

Solving the Cape Town Puzzle: Class, Politics, and Migration in the Informal Food Economy

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Abstract

Political empowerment possesses significant potential to facilitate the realization of economic inclusion by allowing marginalized groups to make claims on the state in the pursuit of justice and equality. This is particularly promising for individuals engaged in informal economic activity. Cape Town, South Africa, is in many ways a model for this idea: following its post-apartheid democratization process, governments at the local, provincial, and national levels officially recognize the value of informality and have adopted policies to support it. Yet persistent forms of exclusion for those who engage in informal economic activity remain. This article examines why this is the case. In doing so, it explores the forms of marginalization experienced by migrant and non-migrant workers in the Cape Town's informal food economy and highlights the importance of three factors in explaining why democratization has not translated into greater inclusion: (1) the contours of inequality in the city; (2) the nature of local and national party politics; and (3) the specific dynamics that surround migration and informality. When seeking to translate institutional change into more inclusive forms of development, it emphasizes the importance of paying attention to both open democratic structures and processes and the forms of politics that fill them.

Keywords: informal economy, political rights, economic and social rights, development, South Africa

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INTRODUCTION

Informal economic activity is inherently characterized by exclusion. Given that it takes place at least in part outside of official legal and regulatory structures, those who engage in it cannot access the formal benefits of economic, social, and political life and the protections that it entails. A potentially promising source of empowerment is political rights, as they would not only guarantee basic forms of democratic participation for informal workers, but also, more specifically, facilitate their agency by ensuring that politicians are responsive to popular opinion and, under the right conditions, providing an incentive to pursue pro-poor policies.

Cape Town provides an ideal setting in which to explore this relationship between political rights and economic and social rights. South Africa has undergone a profound transformation since the end of apartheid. In the wake of high levels of direct state violence, political exclusion, exploitation, and impoverishment to maintain a hierarchical, racialized system dominated by, and for the benefit of, white South Africans, the coming of democracy in 1994 saw a significant transformation of the South African state through the redesign and de-racialization of its core institutions and the introduction of a new social contract in which an extensive set of rights are notionally guaranteed. Yet economic and social rights, despite existing in principle, are elusive in practice, as the country still struggles to overcome the legacies of its apartheid history. This is particularly true in Cape Town's informal economy, where political rights have not translated into economic and social rights, creating what this article refers to "the Cape Town puzzle." Much work needs to be done if the promise of democratization is to be realized and fully benefit some of the most marginalized members of society.

The informal economy is central to the livelihoods of migrants. According to a 2019 report by Statistics South Africa (Stats SA), in 2017, 29.3% of migrants in South Africa worked in the informal economy (Stats SA, 2019: 46). While this represented a decline from 33.9% in 2012, it was still notably higher than comparable rates for non-movers and internal migrants at 17.4% and 13.7%, respectively (Stats SA, 2019).² The consequences of this are profound. Although, at 29.6%, a higher share of migrants aged 15–24 were classified as not in employment, education, or training (NEET) in 2017, migrants had a significantly lower unemployment rate than both non-movers and internal migrants, at 18.4%, 29.1%, and 25.8%, respectively, suggesting that the informal economy offers a crucial source of livelihood support (Stats SA, 2019). As will be explored in this paper, the informal economy can provide certain forms of support that are uniquely valuable to migrants; it can also present challenges that migrants are uniquely vulnerable to.

² This article uses the term "migrant" interchangeably with "immigrant," the latter defined in the Stats SA report referenced here (2019: 6) as "[a]n individual who was enumerated in a province in South Africa (SA), but who indicated that they were not born in SA." An internal migrant (referred to in the report as an "internal-migrant"), in contrast, is "[a]n individual who was born in a particular province, and was enumerated in a different province," whereas a non-mover is "[a]n individual who was born in a particular province and was enumerated in the same province." (Stats SA, 2019: 6).

This article examines the failure to ensure economic and social rights for both non-migrants and, in particular, migrants in Cape Town's informal economy, arguing that this can be attributed to the intersection of inequality, party politics and the realities of migration. Stressing the importance of pairing a focus on protections for informal workers with a broader emphasis on formal employment and anti-poverty measures, it illustrates how the link between political inclusion and economic and social inclusion rests on core assumptions about how political systems operate and how voters and politicians behave within them, many of which do not hold in Cape Town, especially for migrants. Economic and social rights, it maintains, must complement political rights if societies are truly to become more just and inclusive, and if those who have been most marginalized are to be meaningfully incorporated into forms of political, economic, and social life from which they have previously been excluded.

