Space Wars in Bogotá: The Recovery of Public Space and its Impact on Street Vendors

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ABSTRACT

This paper addresses the factors underlying the shift of public space management in Bogotá's historic center from one of neglect by presidentially appointed mayors to an aggressive public space recuperation campaign led by Bogotá's elected mayors from 1988 to the present. Faced with the high barriers to public space recovery—the potential loss of needed political support from vendors, the excessively high cost of recuperation projects, and the power of vendor unions to obstruct their removal—this thesis holds that three factors enabled the elected Bogotá mayors to recuperate public space. These are: (1) the democratization of the Bogotá Mayor's Office, (2) political and fiscal decentralization, and (3) the political-economic marginalization of traditionally obstructive Bogotá vendor unions.

Field work was carried out in metropolitan Bogotá to determine the impact of the public space recuperation on vendors who were relocated by the Mayor's Office of Bogotá. When compared to data from the street, results of the randomized surveys illustrates improvements in working conditions, but lower income and fewer clientele for relocated street vendors. The study similarly documents how more benefits accrued to relocated vendors in markets that specialize in the sale of one product instead of more generalized markets.

The conclusion points to the importance of public space recovery for the reinstatement of public order and for downtown economic revitalization. These benefits are described parallel to the disadvantages of the intensification of vendor-government conflict and the large-scale abandonment of costly markets by relocated street vendors.

Thesis Supervisor: Diane E. Davis
Title: Associate Professor of Political Sociology

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Table of Contents

Space Wars in Bogotá: The Recovery of Public Space and its Impact on Street Vendors

"We're in a desperate situation and we don't know what we're going to do next. They pushed us off the streets and here, in the market, we don't have a future."

Luis Gabriel Lozano
Merchant in the *La Caseta Feria Popular de la Carrera 38* project for relocated vendors

"Thanks to relocation programs offered to vendors, they have been given the opportunity to become retailers and the public space of the city can 'breathe' again. Finally, Bogotá is becoming a friendly and praise worthy city to show the world."

El Tiempo newspaper, November 24, 1999[1]

I. Profile of Public Space Recovery in Bogotá

Public space in the historic city centers of Latin America offers prime real estate for street traders. This area often encompasses the most frequented thoroughfares in the country, key commercial buildings, various ministries, and the nexus of public transportation. Given the amount of prospective clientele, street vendors gravitate to these areas and transform sidewalks, parks, and the town square into a mobile shopping mall where they hawk everything from chocolate bars to computer software.

Such economic activity creates serious problems for city management such as sales tax evasion, the obstruction of pedestrian mobility, litter, and the diminishment of the city's image. Yet despite the urgency of these problems, few cities have been able to implement an effective strategy to deter the occupation and deterioration of public space by street traders. This is due particularly to three obstacles mayors face in relocating or evicting street vendors: (1) the

[1] "El paso de economía informal a empresarial," *El Tiempo*. November 24, 1999. p. 6-D. Author's translation.

potential loss of political support from large vendor populations,[2] (2) the excessively high cost of relocation programs, and (3) the power of vendor labor unions to effectively block their removal. Given these barriers, the thesis will address how elected mayors in Bogotá,[3] Colombia, were able to overcome these three obstacles and recover vendor-occupied public space in the historic center.

The question is far more complex than it appears at first glance. This is because of the variety of conflicting, competing and mutually contradictory interests. Some of these interests are as follows: the needs of unemployed or underemployed people to earn honest livings; the interests of stationary businesses in the area who must compete with vendors who can undersell them, the values of people who want their public spaces accessible and safe for all people, not just those involved in street commerce; and the need of low-income Colombians to have access to affordable goods and services. Such conflicting interests dissuaded government officials from relocating a significant number of street vendors for 450 years until Andrés Pastrana became the first popularly elected mayor in 1988. Before this time mayors benefited from a clientelistic relationship with street vendors based on the sale of licenses to powerful street vendor unions and commercial sponsors. Though there were token relocation projects such as the downtown *Galerías Antonio Nariño de San Victorino*, public space recovery and the attendant relocation of street vendors was a non-issue for pre-1988 mayors.

Since 1988, however, the massive investment in public space efforts have included the construction of over a dozen markets for street vendors, the installation of 15,000 bollards to prevent illegal parking on sidewalks, and the recuperation of more than 430,000 square meters of

[2] The Census Bureau of Colombia (D.A.N.E.) calculated that there are 1.6 million informal workers in Bogotá in June 2001. D.A.N.E. *Encuesta nacional de hogares—Bogotá*. June 2001.
[3] The official name of the city is Santa Fé de Bogotá, Distrito Capital.

public space.[4] Investment for street relocation of street vendors has also skyrocketed: whereas from February 1990 to December 1994, the government-agency for relocation (*Fondo de Ventas Populares*, FVP) invested 1.738 billion Colombian *pesos* (US$2 million[5]) in only three years (1998-2000) 29.45 billion *pesos* (US$16.5 million[6]) were dedicated to relocation projects.[7] These efforts led to the relocation of a greater number of vendors, growing from 1,577 citizens between the February 1990-December 1994 period[8] to 3,049 vendors in Mayor Enrique Peñalosa's administration (1998-2000) alone.[9] These major developments, that laid the foundation for mayors after 1988 to recuperate public space, did not occur during one year alone, but between a three year period (1988-1991) that were among the most influential in modern Colombian history.[10]

By way of explaining the conditions that underlay the political shift from public space neglect to a surge in "pro-public space campaigns," this thesis will address three fundamental changes that occurred in the political landscape of Bogotá that allowed and motivated mayors to overcome the political disenfranchisement of vendors, high cost of public space recuperation, and obstructive vendor union power.

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[4] "Espacio: senado tiene la palabra," *El Tiempo*. June 6, 2001.
[5] Fondo de Ventas Populares, Graph "Programa y proyectos de ubicación física de vendedores ambulantes." June 1995. This figure does not include the government subsidized costs of public services in the relocated sites or the value paid by Bogotá taxpayers to the municipality. Cited in Álvaro Suárez Zuñiga, "Las ventas callejeras: documento para discusión," UNDP-Bogotá Mayor's Office. Preliminary Draft. June 1995. p. 5.
[6] $2,850,000,000 *pesos* were invested in 1998 ($1,997,141 1998 USD), $20,300,000,000 pesos in 1999 ($11,543,404 1999 USD), and $6,309,229,000 in 2000 ($3,022,501 2000 USD). Exchange rates were calculated using annual averages from the Banco de la República de Colombia. Annual rates in *pesos* were cited in Alcaldía Mayor de Bogotá, D.C., Secretaría de Gobierno Distrital, Fondo de Ventas Populares, "Reflexiones sobre las ventas ambulantes y estacionarias y la afectación del espacio público." Unpublished internal memorandom. April 2001. pp. 10-11.
[7] Alcaldía Mayor de Bogotá, D.C., Secretaría de Gobierno, Fondo de Ventas Populares. *Informe gerencia junta directiva*. Unpublished internal memorandum. June 8, 2001. p. 7.
[8] Fondo de Ventas Populares (June 1995: 5)
[9] Alcaldía Mayor de Bogotá, D.C., *et. al.* (2001: 7).
[10] Major events during 1988-1991 were the creation and adoption of the 1991 Constitution of Colombia, the 1988 installation of mayoral elections, the adoption of the 1990 Labor Law Reform Bill, and the 1989 The *Urban Reform Law of 1989*.

