against the notion of inclusive cities as advocated for by organisation such as the UN-Habitat. Sustainable and inclusive urban planning should take into consideration the role of the informal economy in keeping many households afloat in the context of massive unemployment and poverty. Street trading and other forms of informal economic activity have to be factored in as part of the economic reality and spatial dynamic of the City. The acknowledgement of the role of the informal economy as an economic constituency defining the City should be reflected beyond political rhetoric, and genuinely inform the Harare's policies. Its contribution to the livelihoods of millions of people is evidence that it is not only a sector to be tolerated and controlled, but one that should be allocated resources for its development.

It is undisputable that there is need for Local Authorities to have sustainable development mechanisms that improve urban development and management and fosters an economically competitive environment so that there is no decrease in welfare and quality of life of urban populace (Nothnagel, 2011). Local Economic Development can be adopted since it serves the purpose of mobilising the local economic potential by bringing innovation to all its growth dimensions that is infrastructure, local SMEs and their skills, attracting foreign investment, fostering territorial competitiveness and strengthening local institutions (Nothnagel, 2011; 17). Since urban areas in developing countries are concentrated with, the jobless or even the poor there is need for LED so that there is no decrease in welfare and quality of life for urban inhabitants. Nel (1994) further elucidates that the high concentration of persons in cities implies that proper approach to growth can enhance the wide spread of benefits of development.

Implications for social justice

Urban agriculture has emerged as one of the most practiced 'informal' activity in the City of Harare. The majority of the urban poor in Harare continue to rely on urban farming for survival as formal sector employment has since collapsed as a result of serious economic challenges being experienced in the country. However, the City of Harare has continued to criminalise urban agriculture and consider it a trivial activity in the urban system. The Council officials have at some point slashed maize crops planted in open areas in residential suburbs such as Kuwadzana. Some of the Housing development agencies in the form of housing cooperatives were on recorded destroying maize in the name of land development processes (Chimedza, 2015).

Conflict of interest statement

The authors declare that they do not have any conflict of interest.

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