The remainder of this article proceeds as follows: the next section presents a brief outline of the methodology employed in this study and defines its scope and significance. The following section explores South Africa's transition from an apartheid to a post-apartheid state, offering a brief overview of how both political rights and economic and social rights have been recognized in the country and discussing the extent to which they have been realized in practice. The following section examines how economic and social rights in Cape Town's informal economy are defined by a failure to address issues surrounding poverty and unemployment that define informality and are particularly acute for migrants. Attention is then turned to the question of why the realization of political rights has not facilitated a similar realization of economic and social rights in Cape Town's informal economy. An explanation that is rooted in the intersection of inequality, the local and national political landscape in which governance occurs, and migration is offered, with a focus on the South Africa general election of 2019. The article concludes by stressing the importance of pairing a focus on economic and social rights with political rights in the informal economy if, for the benefit of both non-migrants and migrants, the Cape Town puzzle is to be solved.

METHODOLOGY

This article relies on several data sources to offer an analysis of the structural challenges to inclusion that migrants face in Cape Town's informal food economy. Most notably, it discusses the results of a survey of 450 migrant entrepreneurs in the informal food sector undertaken by the Hungry Cities Partnership (HCP) in 2021–2022.³ This survey captures the considerable diversity that defines the informal food economy in Cape Town, detailing the responses of 262 male and 188 female respondents in 11 different areas throughout the city. Reflecting the significance of Cape Town, and South Africa more generally, as a hub for Global South migration, particularly in

³ While the author was not involved in designing or carrying out this survey, he had previously worked with, and has subsequently rejoined, the Hungry Cities Partnership.

sub-Saharan Africa, respondents came from at least 23 different countries: Angola, Bangladesh, Burundi, Cameroon, Congo (Brazzaville), the Democratic Republic of the Congo, Egypt, Eswatini, Ethiopia, Ghana, India, Kenya, Lesotho, Malawi, Mozambique, Nigeria, Pakistan, Rwanda, Somalia, Tanzania, Uganda, Zambia, and Zimbabwe.⁴ Respondents also conducted their businesses in a variety of locations: permanent stalls in markets; permanent stalls on the street; temporary stalls on the street; in vehicles; in containers; in spaza shops; in their homes; in customers' homes; in a shop in a house, yard, or garage; in workshops or shops; in restaurants; in taxi ranks on the side of the road; in permanent structures in taxi or public transport stations; or elsewhere. Some were mobile vendors with no fixed location. Others used multiple locations. Questions covered a broad range of issues concerning respondents' backgrounds, experiences, and business activities, many of which are discussed in detail below.

As this article places a significant emphasis on the nature of South African politics and involves an analysis of the 2019 South Africa general election, it is worth briefly touching upon the 2024 general election and the potential significance of the drop in support for the ruling African National Congress (ANC) and the formation of a Government of National Unity. It is, at the time of writing, too early to know what these changes will mean for the political economy of informality in the country, and therefore in Cape Town, and how this will impact migrants in particular. The extent to which it points to a potential end of ANC national hegemony in the country is uncertain, particularly as the decline in its vote share corresponded with the rise of uMkhonto weSizwe, a party founded by disgraced former President and leader of the ANC, Jacob Zuma, at the end of 2023. Should this reflect a fundamental shift in voting behavior, and should it ultimately lead to more accountability, responsiveness, and effectiveness in governance through greater political competition, the trends discussed in this article may become a matter of historical rather than contemporary significance. Observers of South African politics will surely look forward to seeing whether this transpires.

In examining the experiences of migrants in Cape Town's informal food economy, this article seeks to draw broader conclusions about the dynamics of inclusion and exclusion in informal economies more generally. While this article refers to the Cape Town puzzle, the puzzle that it seeks to address – why greater political rights have not led to the realization of adequate economic and social rights in the informal economy, particularly for migrants – is relevant to cities across South Africa and, in various ways, across the Global South, given the extent to which it can shed light on obstacles to greater inclusion for a particularly marginalized segment of the urban population and potential pathways around these. The specific problems that it discusses are unique to Cape Town; inequality, party politics, informality, and migration, however, are not, and demand more attention in efforts to understand the circumstances in which democratization can ultimately lead to greater inclusion.

⁴ Two respondents listed "Other".