First, the **democratization** of the Bogotá Mayor's Office, manifested by the enactment of free elections in 1988, politicized public space as something for which the mayor was directly responsible. Whereas before 1988, Bogotá mayors were presidentially appointed and their negligence of public space was interpreted as a failure of the Colombian president, the elected mayors' recovery of public space became a visual symbol of their ability to install "rule of law" and "public order." Especially in the 1990s when *Bogotanos* were recovering from the pervasive kidnappings and bombings of the 1980s, the recovery of public space from vendors perceived as "…mafia…gangs…[and] crooks"[11] became increasingly important to the voting public. Not only was the elected mayor to be held accountable for their policies with respect to public space (both by electoral contributions and votes), successive Bogotá mayors used their public space initiatives to garner popular support for presidential elections.

The adoption of fair, transparent elections, though a necessary condition of political pressure to enhance public space recovery, is not sufficient by itself to explain such change. In fact, several mayors implemented small-scale relocation programs in Bogotá before the institution of free elections.[12] The Bogotá Mayor's Office agency for street vendor relocation, the *Fondo de Ventas Populares* (FVP[13]) was created thirty years ago in 1972 during the

[11] "Ley contra el espacio público." *El Tiempo*. Editorial. June 15, 2001.

[12] An international counterexample manifests itself in the presidentially appointed former mayor of Mexico City, Ernesto P. Uruchurtu (1953-1966). In his fourteen years of office, the mayor relocated over fifty thousand street vendors to 174 new *centros comerciales*, moving more street vendors in one year alone (18,414 in 1957) than the total amount of vendors relocated in a 26-year period following his administration. See John Cross, *Informal Politics: Street Vendors and the State in Mexico City*. Stanford: Stanford University Press, 1998. pp. 164-165.

[13] The mandate of the FVP is to generate and support alternatives of organization, training, formalization and/or relocation of mobile and stationary vendors. Resolution 001/1995 of the FVP Board of Directors defined the mission and vision of the FVP: "To develop programs of training for informal vendors with the goal of facilitating the modernization process," "To support occupational alternatives for the modernization of informal vendors." And "To participate in the urban upgrading of areas harmed by informal vendors in a process of public space recuperation." The FVP is run by a Board of Directors who are appointed by the Mayor of Bogotá. In addition to the mayor or his/her delegate, the Board of Directors is composed of five more members who are currently the following persons, Diana Margarita Beltrán Gómez, Public Defender's Office for Public Space; Eduardo José Aguirre Monroy, Director of the Tercer Milenio Park; Gerardo Burgos Bernal, Subsecretary of Local Affairs—

administration of Mayor C. Albán Holguín[14] and has been sporadically utilized to relocate vendors to government-built markets (*centros comerciales*). Though this illustrates how street vendor relocation may occur in the absence of democratic government, it does not explain the massive scale of relocations that occurred during the administrations of the appointed mayors. In this sense, the democratic elections gave mayors the political incentives to relocate street vendors whereas a second factor—**political and fiscal decentralization**—endowed mayors with the jurisdictional mandate and the fiscal resources to do so.

Decentralization, like the installation of elections, would place mayors as more responsible for upholding public space in Bogotá. No longer would the national government be responsible for such actions, but local, popularly-elected mayors would be recognized as the guarantors of public space. The creation of public space laws in 1991 gave mayors new responsibilities and obligations. The most important of these laws is Article 82 in the 1991 Constitution that guarantees public space as a right paramount to civil and political rights. Colombia is rare, and possibly unique among nations, in that it elevated the protection of "public space" to a constitutionally guaranteed right enforced by mayors. The bridge that connects this national body of law to local enforcement is a 1993 presidential decree that charges mayors with the defense of the collective's right to public space. Parallel to these developments, fiscal decentralization empowered Bogotá mayors with more resources to implement costly public space recovery projects. President Belisario Betancur's (1982-1986) decentralization program reconfigured the tax system so that up to half of the national sales tax was transferred to municipalities by 1992. This reform combined with increased taxes on industry, commerce, and car-vehicle licensing allowed Bogotá to grow from a budget deficit of 4.9 billion *pesos* (US$6.2

Government; Isabel Londoño Polo, Director of Acción Comunal; and María Angela Gualí de Ceballos, Director of Misión Bogotá. See Alcaldía Mayor de Bogotá, D.C., *et.al.* (2001: 7).

million) in 1993 to a surplus of 25 billion *pesos* (US$24.1 million) in 1996.[15] Undoubtedly without a surplus, Bogotá would be in a financial straightjacket to implement the grandiose multi-million dollar largest street vendor relocation projects in 1998 and 1999.

Nevertheless, decentralization in of itself or combined with democratization, does not sufficiently explain the recovery of public space. Before 1988 sophisticated street vendor unions blocked relocation programs and exchanged their political support for protection of their establishments. However, rather than become a political force as they were in the 1980s, during the late 1980s and throughout the 1990s, the street vendor unions became fragmented and commensurately less influential. This led to the final factor that allowed Bogotá mayors to enact and enforce anti-street vending policies: **the political-economic marginalization of street vendor unions**.

The enervation of street vendor unions was intrinsically connected to the aforementioned processes of democratization and decentralization. With regard to democratization, free elections in 1988, over-rode mayor-vendor clientelistic behavior, in favor of policies that catered to middle class electoral support and private developers. To this end, the public and private developers—the mayors' new constituencies—increasingly supported mayoral actions to recuperate public space and either evict or relocate the main violators of this public space, *vendedores ambulantes* (ambulatory vendors). Democratization also encouraged political participation, especially through lessening restrictions on the prerequisites unions needed in order to receive legal recognition. These newly acquired freedoms, in turn, led to the proliferation of poorly organized vendor unions that often comprised no more than five

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[14] Suárez Zúñiga (June 1995: 13).
[15] La Rebeca, 1998a: 19. Cited in Alan Gilbert and Julio Dávila, "Governing Bogotá." David J. Myers and Henry Dietz, eds. *Capital City Politics in Latin America: Democratization and Empowerment*. Boulder: Lynne Rienner, 2002.

members. Finally, the elected mayors' shift away from licensing, a policy that was traditionally susceptible to the economic clout of influential unions and vendors' corporate sponsors, effectively undermined the unions' city-wide power. The economic power of vendor unions and street traders was further eroded with the nation's worst recession in seventy years as survey data will reveal in this thesis.

The three factors that enabled the elected mayors to recuperate public space—(1) the democratization of the Bogotá Mayor's Office, (2) political and fiscal decentralization, and (3) the political-economic marginalization of street vendor unions, will each comprise a chapter of the thesis. Following an analysis of these factors, the author will present the outcome of the spatial battle for Bogotá's historic core. This will be accomplished through a section that focuses on the changes in income and working conditions of those who were relocated to government-built markets (*centros comerciales*[16]). This discussion will be guided by the results of the author's 2000 survey of 177 relocated street vendors in ten different markets in Bogotá. Outside of the markets, attention will also be placed on the more macro-benefits of public space recovery in Bogotá—downtown beautification, rising real estate values, decreasing crime—and the pitfalls—the enlargement of social conflict between vendors and police, the disenfranchisement of vendors from the political system, and the creation of different, more clandestine forms of informal street vending.