THE END OF APARTHEID AND DEMOCRATIZATION IN SOUTH AFRICA

South Africa's post-apartheid constitution (RSA, 1996), as Von Holdt (2013: 592–593) notes, emerged from an environment of heightened levels of state violence and struck an uneasy balance between the pressures of protecting property owners and the desire to address obvious forms of injustice. Yet, adopted on 8 May 1996, it offers far-reaching rights protections. Affirming the country as a “democratic state” (Section 1), it contains a Bill of Rights that includes, among other provisions, the right to equality (Section 9), human dignity (Section 10) and the “freedom and the security of the person” (Section 12; quoted from Section 12(1)). The Bill of Rights explicitly outlines a list of political rights that are held by all South Africans, including the right to form, participate in, and recruit members for a political party and campaign for a political party or cause; the right “to free, fair and regular elections for any legislative body established in terms of the Constitution”; and the right to vote in any election for such a body through a secret ballot, to stand for public office, and to assume such an office if elected (Section 19; quoted from Section 19(2)). It also declares that South Africans have the right “to choose their trade, occupation or profession freely” although this “may be regulated by law” and the provision notably refers to citizens rather than individuals more generally (Section 22; also see Young (2020, 9–10)). All South Africans are “equally entitled to the rights, privileges and benefits of citizenship” and “equally subject to the duties and responsibilities of citizenship” (Section 3(2)), a notable break from the apartheid era. These rights, however, are based on a foundation of citizenship, therefore placing non-citizen migrants outside of their protection. This is, in itself, unremarkable; indeed, a defining feature of citizenship is that it confers rights on those who hold it that others are excluded from. It also, however, places migrants in a position where they possess fewer rights than non-migrants, and from which they are therefore less able to make claims to the state for the basic protections they might otherwise expect.

Political rights in South Africa have largely been realized. Regular elections with universal franchise are held in the country at all levels of government, and, since the introduction of democracy in 1994, have been consistently won at the national level by the ANC, the party that led the struggle against apartheid, with a majority of the vote, a notable achievement in a multiparty democracy.⁵ This record of upholding political rights compares favorably to much of sub-Saharan Africa (see, for example, Freedom House, n.d.). The realization of economic and social rights, however, has seen less progress. The South African state has made efforts to address the racialized socio-economic disparities that have persisted since the end of apartheid, most notably through the program of Black Economic Empowerment that encompasses efforts to promote employment equity and Black ownership in the economy (Southall, 2007). It also offers forms of direct livelihood support that can aid the most marginalized; of the over 18 million South Africans receiving social

⁵ National vote totals from 1994 to 2019 are presented in Schulz-Herzenberg (2019: 464).

grants, relief assistance, or social relief in 2019, more than 16 million were Black (based on Statista, 2021). Yet socio-economic inequality remains high and, although many Black South Africans have indeed seen significant, and sometimes dramatic, improvements in their socio-economic status, highly racialized. As Seekings (2008: 7) notes, while a diverse economic elite and middle class now exists, the country's working class is made up of mostly Africans and the poor are almost universally African. The lived experience of poverty in the country remains high and has recently worsened, with an Afrobarometer survey finding that the number of people who have gone without food, water, medicines or medical treatment, cooking fuel and cash income at least once in the past year increased between 2015 and 2018 (Chingwete, 2019: 5) despite the fact that the constitution guarantees the right to "healthcare services" and "sufficient food and water" (Sections 27(1)(a) and 27(1)(b)). South Africa's official unemployment rate in the third quarter of 2023 was 31.9%, up from 25.5% in the third quarter of 2015 (Stats SA, 2023: 12); other estimates suggest that it surpassed the level it was at in 1994 in 2010 and now far exceeds what it was around the end of apartheid (World Bank Open Data, n.d.-c). World Bank data suggests that South Africa is the most unequal country in the world (World Bank Open Data, n.d.-a),⁶ and that inequality levels, despite an uneven decline since peaking in 2005, were higher in 2014 than they were in 1993 (World Bank Open Data, n.d.-b). The country's cities remain deeply unequal and highly segregated, with the latter, Seekings declared in 2008, providing "[p]erhaps the most striking evidence of the resilience of race" in the country (2008, 11; also see 11–14). Using an alternative measure to the World Bank, Euromonitor International named Johannesburg, the country's largest city, as the most unequal in the world in 2017, with Cape Town fifth (Razvadauskas, 2017).⁷

South Africa's democracy itself faces significant challenges. Despite the country's recent history of undemocratic rule, there are signs that its people are losing faith in its democratic institutions and processes. An Afrobarometer poll found that only 54% of respondents in South Africa in 2018 believed that democracy is preferable to any alternative form of government, down from 70% in 2011 and the fifth lowest figure for 34 African countries surveyed from 2016 to 2018 (Dryding, 2020: 2–4). Only 61% agreed that leaders should be chosen in "regular, open, and honest elections," down from 83% in 2006 (Dryding, 2020: 5), while 62% claimed to be willing to "give up regular elections and live" under a "non-elected government or leader" who "could impose law and order, and deliver houses and jobs" (Dryding, 2020: 11). Concerns about poor governance, corruption, and state capture compound the limited progress that governments at all levels have made in addressing the country's ingrained socio-economic problems, making the apparent success of the country's post-apartheid system appear increasingly less assured.

South Africa's record of promoting and protecting a broad spectrum of human rights since the end of apartheid is therefore mixed. Although extensive political

⁶ Country figures vary by most recent year available.

⁷ This source uses the Palma ratio to measure income inequality. The World Bank data discussed above relies on the Gini index.

rights and economic and social rights exist in principle, the latter often remain unrealized in practice. Cape Town's informal economy provides useful insights into why this is the case and what its consequences might be.

ECONOMIC AND SOCIAL RIGHTS IN CAPE TOWN'S INFORMAL ECONOMY

Cape Town's informal economy illustrates many of the problems that have come to characterize the realization of rights in post-apartheid South Africa for both migrants and non-migrants alike. The legacies of apartheid are again obvious. Under apartheid, major restrictions were imposed on the ability of Black South Africans to engage in business activities, and those taking place in public places were heavily policed (Skinner, 2019: 417–418). More broadly, Black South Africans were made to acquire permits to live and work in cities and could only do so if they had formal employment, while the state sought to control the growth of cities through forced relocations and, later, permitting the growth of peripheral urban areas to facilitate labor exploitation while maintaining separation (Abrahams et al., 2018: 4–7). Such overt and coercive efforts by the state to enforce socio-economic exclusion came to an end with the end of apartheid. Their impact, however, remains.

The policy landscape for governing informal economic activity has shifted considerably since the end of apartheid.⁸ The City of Cape Town (CoCT) has adopted an Informal Trading By-Law and an Informal Trading Policy, both of which are apparently centered on a “developmental approach” that seeks to integrate informal trading into urban development (CoCT, 2009, Section 1.3; 2013, Section 4.1.2.1 and Section 5).⁹ Stressing the “role that informal trading plays in poverty alleviation, income generation and entrepreneurial development” and acknowledging the “positive impact” that it “has on historically disadvantaged individuals and communities” (Section 1.2), the Informal Trading By-Law declares a “[f]reedom to engage in informal trading” throughout the city in accordance with relevant regulatory and legal provisions (Section 4). Despite these developments, however, problems remain that demonstrate the shortcomings of South Africa's transition. Of crucial importance here is the fact that poverty and unemployment remain defining features of Cape Town's informal economy. A survey of informal food vendors conducted by the HCP in 2017 found that the two most common reasons given by traders for entering the informal economy are the need for money for survival and the desire for greater family financial security, while the fifth most common reason is

⁸ For a detailed overview of these changes, see Skinner (2019) and Rogerson (2016a, 2016b). For an analysis of the various forms of governance that exist in Cape Town's informal economy, with a focus on its informal food economy, see Young (2020).

⁹ Informal trading, as defined in the City's Informal Trading Policy and Informal Trading By-Law, encompasses many, but not all, of the categories of informal trade engaged in by respondents to the HCP migrant informal food entrepreneur survey this paper discusses (as outlined in the methodology section). See CoCT (2009, Section 3.1; and 2013, Section 4.2). The Informal Trading Policy employs a definition of the informal sector from the Quarterly Labour Force Survey encompassing both employers and employees and includes all relevant activity “which takes place on public space, or private land where it is included in a trading plan” (CoCT, 2013, Section 2.1.1 and quoted from Section 4.2.1).

unemployment and the inability to find a job.¹⁰ Interestingly, while 57.7% of migrant food vendors in the later survey highlighted the need to find a job, more highlighted the desire to run their own business, the belief they had the right personality, the desire to do something new and challenging, the desire to learn new skills, the risk to challenge themselves, their desire to increase their status in the community, and the desire to have more control over their own time and be their own boss. Still, needing money to survive and wanting to give family greater financial security were the two most popular choices, with the desire to make money to send to their home country coming in fourth behind control over time and being their own boss.

The primary challenges that informal food vendors identified in the 2017 survey surround similar concerns, with over half of respondents citing a lack of customers (75.3%), too many competitors (69.4%), high prices charged by suppliers (66%) and poor sales (59.6%).¹¹ These four are again the most significant obstacles highlighted by migrants, but at significantly higher rates: 89.2% for too few customers, 87.8% for too much competition, 89.8% for suppliers charging too much, and 88.7% for insufficient sales. Poverty is central to explaining the trends that can be observed in these survey responses: individuals are driven into the informal economy due to livelihood needs, but the limited purchasing power of their potential customers and the oversupply of labor represent major problems once they are there (also see Young, 2020: 20–22).

Despite the apparent goal of facilitating development, and although important protections are provided by the legislative and constitutional environment, the governance of informality in Cape Town can be heavily regulatory and, at times, coercive. The 2017 HCP survey of informal food vendors also found 11.5% reported often or sometimes having their goods confiscated by the police, 7.8% experienced harassment or demands for bribes from the police, 5.5% had been physically attacked or assaulted by the police and 4.1% had either experienced or had their employees experience arrest or detention (Tawodzera and Crush, 2019: 38). The later survey of migrant entrepreneurs suggests that these figures are notably higher for migrants and refugees, with 38.2% reporting confiscations, 17.7% reporting harassment or demands for bribes, 10.4% reporting physical attacks or assault, and 10.4% again reporting arrest or detention (also see Tawodzera et al., 2015: 41). The city's Informal Trading By-Law requires all informal traders to hold a valid permit, provides an extensive list of the conditions under which informal trading can take place, and empowers officers to confiscate goods when these conditions are repeatedly violated.¹² Of 450 migrant entrepreneurs in Cape Town's informal food economy surveyed,

¹⁰ Tawodzera and Crush (2019: 10). These results are also presented, along with a similar analysis to what is presented here, in Young (2020: 20–21). This survey used a different definition of informality than the one that is presented in the Informal Trading By-Law, as it includes traders in workshops or shops, homes and restaurants, none of which are mentioned in – although neither are they explicitly excluded from – the definition included in the by-law. These, however, remain a minority of respondents (see Tawodzera and Crush, 2019: 3–4; and CoCT, 2009, Section 3).