The first step in describing the transition of public space policy in Bogotá is to understand the mayors' relationship to public space recovery before the critical 1998-1991 period when the elected mayors' aggressively recuperated public space. The following chapter describes and contextualizes this pre-1988 relationship in the spatial context of the historic core.

[16] Though *centros comerciales* also refers to large shopping malls in Spanish, the term will be employed in this work to refer to markets for relocated street vendors.

II. The Historical Context of Public Space Conflicts in Bogotá

The plazas and sidewalks of Bogotá's historic center are the stage upon which political realities are enacted and given visual form. Public space in Bogotá's downtown has simultaneously served as both a symbol of local control and chaos in the city. The literature dealing with urban iconography stresses the importance of the urban landscape as a symbol of power.[17] The keystone of this power in Latin American urban geography crystallizes in the town square (*zócalo* or *plaza*). Gareth A. Jones and Ann Varley in "The Contest for the City Centre: Street Vendors Versus Buildings," describe the importance of the *plaza*,

> [s]ituated between the cathedral and the municipal palace, between spiritual and temporal power, the *plaza* historically served as a social meeting place, the market and arena of political demonstration…The appropriation of this space, therefore, has an obvious symbolic value."[18]

The recovery of public space in Bogotá's historic center, therefore, is the most obvious manifestation of an attempt to plan and regulate the city.

More than representing an unchallenged control over public space, the town square and sidewalks are the arena in which organized social, political and class conflicts are played out.[19] In Chile, Argentina and Uruguay, for example, "public spaces serve as important landmarks for detention and torture as well as protesting state terror" as Scarpaci and Frazier write.[20] This is never more apparent than in the protests against human rights abuses initiated by the Madres de la Plaza de Mayo (Fisher, 1993). Similarly, the 1989 Tianamen Square protests in Beijing and

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[17] See D. Cosgrove, "Geography is Everywhere: Culture and Symbolism in Human Landscapes." In D. Gregory and R. Walford (eds.), *Horizons in Human Geopgraphy*. London: Hutchinson. pp. 118-135. Y.F. Tuan, *Power and Place*. London: Edward Arnold. 1977. Cited in Gareth A. Jones and Ann Varley, "The Contest for the City Centre: Street Traders Versus Buildings," *Bulletin of Latin American Research*, Vol. 13, No.1, pp. 27-44, 1995. p. 37.

[18] Jones and Varley (1995: 37).

[19] P.M. Ward, "The Latin American Inner-City: Differences of Degree or of Kind?" *Environment and Planning A* 25: 1131-1160. 1993. Cited in Jones and Varley (1995: 37).

[20] See J.L Scarpaci and L.J. Frazier, "State Terror: Ideology, Protest and the Gendering of Landscapes," *Progress in Human Geography 17*: 1-21. 1993, p. 1. Cited in Jones (1994: 4).

the continuous crackdowns against Fulong Gong believers, also in Tianamen, represent both the strength of the Chinese regime and the most important confrontations against this power. In a similar fashion, the following sections will describe the Bogotá local government's historical control over downtown public space and how it reacted to threats upon this power.

2.2. Power and Conflict in the Plazas in Colombia

The importance of public space, especially *plazas*, is fundamental to Colombian society. Colombian historian Eduardo Mendoza Varela situates the role of *plazas* in Colombian history,

> The history of our independence is the history of the plaza, specifically, when a Creole broke a flower vase into pieces over a Spaniard' head on July 20, 1810. It was enough to fill our 'plaza Mayor' with a crowd. Was this not the scene that would be anticipated through the years? This was an indication of our people's beliefs and desires. Maybe if the plaza had not existed, we would never have known such liberation. This is why the plaza has become of consequence in such a romantic culture…just destroying the plaza or urbanizing it, you can make the tradition of our race disappear.[21]

The spatial contextualization of power can be seen in the use of *plazas* throughout four periods in Colombian history: (1) classic spatial heritage, (2) colonial, (3) post-independence, and (4) the modern era.

2.1.1 Classic Spatial Heritage Era

In Colombia, the concept of public space originated as the stage for Zaque[22] and Cacique chiefs of the Chibcha indigenous community. Before the arrival of Spaniards, the public space of the Chibcha consisted of a group of rooms in which the Zaque lived, joined by some narrow, tortuous paths. The space usually had a roof, buttressed by two strong wooden beams, and

[21] Eduardo Mendoza Varela, *Alabanza y crítica de la aldea*. Bogotá: Instituto Caro y Cuervo, 1965. pp. 14-15. Cited in Nestor Enrique Hernandez, Sociablility and Outdoor Urban Open Spaces: A Case Study of Two Plazas in Bogotá, Colombia. M. Arch Thesis. Kansas State University. 1986, p. 28.

[22] A Zaque is the name of a chieftain who governed the Hunsa/Tunja area. See Federal Research Division of the Library of Congress, *Colombia: A Country Study*. Washington, D.C.: United States Government as Represented by the Secretary of the Army. 1990. p. 6.

measured approximately twelve by twelve feet. The indigenous population considered this space as a central point. From this area, the street system started its semi-circular shape bisected the priests' homes, the military barracks, the harems, storage and market places, and finally the sacrificial area located on the periphery of the town.[23] To this end, the public space of the Chibcha was controlled by the chief and those attempts to claim that space, were a direct threat to the Cacique's or Zaque's power.

2.1.2 The Colonial Era

After initial exploration by Alonso de Ojeda (1499) and Rodrigo de Bastidas (1510), Ojeda founded the first Colombian city in present day Acandí on the western side of the Gulf of Urabá. In successive years Santa Marta would be founded (1525), followed by Cartagena de las Indias (1533), Popayán (1536), Santiago de Cali (1536), and Santa Fé de Bogotá (1538).[24] Such as with Mexico City's *zócalo*, many of the cities in Colombia were built over the public spaces where the indigenous people had gathered, thus facilitating the collection of tributes and allowing for better political, religious, and administrative control.[25] As many colonial governments regularly fought with pirates, raiding indigenous groups or foreign invaders, the city structure in Colombia was developed akin to the Spanish military forts, such as those in Foncea, Puerto Real, Cuevas, and Santa Fé, near present day Granada. In accordance with the 1573 Laws of the Indies,[26] the dimensions of the city were applied by law and followed from the Roman architect Vitruvius' rectangular concept of a plaza. As is seen in the present-day Plaza de Bolívar at the heart of Bogotá, the design follows Vitruvius' concept of being no less than two hundred feet wide and four hundred feet long.

[23] Hernandez (1986: 29-30).
[24] Federal Research Division of the Library of Congress (1990: 8).
[25] See Orlando Fals Borda, *Indian Congregations in the New Kingdom of Granada*. *The Americas* 13, 1956-7. pp. 331-351.