¹¹ The original table is presented in Tawodzera and Crush (2019: 38). It is reproduced with a slight disparity in figures in Young (2020: 22). Figures cited here are from the original.

¹² CoCT, 2009. Confiscations can take place following two written warnings. See Section 18.2. Also see Young, 2020: 17 and 19.

only 11 had ever applied for a bank loan, and none were successful. None had ever accessed any support from the Small Enterprise Development Agency, the Sector Education and Training Authority, the Department of Trade and Industry's Skills Support Programme, the South African Micro-Finance Apex Fund, Khula Enterprise Finance Limited, the National Empowerment Fund, or the Industrial Development Corporation. Only two had accessed COVID-19 relief funds in the previous two years. The country's lockdown during the COVID-19 pandemic has complicated the permit process across South Africa and, in some cases, led to punitive measures against traders who are deemed to be non-compliant (Wegerif, 2020).

The realities of Cape Town's informal economy reveal significant legacies of apartheid that remain unaddressed. A considerable share of the country's population, particularly migrants, still faces exclusion from the labor market. This has important spatial dimensions in Cape Town, as wealthier areas of the city have a lower population density and higher employment density, while the poorer Cape Flats have a higher population density and lower employment density.¹³ Informality may be the only employment option where formal employment is absent. Indeed, the informal economy may be the largest source of employment in the city (Petersen and Charman, 2018: 4). For those who enter the informal economy, spatial differences may make policies and regulations less suitable in townships than they are elsewhere, limiting the formalization of economic activities (Scheba and Turok, 2020). But a focus on informality as a source of entrepreneurialism,¹⁴ both in HCP work and elsewhere (also see Tawodzera, 2019), raises a pertinent question: why is entrepreneurialism seen as a solution to poverty and unemployment for those who live in poorer parts of the city, while those in wealthier parts of the city can rely on formal employment?

The enforcement of the laws and regulations that govern informal economic activity is also uneven across the city, with the City itself reporting in 2015 that 100% of informal traders were permitted in the central business district (CBD) and the wealthy southern suburbs compared to a range of 14% to 20% across the poorer Cape Flats.¹⁵ This suggests that informality is tolerated more in poorer areas of the city and more strictly regulated in wealthier business and residential areas. This can be understood in two ways. First, it suggests that the state is less interested in policing livelihood activities in poorer communities, a trend that, following Holland, could be understood as an alternative form of welfare provision where official forms of social assistance are inadequate (Holland, 2016; also see Holland, 2017). Alternatively, it suggests that the state is primarily interested in policing the activities of the poor when they take place in parts of the city where they are viewed as less desirable or essential. Opposition to street vending, a major form of informal trading, as a global phenomenon is often driven by business interests and concerns about aesthetics and

¹³ See the image presented in City of Cape Town & the City of Cape Town's Transport and Urban Development Authority (2018: 17).

¹⁴ The most influential neoliberal treatment of informality can be found in De Soto (1989). Skinner (2019: 417) suggests that it is possible that De Soto's book may have influenced a change in policy direction in South Africa.

¹⁵ See the image presented in CoCT (2015: 49). Divisions between parts of the city inferred by the author. For an exploration of this phenomenon in another context, see Holland (2016: 240–242).

urban functionality, tying it inextricably to questions of class.¹⁶ These class concerns are highlighted further, as the geographical patterns of enforcement in Cape Town closely match the geographical patterns of employment and, again, the significant socio-economic divisions that exist in the city.¹⁷

A disconnect therefore exists between the realities of Cape Town's informal economy and the official policies that exist to govern it. While current policies are apparently designed to offer support, the deep inequalities that exist within the city limit the extent to which the rights of those who engage in informal economic activity can be realized. More fundamentally, a rights-based approach must avoid the danger of conflating two related but separate problems. The first is how to guarantee economic and social rights for those who engage in informal economic activity. For informal traders, this entails providing the same rights protections that all are entitled to and, more specifically, allowing them to enjoy the right to engage in their activities under reasonable conditions that truly facilitate inclusive development. While the freedom to engage in informal trading may be recognized in Cape Town, the regulations that govern it must be designed and enforced in ways that facilitate, rather than constrain, the livelihoods of the poor and allow for the realization of the broad range of economic and social rights provided in the constitution (RSA, 1996).