As in most Mediterranean cities, the Colombian *plazas* had a tree in the middle, founded on the belief of the cosmic tree and reinforced by the conquerors' conviction that the tree was representative of justice.[27] The design was conducted along the "ruler and cord" measurement system, beginning from the center of the plaza, and going through the principle doors and roads. The colonial planners based all of these measurements on the idea that the city should uniformly grow in equal dimensions so as not to compromise the centrality of the plaza.[28] Any sculptural element was likely to be in line with the axis and the buildings surrounding the plaza were heavily influenced by traditional Spanish architecture. Moreover, the city's minuscule level of growth throughout the eighteenth and nineteenth century allowed planners to not be overburdened.[29]

In colonial Colombia, these *plazas* represented "the open space upon which had been set the twin symbols of Spanish imperial power, the sword and the cross…"[30] In Bogotá the political and religious powers were unified by the *plaza* which was surrounded by the Catholic Church, the courthouse, and the loyalty houses. This arrangement had the effect of placing the plaza at the center of every activity, as the witness of events that brought alive streets and entire neighborhoods. As Colombian architect Nestor Enrique Hernandez writes, "…at that time, a plaza created the new cities, and not the city the new plazas, as is happening today."[31]

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[26] Lee Taylor, *Urbanized Society*. Santa Monica, California: Goodyear Publishing Company. 1980. p. 61.
[27] Douglas Fraser, *Planning in the Primitive World*. New York: George Braziller. 1972. Cited in Hernadez (1986: 32).
[28] See Erne Goldfinger, *The Sensation of Space*. Lansing: Michigan State University, 1954. Cited in Hernadez (1986: 30).
[29] From a base of approximately 20,000 in 1723, it took Bogotá almost 150 years to double. Population growth became much more rapid in the late 1800s, but the overall rate of increase between 1723 and 1910 was only 1 percent. See David E. Dowall and P. Allan Treffeisen, Urban Development and Land and Housing Market Dynamics in Bogotá, Colombia. Berkeley: Institute of Urban and Regional Development. November 1990. p. 16.
[30] David J. Robinson, "The Language and Significance of Place in Latin America." pp. 157-184. In John Agnew and James Duncan (eds.), *The Power of Place: Bringing Together Geographical and Sociological Imaginations*. Boston: Unwin Hyman. 1989. p. 165.
[31] Hernandez (1986: 31)

2.1.4 Post-Independence Era

After independence in 1810, Colombians began to resent the *plazas'* pre-independence style as a reminder of the Spanish crown. One of the main plaza of Bogotá plazas was to replace the tree and fountain with the statue of Simón Bolívar and change the name from Plaza Mayor to Plaza de Bolívar. Similarly, in what today is Plaza de San Victorino, the fountain that was constructed in 1792 by Viceroy Espeleta was replaced by a French fountain in 1890, and in 1910 by a statue of one of the first Colombian chiefs of state, Antonio Nariño.[32] During this same time, Colombian planners opposed the Spanish rectangular plazas by installing "rebel" square-shaped plazas adopted from Greek planners.[33]

As trade routes opened up in the 1840s and 1850s, causing a flood of imports, local artisans organized "Democratic Societies" used public space to protest government commercial policies. In Bogotá, a wave of robberies and attacks on women in 1849 were blamed on these artisans, particularly one of their leaders, José Raimundo Russi. Newspapers reported a "reign of terror" in the capital and called on the government to re-establish order and security for the city's residents. When a man was killed in front of Russi's house, he was accused of the crime and executed in the main *plaza* by presidential guard.[34] Though Russi's execution in the *plaza* symbolizes governmental control, fifty-five years later on March 13, 1904, students poured into the Plaza de Bolívar to denounce President Rafael Reyes for recognizing the independence of Panama and re-establishing relations with the United States. The protest, in part, had the effect of deposing the president.

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[32] "Cuenta regresiva para San Victorino," *La República*, February 21, 1999, p. 13.
[33] Hernandez (1986: 32)
[34] Alberto Miramón. *Tres personajes históricos: Arganil, Russi y Oyón*. Bogotá: Plaza and Janes. 1983. Cited in Margaret Carter Everett, *Memories of the Future: The Struggle for Bogotá*, Colombia. Ph.D. dissertation. Yale University. May 1995: 25.

Nevertheless, the events of April 9, 1948 overshadow the previous conflicts in Bogotá, and effectively divided the city into two radically distinct periods. As the populist leader and presidential candidate, Jorge Eliecer Gaitán, stepped out of his office on the Séptima, just off the Plaza de Bolívar, he was shot and killed by two assassins. Word of Gaitán's death along with alleged government collaboration spread quickly throughout the city and sparked "an 11-day orgy of looting, pillaging and killing in the capital" that later became known as the *Bogotazo*.[35] Trolleys were overturned, homes were burned, and statues representing government authority, such as the bust of Antonio Nariño in the Plaza San Victorino, were demolished.[36] By the end of the *Bogotazo*, the "earthquake of a people moved by the assassination of their own voice,"[37] had destroyed the Palace of Justice as well as numerous other government buildings, private houses, and stores in the historic center.

2.1.4 Modern Era

The *Bogotazo* was pivotal in Bogotá's history because it encouraged the growth of the city to the west and north as merchants and upper class residents fled to safer communities, and marked the beginning of the decline of Bogotá's historic core. As the upper class fled downtown, the grand colonial buildings were converted into low-cost housing through a system known as *inquilinaje*, with multiple families each occupying a room and sharing common services.[38] Outside of the *inquilinatos*, the streets and the plazas of the former colonial area were transformed into unregulated outdoor markets for street vendors.

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[35] Colin Harding, *Colombia: A Guide to the People, Politics, and Culture*. London: Latin America Bureau. 1996: 20.
[36] "Cuenta regresiva para San Victorino," *La República*, February 21, 1999, p. 13.
[37] Antonio Garcia, Gaitán y el problema de la revolución colombiana. Bogotá: M.S.C. 1955. p. 19. Cited in Robert H. Dix, the Politics of Colombia. Stanford, CA: Hoover Institution Press and Stanford University. 1987: 35.
[38] Harold Lubell and Douglas McCallum, *Bogotá: Urban Development and Unemployment*. Geneva: International Labor Organization. 1978. Cited in Gerald Michael Greenfield, "Colombia." In Gerald Michael Greenfield (ed.), *Latin American Urbanization: Historical Profiles of Major Cities*. pp. 134-158. Westport, Connecticut: Greenwood Press. 1994: 148.

As more *cachacos auténticos* (native-born *Bogotanos*) acquired automobiles and fled to the north in the 1950s, the historic center deteriorated and the Plaza de Bolívar could no longer qualify as the center of Bogotá. The city was further hurt by a period of bloody civil war, known as *La Violencia*. Escaping either violence or declining economic conditions in rural areas, migrants mainly from the nearby regions of Cundinamarca and Boyacá flooded into Bogotá during the 1950s and early 1960s. This influx, combined with the *Bogotazo* greatly accelerated the northward movement of the upper and middle classes. The central business district, which had been located near the old colonial city and was largely burnt during the *Bogotazo*, began to stretch northward toward the Chapinero neighborhood. Banking institutions and other financial corporations soon relocated their principle offices further north and relegated a secondary status to their original headquarters in the center of Bogotá.[39]

From the mid 1960s and into the 1970s, a second phase of rural-urban migration made Bogotá one of the fastest growing urban centers in the world, with annual growth rates of 6.8 percent.[40] Such massive growth multiplied Bogotá's population by ten between 1950 and 2000. To place this growth in context, if Bogotá were to grow at the same rate, it would have 70 million inhabitants in 2050.[41] During this hyperurbanization, the state began to encourage private investment in the construction industry, theorizing that this "leading sector" would create needed employment for the swelling numbers of urban migrants.[42] Concurrent with the state-sponsored support of construction, the elite continued to relocate further north, leaving areas in

[39] *El Espectador*, August 6, 1988. Cited in Nancy Lee Nelson, Public Order and Private Entrepreneurs: The Pocket Economy of Street Vending in Bogotá, Colombia. Ph.D. dissertation. University of New Mexico (1992: 81).
[40] Pedro Santana, "Movimentos populares y reivindicaciones urbanas." In *La problemática urbana hoy en Colombia* (pp. 216-238). Bogotá: CINEP. Cited in Nelson (1992: 83). Nelson's translation.
[41] Enrique Peñalosa Londoño, "Palabras del Alcalde Mayor de Santa Fé de Bogotá," Bogotá Sostenible Memorias seminarios 1999 CD-ROM. Bogota: Imagen Digital LTDA., (1993: 3). Author's translation.
[42] See William Cartier, *Urban Processes and Economic Recession: Bogotá in the 1980s*. Unpublished manuscript. Miami: Latin American and Caribbean Center, Florida International University, (1988: 60). Samuel Jaramillo,

and around the Chapinero neighborhood to establish residences and more exclusive commercial centers around the districts of El Chico, El Lago and Calle 85. Bogotá's first retail shopping mall, built in 1977, extended the new commercial concentration as far north as Calle 127—approximately 115 blocks from the Plaza de Bolívar.[43]

The public space created during the early 1980s followed the northern residential and commercial expansion of Bogotá's population. Rather than invest funds to revitalize downtown, the Mayor's Office built several plazas in the northern areas, often for workers in areas with a high concentration of commercial buildings. For example, in 1982, Granahorrar Plaza (literally meaning "big savings plaza") was built next to a shopping mall. Hernandez documented that out of 439,976 potential users of Granahorrar Plaza, 375,868 (85%) were workers in offices or commercial buildings whereas only 6,008 (1%) potential users were from residences.[44] When Hernandez randomly selected one hundred people to interview during a one-week observation period in November 1985, he found that 35% of the people in the *plaza* said they had come to the square in order to access the shopping mall.[45] Similarly, the Propaganda Sancho Plaza located in the exclusive Chico Norte area and completed in 1984, was also built primarily for white-collar workers. Of the 163,242 potential users, 130,147 (80%) worked in commercial or office buildings whereas only 25,362 (16%) were from residences.[46]

Accompanying these developments, the downtown public space transformed into an area of intense violence. The Palace of Justice, located on the Plaza de Bolívar, was seized by a

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"Proceso de introducción de las relaciones capitalistas en la producción de vivienda en Bogotá." In *La problemática urbana hoy en Colombia* (pp. 167-188). Bogotá: CINEP (1982: 184-185). Cited in Nelson (1992: 83).

[43] Nelson (1992: 84).

[44] Potential user estimates were based on a three-block radius or 490,000 m^2. Besides offices/commercial and residential, 46,800 users were from educational institutions, 6,300 from churches, and 5,000 recreational. See Hernandez (1986: 73).

[45] Hernandez (1986: 118).

group of M-19 urban guerrillas and turned into a bloodbath on November 7, 1985. Over 100 people were killed, including 11 Supreme Court judges. During the same time period, a few blocks away, the Cartucho area became a neighborhood synonymous with "social cleansing." In the late 1980s and early 1990s death squads with names like *Muerte a Gamines* (Death to Street Children) acted in accord with local businesses and with the help of special police units, laid the base for urban "social cleansing." Wearing ski masks and carrying automatic weapons, the death squad members rode motorcycles in twos throughout the poorest areas of Bogotá, shooting randomly at the homeless. In the first six months alone in 1989, for example, over forty bodies of homeless people (known as *desechables* or the "expendables") appeared along roads in Bogotá. Between 1988 and 1993, the nongovernmental Center for Research and Popular Education (CINEP) documented 1,926 cases of "social cleansing" throughout Colombia, many of them occurring in downtown Bogotá.[47]

In addition to the violence targeted at homeless people, downtown Bogotá evolved into the epicenter of terrorist activity. As the map below illustrates, the historic center of Bogotá (labeled as "Sector Comercial y Sector Político Administrativo Nacional") served as the space where assassins kidnapped, murdered, placed bombs, and routinely robbed the Bogotá public. Moreover, this area was the stage for substantially more terrorist activities than the financial center (labeled as "Sector Comercial") to the north of the historic center.

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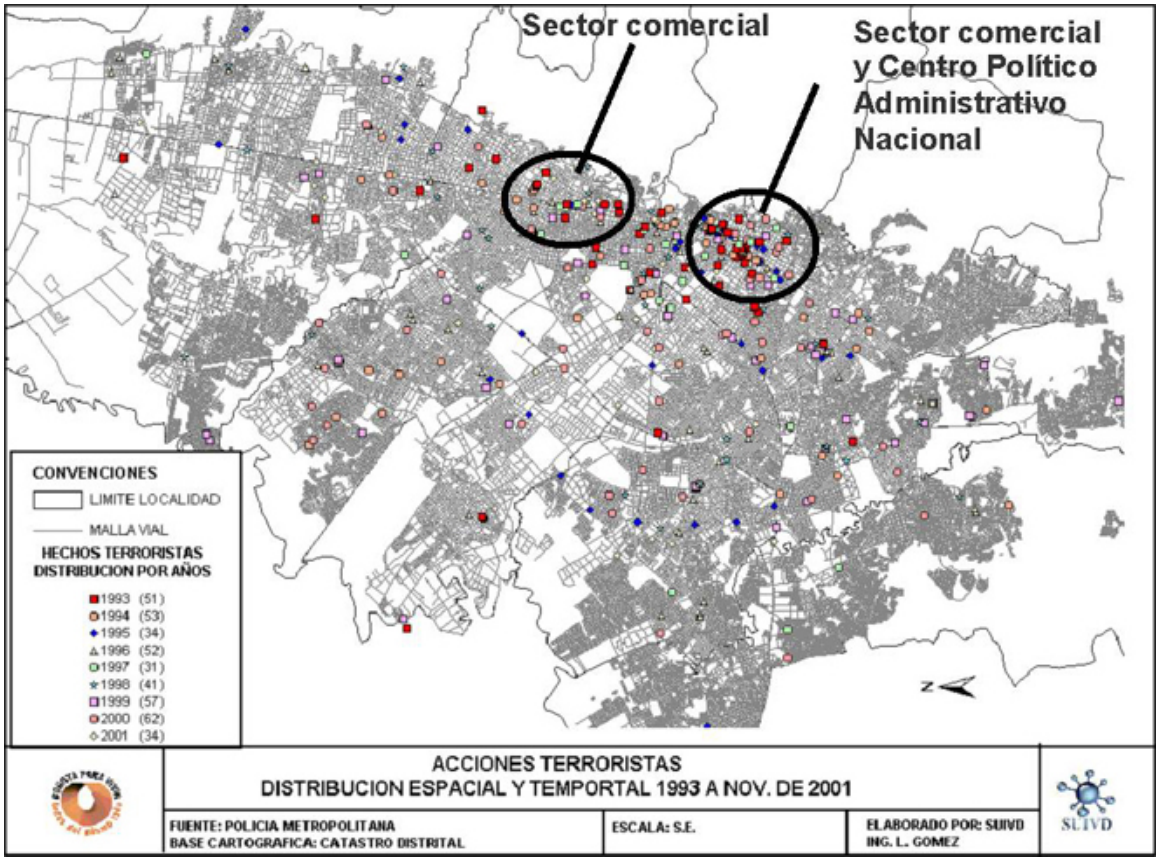
[46] Potential user estimates were based on a three-block radius or 490,000 m^2. Besides offices/commercial and residential, 0 users were from educational institutions, 4,000 from churches, and 3,733 recreational. See Hernandez (1996: 73).