The second issue surrounds the question of whether informality itself is the result of a lack of economic and social rights for the urban poor, as a combination of poverty and unemployment drive them into precarious livelihood activities with an, at best, ambiguous status before the law that leaves them vulnerable and marginalized. If this is in fact the case, then a rights-based approach requires not only protections and forms of livelihood support for those who freely choose to engage in informal economic activity, but also concerted efforts to address the fundamental rights issues that compel individuals to enter the informal economy in the first place (Young, 2020: 20–22). This appears to be more in line with the “right to work” outlined in Article 6 the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the obligation that it contains for states to take proactive measures to pursue full employment. It is also in line with the three tasks outlined in the International Labour Organization's (ILO) Recommendation 204, adopted in 2015: to promote formalization while respecting the rights and opportunities of those who engage in informal economic activity, to similarly promote the creation and protection of formal sector jobs through coordinated policy measures and to prevent the informalization of employment in the formal economy (ILC, n.d., Paragraph 1). Yet, despite an apparent commitment to economic and social rights that is embedded in the foundations of the post-apartheid South African state, formal employment opportunities for the urban poor are patently inadequate.

¹⁶ Arguments commonly employed against (and for) street vending are presented in Bromley (2000). For competition with formal businesses, see Setšabi and Leduka (2008). Also see Young (2017: 724–727).

¹⁷ See, for example, the Socio-Economic Index illustrated in City of Cape Town & The City of Cape Town's Transport and Urban Development Authority (2018: 28). Details of the index are supplied on page 27.

SOLVING THE CAPE TOWN PUZZLE

An explanation for why the realization of political rights has not led to a full realization of economic and social rights for non-migrants and, particularly, migrants in Cape Town's informal economy is therefore necessary. If the urban poor can exercise influence over policy by participating in democratic processes, then one might expect the outcomes of these processes to be more closely aligned with their interests. Political inclusion, one might expect, should promote economic and social inclusion.

There is indeed an increasing realization that democratic institutions and processes can play a crucial role in improving the governance of informality. There are, broadly conceived, three stages at which democratic processes can influence policy outcomes:

1. *Elections*: eligible citizens can vote for representatives who articulate policy positions that are in line with their interests (see, for example, Agarwala, 2013).
2. *Policymaking*: individuals or groups united by common interests can lobby governments in the pursuit of desired policy outcomes.
3. *Policy implementation*: official policies can be blocked or negotiated when they are put into practice.¹⁸

A coherent argument that links more inclusive political institutions and processes with the realization of economic and social rights in the informal economy entails important assumptions about how political inclusion can translate into economic and social inclusion. These can be defined as follows:

A. Political systems:

1. A majority supporting inclusion or a minority supporting inclusion forms a key voting group
2. Institutions translate support for inclusion into representation
3. Institutions translate representation into policy
4. Policies are implemented

B. Voters:

1. Vote based on policy
2. Make informed policy decisions
3. Prioritize informality
4. Can meaningfully back alternative candidates (i.e., political competition exists)

¹⁸ The significance of the disconnect between the existence and enforcement of laws and regulations that govern informality is often highlighted. See, for example, Cross (1998) and Holland (2016).

C. Politicians:

1. Prioritize re-election
2. Believe actions will have electoral consequences

Many of these assumptions do not hold in Cape Town; and the reasons they do not lie in the intersection of inequality, politics, and migration. First, and most notably here, migrants often lack the ability to vote, meaning that the basic ability that those in the informal economy to exert political influence through electoral pressure simply does not hold.¹⁹ The migrants surveyed by HCP in 2021–2022 had a combination of permits for visitors, refugees, asylum seekers, and permanent residents, while some had no official status.²⁰ The South African Constitution (RSA, 1996) grants the right to vote to all adult citizens; non-citizens lack such a right (Section 19(3)). If migrants are to exercise political influence through voting, they have to become South African citizens first.

As highlighted above, Cape Town remains defined by socio-economic divisions that, due to apartheid, have major and remarkably entrenched geographic dimensions, and these geographic dimensions are particularly important for the poverty and unemployment trends that underpin the city's informal economy and the enforcement patterns that characterize its governance. These deep socio-economic divisions have significant political implications. Political rights do not exist in a vacuum. Instead, they are exercised in both institutional environments made up of the various government structures that exist in a particular place and the political landscape that emerges within that environment. To understand how they are realized or constrained in practice, therefore, it is necessary to understand politics. In South Africa, at the national level, that requires understanding the political hegemony of the ANC. Even without interrogating the nature of the ANC's power or the forms of governance it adopts, it is unlikely that such single-party dominance is conducive to democratic accountability.²¹ The assumptions about political inclusion translating into economic and social inclusion outlined above are premised on the existence of electoral competition that will result in incumbents losing power if they are not responsive to public opinion and fail to achieve desired policy outcomes. This has manifestly not occurred in South Africa, despite declining levels of satisfaction with democracy and service delivery and falling levels of political trust.²²

The fact that the ANC is able to maintain its national political dominance despite poor performance deserves further scrutiny. The ANC has been criticized for becoming unaccountable, abusing its power and abandoning its liberationist

¹⁹ Holland (2017) recognizes this issue in her theory of forbearance.