[47] Stephen Dudley, "Walking Through the Nightscapes of Bogotá," *NACLA Report on the Americas*, Volume XXXII, No. 2, September/October 1998, p. 13. Cited in Michael Donovan, "Evictions in Latin American and the Caribbean," in *Forced Evictions: Violations of Human Rights*. Geneva: Centre on Housing Rights and Forced Evictions (COHRE), 2001.

Map 1

Downtown as the Center of Terrorist Activity in Bogotá



Source: Policía Metropolitana de Bogotá. Cited in Antanas Mockus, "How a City Recovers from Violence and Terrorism," World Wide Web. http://www.georgetown.edu/sfs/programs/clas/Colombia/. Accessed on November 26, 2001.

Thus, the public space investment in modern Bogotá tended to be one that facilitated commercial establishments in the north and ignored or failed to stop the anarchy in downtown. Whereas government authorities in the classic, colonial, and post-independence period constructed *plazas* as a symbol of governmental authority and control, the *plazas* built throughout the 1970s and 1980s mainly lubricated commerce and appeased the middle and upper classes of Bogotá. While "shopping mall plazas" were being built in the north, the southern residents of Bogotá saw *plazas* like San Victorino over-run by street vendors and the former

colonial architecture being converted into a black market known as "El Cartucho." Former Mayor Enrique Peñalosa describes the deterioration and the levels of violence,

> La Plaza de Bolívar lost its majesty and enchantment by the invasion of carts of every brand of soda, ice cream, French fries; with barbeque pits for corn, stands for pork shish-ka-bobs, bathroom slippers and contraband watches…[a]ll Colombians should visit downtown [Bogotá] at least once in their lives; and leave there proud, confident in the capacity of their institutions to confront time and the world. Unfortunately, many leave after being attacked a block away from the Plaza de Bolívar."[48]

The photos below, visually show the deterioration of Bogotá's historic center and the conversion of a colonial neighborhood to a point of convergence for street traders.

Photo 1

The Deteriorated Historic Core (1997):

Calle Novena, A Few Blocks Away From the Presidential Palace

[48] Enrique Peñalosa Londoño, "La Bogotá de los peatones: una ciudad para la gente." In *La ciudad peatonal*. Bogotá: Alcaldía Mayor de Bogotá, D.C., (2000: 7, 18). Author's translation.

Source: Secretaría del Estado—Plan Centro Photo Files. Courtesy of the Office of the Plan Centro Director, Lt. Col. José Rodrigo Palacio Cano.

2.2. Local Government Response to Street Vending in the Pre-1988 Era of Clientelism

In *Hawkers in Hong Kong: A Study of Planning and Policy in a Third World City*, T.G. McGee describes the policy options that municipal governments may use to deter street vending. First, they may attempt to physically interfere with space-occupying patterns through policies of *relocation* or *elimination*. Secondly, they may attempt to interfere with the structural operation of the activities of the system by attempting to control the production or sale of certain commodities or services. This can be done through policies of *price control* and *licensing*. Third, they may attempt to motivate the behavior of the participants in the informal sector through *education* or an appeal to their pride in the city.[49] Along these categories, pre-1988 Bogotá mayors used licensing as the predominant mode of regulating Bogotá's street vending. The following section gives an overview of the City Hall's pre-1988 policies regarding informal street commerce and how these policies encouraged, rather than limited street vending in Bogotá.

2.2.3 From Relocation Failure to An Emphasis on Street Vendor Licensing

Though relocation programs did exist prior to 1988, the thrust behind them was to safeguard the public health of *Bogotanos* rather than protect or recover public space. For example, in 1962 the Bogotá Mayor's Secretariat of Health Office created the Rotating Fund for Popular Restaurants (*Fondo Rotatorio de Restaurantes Populares de la Secretaría de Salud*). The objective was to relocate vendors of prepared food to government-built food courts. This

organization was mainly concerned with issues of hygiene and routinely ignored non-stationary street vendors.

To complement the efforts of the Rotating Fund for Popular Restaurants, Mayor Jorge Gaitán Cortés decided to rent the downtown parking lot of San Victorino to several hundred street vendors in 1960.[50] It was envisioned that vendors—rather than sell on the streets—would be able to organize in a market. However, the strategy became a great political failure; San Victorino transformed into "…a focal point of disorder and insecurity…a symbol of chaos [and] the impotence of government."[51] Rather than control street vending, relocating street vendors to San Victorino transformed the area into a vending magnet. Unauthorized vendors established their stands on the periphery of San Victorino and quickly outnumbered the authorized, relocated merchants. Soon they became entrenched around the area and created a San Victorino Association to defend their right to sell in the area; this association even published and distributed a newsletter on these issues to the vendors.[52] As the photo below illustrates, the congestion around San Victorino made this market nearly inaccessible for the parking of a car. To this end, San Victorino became a market mainly for pedestrians while the super malls in northern Bogotá's suburbs catered to automobile-owning *Bogotanos*.

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[49] T.G. McGee, *Hawkers in Hong Kong: A Study of Planning and Policy in a Third World City*. Hong Kong: Centre of Asian Studies. Centre of Asian Studies Monographs and Occasional Papers, No. 17. 1974. p. 28.
[50] "Cuenta regresiva para San Victorino," *La República*, February 21, 1999, p. 13.
[51] Peñalosa Londoño (2000: 18)
[52] Nelson (1992: 134-136).

Photo 2

An Alley on the Perimeter of Plaza de San Victorino June 2, 2001

Source: Secretaría del Estado—Plan Centro Photo Files. Courtesy of the Plan Centro Director, Lt. Col. José Rodrigo Palacio Cano.

One reason for this failure was that the initial rates to rent the government-built stalls were costly. Vendors in the regulated areas had to pay rent so their prices were raised to a higher level than the non-regulated vendors. To compete with these vendors, many regulated vendors abandoned their stalls and returned to the streets. By the time the government lowered its prices for the rental of stalls in an attempt to compensate for its debt in San Victorino (more than 86 million pesos in June 1995, approximately US$100,000[53]); the area was overcome with street vendors who sold used goods, buttons, shoes, random electrical parts, and several other goods. To this end, the middle class entrepreneurs who could have sold more costly goods and attracted an affluent clientele, were discouraged from locating their business in chaotic San Victorino.

[53] Suárez Zuñiga (June 1995: 6).

With the San Victorino market a blatant reminder of a failed government relocation policy, the Bogotá Mayor's Office was disinclined to undertake another relocation project. Instead, between 1960 and 1988, the government focused its attention on controlling street vendors through limits on licensing.