²⁰ Many also declined to answer.

²¹ See Schulz-Herzenberg (2019: 463–464). For an examination, and ultimately a critique, of the “dominant party” approach to the ANC, see Southall (2014: 332–333). For a further critique of the ANC's dominance, see Friedman (2015).

²² The significance of these three trends on voting intentions is analyzed in Roberts et al. (2019: 490–492). The authors find these “regime evaluations” less significant than “psychological engagement” and certain “socio-demographic factors”; see pp. 493–495.

roots during its time in office,²³ while the neopatrimonial nature of its politics are deeply ingrained (Lodge, 2014). Two salient points of critique are adopted here in relation to the possibility that it will address the economic and social rights of those who engage in informal economic activity: that its electoral dominance has indeed limited the extent to which it responds to popular input; and that it lacks a strong record of protecting workers (Di Paola and Pons-Vignon, 2013). The party's 2019 election manifesto contains a pledge to finalize a new social security plan that will include formal traders (ANC, 2019: 30), but, while this may prove to be beneficial, other policy proposals for the country's informal economy are absent while the plan to create an additional 275,000 jobs a year appear unconvincing, given the party's longstanding failures to address unemployment (ANC, 2019: 11). Its manifesto also pledges to "[t]ake tough measures against undocumented immigrants involved in crime, including illegal trading in townships" (ANC, 2019: 35) and to "[w]ork with other countries to create incentives for immigrants to stay within their own borders" (ANC, 2019: 43), illustrating the political environment that migrants operate in.

Yet despite its obvious failings and failures, the ANC remains a remarkably successful electoral force. While it is not possible to reduce electoral politics in South Africa to simplistic understandings of the country's racial divisions,²⁴ particularly as the growing Black middle class demonstrates less commitment to the ANC,²⁵ a poll conducted by the Pew Research Centre ahead of the 2019 elections found that 73% of Black South Africans still hold favorable views of the ANC, in contrast to only 27% of white and 30% of Coloured voters (Tamir and Budiman, 2019). Racial divisions are still the defining feature of inequality in South Africa, and it is this intersection of race and inequality, a legacy of a long history of discrimination culminating in apartheid, that has significant electoral resonance and serves as a major obstacle to equal rights protections in the country. The 2024 general election may ultimately prove to have shaken this dynamic, but it has likely failed to fundamentally transform it.

Local politics in Cape Town and provincial politics in the Western Cape, where the CoCT is located, are, in contrast, dominated by the Democratic Alliance (DA). The DA is also a more explicitly neoliberal party than the ANC. In its manifesto for the 2019 elections (2019: 26), it included providing "targeted support for micro-entrepreneurs in the informal economy" as the fifth of its six-point Small Business Development plan. However, it again adopts a neoliberal framing of informality as entrepreneurship, focusing on, beyond promises for a comprehensive survey and the development of a Code of Good Practice for engagement, legal and regulatory reforms, "including property rights and the ability to enforce contracts"; providing trading spaces as the party has done where it is in power, including, implicitly, Cape Town; and easing the registration process. It claims that informality represents "economic activity happening organically in a country where economic activity

²³ For different treatments of the ANC, see Southall (2014).

²⁴ For a critical overview of research on South African elections, see Everatt (2016: 51–53).

²⁵ This also has spatial dimensions, although Rule (2018: 152–154) finds these are less prominent in Cape Town than they are in Johannesburg.

is relatively scarce,” but a framing that focuses on poverty and unemployment is conspicuously absent. The problems of unemployment, “stagnant growth, grinding poverty and worsening inequality” are highlighted in the party’s plan – the cornerstone of the manifesto – to create jobs, but employment again seems to be secondary to entrepreneurialism (2019: 10). Describing the party’s “approach to broad-based empowerment” (2019: 19) as part of its plan for “[e]conomic justice for all” (2019: 18), it proposes to reward companies that create employment as “ultimately, if you can’t be an entrepreneur, the best form of real empowerment is to get your foot on the ladder of opportunity through a job” (2019: 20). The DA criticizes the ANC government for its apparent failures on migration policy, stressing that “South Africa desperately needs skills and is, and should continue to be, a cosmopolitan country with residents from across the globe and the African continent. But this migration must happen in a legal manner” (2019: 72). It claims that “[s]killed immigrants, traders and business people will be welcome in our country” and that “traders who enter the country to do business and receive supplies [will be] regularized and/or receive specialised trading permits” (2019: 73).