Licensing is a fundamentally different policy than street vendor relocation. It requires that the vendor establish and maintain contact with local government officials, the "street level bureaucrats"[54] of the Bogotá Mayor's Office. In contrast, relocation targets a specific area of the city through either prohibiting vending altogether (such as in a park or in front of the Senate) or establishing government-built markets where only formalized vendors are allowed to sell. In other words, relocation offers few opportunities to establish political contact—either a blanket policy prohibits all vendors from selling in an area or police officers patrol relocated markets and persecute those who are not rent-paying merchants. Licensing on the other hand, gives vendors or their sponsors the opportunity to "buy" permission to do business. This may come in a variety of forms—the collection of regular licensing dues, the bribing of government officials for licenses, or profiteering by low-level government bureaucrats by issuing licenses despite government-imposed limits. For example, if the street vendor has not complied with conditions such as tax payments, the bureaucrat "forgives" the lapse in lieu of a bribe. In political science terms, the government's relationship to street vendors could be described as highly clientelistic.

"Clientelism" is generally defined as a situation in which groups of citizens with little access to political power become organized in order to secure some government service. As

[54] Lipsky, in arguing for the importance of street-level bureaucrats in political analysis writes, "…street level bureaucrats have considerable impact on peoples' lives. This impact may be of several kinds. They socialize citizens to expectations of government services and a place in the political community. They determine the eligibility of citizens for government benefits and sanctions. They oversee the treatment (the service) citizens receive in those programs. Thus, in a sense street-level bureaucrats implicitly mediate aspects of the constitutional relationship of citizens to the state. In short, they hold the keys to a dimension of citizenship." See Michael Lipsky,

John Cross writes in *Informal Politics: Street Vendors and the State in Mexico City*, "clientelism in usually seen as a mechanism by which the state controls popular movements by releasing a small amount of resources but keeping organizations in line politically by threatening to withhold resources necessary for the leader to keep his position."[55] In the context of Mexico, Brachet Marquez writes,

> Clientelism refers to the structure of political power through networks of informal dyadic relations that link individuals of unequal power in relationships of exchange. In clientelistic structures of authority, power is vested in the top individual (the boss, sovereign, or head of clan) who personally decides how to distribute resources according to personal preferences. When applied to Mexico, this perspective represents the state as a top-down pyramid…"

In the case of pre-1988 Bogotá, the dynamic of issuing licenses in an attempt to control thousands of vendors contributed to the rise of clientelistic behavior between the local government and the street vendors. As mayors were not elected prior to 1988, the "selling" of public space was regarded more as a vehicle for personal enrichment than as an opportunity to give public space back to the people.

2.2.4 The Use of "Palanca" and "Patrones" To Acquire Licenses

Anthropologist Nancy Lee Nelson's 1992 study of the political behavior of street vendors in mid 1980s Bogotá provides an example of how clientelism operated within the informal economy through personal contacts ("palanca") and through being sponsored by someone, usually a wealthy wholesaler ("patrón"). Vendors often went to great lengths to secure a license given that it provided certain legitimacy, improved their possibilities to secure credit, and

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Street-Level Bureaucracy: Dilemmas of the Individual in Public Services. New York: Russell Sage Foundation, 1980. p. 4.

[55] John Cross (1998: 76).

enabled them to protect themselves from police harassment and encroachment by rival vendors.[56] One street vendor gave Nelson advice as to how he received a license in this period,

> Find an intermediary who has *palanca*. Get to know him through friends or other vendors. Look for someone whose uncle is a friend of the alcaldía [mayor's office]. Not all licenses are obtained with *palanca*, though. It is good to have a patrón; someone with money or someone who is a capitalist.[57]

Through extensive interviews with Bogotá vendors in the neighborhood of Chapinero, Nelson found that most street vendors had received their licenses by establishing "palanca" with local officials.[58] The word "palanca," as defined by the vendors, refers to a particular person with influence, not simply the condition of having influence. In pre-1988 Bogotá, most regulated vendors used their connections in powerful street vendor unions to obtain and transfer licenses through the Mayor's Office.[59] One of the vendors' unions was even able to pressure the City Hall into issuing licenses for the majority of vendors in their district.[60] In other instances, those vendors who did not have licenses, often cultivated amicable relationships with the police and gave regular patrol officers "samples."[61]

If vendors were not able to obtain the necessary "palanca" to buy a license "under the table," they often were aided by "patrones." According to Nelson, these "patrones" required that the vendors sell certain commodities. For example, in exchange for the license, the broker received some control over the choice and distribution of the vendor's product. After the *Office of Registration and Control* halted the issuing of licenses in 1986, the price became so high that many vendors, unable to afford the cost, solicited to a local business proprietor to act on their

[56] Nelson (1992: 272).
[57] Interview with street vendor. Cited in Nelson (1992: 327-328, note 6)
[58] Nelson (1992: 292).
[59] *Ibid*., p. 292.
[60] *Ibid*., p. 141.
[61] *Ibid*., p. 149.

behalf when applying for a license.[62] This type of articulation between formal and informal actors is mutually beneficial. Mónica Lanzetta de Pardo, Gabriel Murillo Castaño, and Alvaro Triana Soto detail the interrelationships between six different sectors in Bogotá and conclude that formal businesses tended to hire unregulated workers to avoid social security payments and the possibility of dismissing workers without incurring legal penalties.[63]

It should also be mentioned that before 1988, city council representatives actively petitioned for the support of street vendors and their associations. Though mayors were not elected before 1988, the elections of city council representatives were important. Angell, Lowden, and Thorp argue

> In the days when the department governors appointed mayors, and subject to dismissal at any time, the position of municipal councillor, and particularly that of president of the council, was of considerable importance by dint of their direct election. The council as a whole was of far greater weight than the mayor. That situation has now changed dramatically…[64]

Though the section on decentralization and democratization will explain the above transition in further detail, the pre-1988 relationship between political campaigning and street vendors will be explained at this point.

2.2.3 "Vote Buying" From Street Vendors

Traditionally the post of city councilor was the first rung of the ladder to political prominence. As a result, prospective councilors petitioned street vendors for their support. In return for their votes, city councilors often assumed a detached role with respect to street vendors, and sometimes defended the vendors' right to sell. In this respect, Afranio Rodríguez,

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[62] *Ibid*., p. 273.
[63] Mónica Lanzetta de Pardo, Gabriel Murillo Castaño, and Alvaro Triana Soto, "The Articulation of Formal and Informal Sectors in the Economy of Bogotá, Colombia," In Alejandro Portes, Manuel Castells, and Lauren Benton. Benton (eds.), *The Informal Economy: Studies in Advanced and Less Developed Countries.* Baltimore: Johns Hopkins Press, 1988. 95-110.
[64] Alan Angell, Pamela Lowden, and Rosemary Thorp, *Decentralizing Development: The Political Economy of Institutional Change in Colombia and Chile*. New York City: Oxford University Press, 2001. p. 64.

municipal councilor for Pasto, explained that the vote buying common throughout Colombian municipalities significantly impacted the policy after the councilor rose to power. He describes the problem in the following manner:

> In general, the practice remains that of seeing your role as a councillor as being to secure your quota of municipal funds so as to pay back those who voted for you. There is no doubt that this works against the coherent use of public funds, as well as lending itself to more general abuse, but it is a very hard system to buck.[65]

These vendors, most of whom were poor, vulnerable to evictions, and therefore susceptible to selling their votes as one of the few commodities they possessed, were often easy targets for municipal campaigns. In the context of San Victorino market, union leader Cristobal Camargo argues that,

> …there were a lot of questions of political campaigns. Once the political campaign was formed, the political representative or representatives went to the market and told them that if the vendors voted for them, they would leave them alone and let them work in a more or less in a dignified way.[66]

Sergio Peña of Florida State University documented a similar dynamic in Mexico City. He found that, in return for the personal connections needed to secure licenses, unionized street vendors were required to attend rallies to support the *Revolutionary Institutionalized Party* (PRI) and pay daily or weekly fees to the organized leader.[67] In a later study Cross found that Mexico City Mayor Manuel Camacho Solis (1988-1993) insisted that vendors become members of a union that supported the PRI or face immediate eviction.[68]

[65] Quoted in Angell, *et. al*., p. 65.
[66] Interview with the author. October 16, 2001.
[67] These fees ranged from one to twenty five pesos a day in 1997. If a vendor did not show up at one of the rallies, the union may prohibit the vendor from working one or more days. See Sergio Peña, "Informal Markets: Street Vendors in Mexico City," *Habitat International*, Volume 23, No. 3. (pp. 363-372), p. 368.
[68] Cross (1998: 191).