If the DA’s ideological commitments incline it to view informality through a neoliberal lens, it is important to note that Cape Town’s electoral geography provides it with few incentives to change course. As Rule (2018: 154–155) found in an analysis of the 2016 local elections, the ward demographics in Cape Town that correlate most strongly with support for the DA are speaking English or Afrikaans, a larger white population, a larger Coloured population, satellite television ownership, higher median age and higher median income earners. Support for the ANC, in contrast, correlates most strongly with speaking isiXhosa, a larger Black African population, residents in informal dwellings and the Multiple Poverty Index, while support for the Economic Freedom Fighters (EFF), an avowedly “radical and militant economic emancipation movement” is correlated most strongly with a larger Black African population and speaking isiXhosa.²⁶ The DA is less reliant on voters from poorer parts of the city than voters from wealthier areas.²⁷ If informality can be understood in class terms and its governance can be seen to represent particular class interests over others, then a party in government that prioritizes re-election might be expected to pursue the interests of its electoral base that will fundamentally be tied to class. If doing so can be framed in accordance with pre-existing ideological principles, then the likelihood of deviation should be expected to be reduced further. This, it seems, is the reality facing the DA in Cape Town.

South African politics displays a considerable degree of what is referred to here as “electoral stickiness,” or the slow or limited response of voting behavior in line with policy preferences to changing political conditions. There are signs that this is perhaps changing, but these provide few reasons for optimism. While partisan loyalties are declining, abstentions from voting are rising (Schulz-Herzenberg, 2019:

²⁶ Economic Freedom Fighters (EFF) (n.d.: 6). As above, the page number used here is based on the document pages when viewed online.

²⁷ See the spatial patterns of voting in the city discussed in Rule (2018: 150–152).

471–472). This could indicate that voters increasingly feel that their votes will be inconsequential. As Roberts et al. (2019: 488–490) illustrate, faith in the political efficacy of voting has experienced a long-term decline, and, along with levels of political interest and a sense of duty to vote in principle, is lower among those who abstain from voting. They also found that that young people are more likely to abstain from voting (Roberts et al., 2019: 487–488, 492–495). Of equal concern, Everatt (2016: 61–63) found that the poor may be becoming less likely to register or to vote; while this, given their tendency to vote for the ANC in large numbers coupled with the expansion of a Black middle class that may be less inclined to support the ruling party, could lead to greater political competition, it is not a welcome trend. It is also particularly consequential for the prospects of the poor to translate their political rights into the realization of economic and social rights.

In relation to the assumptions about how political inclusion is translated into economic and social inclusion outlined above, therefore, one can observe several ways in which politics in post-apartheid South Africa falls short. Those who might desire greater protections for the rights of those who engage in informal economic activity, either through support for informal trading or through greater efforts to promote formal employment, would face significant obstacles in any effort to influence policy. At the national level, the ruling party has become unresponsive and increasingly unable to improve the lives of the poor, but it nevertheless continues to be successful in elections, even if its fortunes are diminishing. The pathway from popular opinion – if indeed greater inclusion for those in the informal economy commands popular support or would allow for the formation of an important interest group – to policy is frayed, but politicians in the ANC, on the whole, have not suffered major consequences. At the local level, the DA's ideological commitments cause it to view informality in a way that is disconnected from concerns about poverty and unemployment, and it, too, has few electoral reasons to change its position.

This political landscape interacts with, and is shaped by, a socio-economic context in which extreme levels of inequality are both racialized and spatialized. These inequalities have proven intractable since the end of apartheid. The failure to address economic and social rights has been followed by a politics that has so far been unable to address economic and social rights. Profound structural inequalities remain at the heart of South African democracy and the biggest obstacle to the realization of the ambitions of equality that accompanied the country's transition.

CONCLUSIONS

South Africa's post-apartheid politics has failed workers in the country's informal economy. Despite the significant benefits that democratization has brought, a combination of inequality, party politics, and migration have limited possibilities for greater inclusion. In a content defined by marginalization, migrants face more challenges than most: an inability, in most cases, to vote leaves them without traditional means of formal political influence and makes them easy targets for the

type of xenophobic politics that South Africa has long struggled with. The Cape Town puzzle may be solvable in theory, but it persists in practice.

The extent to which the 2024 general election may offer meaningful change, or at least serve as an early sign of meaningful change to come at some point in the future, remains to be seen. The Government of National Unity quickly put “the achievement of rapid, inclusive and sustainable economic growth to create jobs” “[a]t the top of the list of priorities” that it has (RSA, 2024). Much the same has been promised in the past, however, and little has been delivered. It is unlikely that the assumptions that link political inclusion to economic and social rights in the informal economy have been brought about by a single, albeit significant, election result. More change is likely needed for the promise of South Africa’s democratization to be realized. For migrants in Cape Town’s informal food economy – indeed for all South Africans – that change cannot come soon enough.

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