2.2.4 The Shift to the Relocation of Street Vendors

After 1988 elected mayors changed their policy toward street vending and employed relocation rather than licensing as their main policy. Until mayors became more powerful elected officials, relocation had been considered less effective than licensing, especially given the deterioration of the San Victorino project. Despite the various proposals for different policies for street vendors[69]—technical training, mobile markets, a permanent negotiation table for informal vendors, micro credit, cooperatives, the creation of a national law for informal commerce—only street vendor relocation has been consistently supported by politically dissimilar Bogotá mayors (see Appendix A for a table of policy alternatives to street vendor relocation). The graph below portrays the degree to which each of the mayors since 1988 have implemented street vendor relocation projects.

Table 1

Relocation Projects of Elected Bogotá Mayors

Period in office	Mayor	Party	National president and party	Relocation Projects	Number of Street Vendors Relocated
1988-89	Andrés Pastrana Arango**	Conservative	Virgilio Barco Vargas (Liberal)	Centro Comercial Supercentro 61	400
				Edificio Temel	210
1990-91	Juan Martín Caicedo Ferrer**	Liberal	César Gaviria Trujillo (Liberal)	Centro Comercial Social Restrepo	463
				Las Casetas del Venecia	240
1991	Sonia Durán	Liberal	César Gaviria Trujillo (Liberal)		
1992-94	Jaime Castro **	Liberal	César Gaviria Trujillo (Liberal)	Centro Comercial Caravana	340
				Casetas en la zona baja Puente de la Avenida de las Américas con Carrera 30	30

[69] For a description of various informal sector initiatives see Luis Ricardo Gómez, *et. al.*, *Desafíos de la modernización y sector informal urbano: el caso de Colombia*. Geneva: International Labour Organization. 1998. 132-143.

1995-97	Antanas Mockus Sivickas **	Independent	Ernesto Samper Pizano (Liberal)	La Caseta Feria Popular de Fontibon	207
				La Caseta Feria Popular Rotonda de la Candelaría	18
				La Sevillana	30
1997	Paul Bromberg Zilberstein	Independent	Ernesto Samper Pizano (Liberal)		
1998-2000	Enrique Peñalosa Londoño**	Independent	Andrés Pastrana Arango (Conservative)	La Caseta Feria Popular de la Carrera 38	1,753
				Servilibros III Milenio	100
				Centro Libros Siglo XXI	66
				La Caseta Feria Popular de Kennedy	300
				La Caseta Feria Popular de la Avenida Primero de Mayo	93
				La Caseta Feria Popular del Quirigua	130
				Luna Verde de la Cra. 10 N$^{o.}$ 12-58	74
2001-03	Antanas Mockus Sivickas **	Independent	Andrés Pastrana Arango (Conservative)		

Source: Alcaldía Mayor de Bogotá, D.C., Secretaría de Gobierno, Fondo de Ventas Populares. Informe gerencia junta directiva. Unpublished internal memorandum. June 8, 2001. Alan Gilbert and Julio Dávila, "Governing Bogotá." David J. Myers and Henry Dietz, eds. *Capital City Politics in Latin America: Democratization and Empowerment*. Boulder: Lynne Rienner, 2002. Table 2.2: The Mayors of Bogotá, 1961 – present."

** Elected mayors

Note: The electoral period of the first four mayors was two years. The 1991 Constitution extended the period of office to three years with effect from 1994. However, two mayors have retired early, one was put in jail, and the other decided to run for national office. Gilbert and Dávila (2002: 79, note xv).

In sum, before the first elections were instituted, a clientelistic relationship between the street vendors and the government was founded on licensing. This relationship was reinforced through political campaigning and extensive corruption in the licensing department that enabled commercial wholesalers and powerful street vendor unions to purchase or bargain for street vendor licenses. The shift that made possible the City Hall's recovery of public space was founded on three structural changes that occurred in Bogotá during the late 1980s and early

1990s. The following section explains one of these factors—how the mayors' relationship with vendors fundamentally changed as a result of the democratization of the Mayor's Office of Bogotá.

III. DEMOCRATIZATION AND PUBLIC SPACE IN BOGOTÁ

Having given the necessary background on the history of public space management in Bogotá, this chapter will now address the first element that led to a more aggressive policy of street vendor relocation: the democratization of the Mayor's Office of Bogotá. How the installation of fair, transparent elections politicized public space into something for which the mayor was directly responsible will be discussed. Whereas before 1988, Bogotá mayors were presidentially appointed and their negligence of public space interpreted as a failure of the Colombian president, the elected mayors' recovery of public space became a visual symbol of their ability to install "rule of law" and "public order."

3.1 An Introduction to the Process of Democratization in Bogotá

The Bogotá elections serve to connect the people with their government and in so doing enforce democratic accountability, influence public policy, and provide legitimacy. Proponents of democracy argue that substantial citizen involvement in meaningful elections both reflects and encourages a sense of democratic legitimacy that will help contain violence by channeling it into regular competition. Though political scientists[70] concentrate almost entirely upon the national level, local elections considerably transform democracy. As Henry Dietz and Gil Shildo write,

> …the auxiliary political arenas of local elections offer much of interest and in many ways allow understanding and analyses of the democratic process that are blurred or hidden at the national level…During the extended period of democratic consolidation following a normally rather abrupt transition (usually brought about through presidential and

[70] See Guillermo O'Donnell, Philippe Schmitter, and Lawrence Whitehead, eds. *Transitions from Authoritarian Rule: Latin* America. Baltimore: Johns Hopkins University Press, 1987. James Malloy and Mitchell Seligson, eds. *Authoritarians and Democrats: Regime Transition in Latin America*. Pittsburgh: University of Pittsburgh Press, 1987. Larry Diamond, Juan Linz, and Seymour Martin Lipset, eds. *Democracy in Developing Countries: Latin America*. Boulder, CO: Lynne Reinner, 1989. John Higley and Richard Guenther, eds. *Elites and Democratic Consolidation in Latin America and Southern Europe*. New York: Cambridge University Press, 1992. Myron Wiener and Ergun Ozbudun, eds. *Competitive Elections in Developing Countries*. Durham, NC: Duke University Press, 1987. Cited in Henry A. Dietz and Gil Shindo "Introduction." In *Urban Elections in Latin America* (pp. ix-xvii). Wilmington, Delaware: Scholarly Resources, Inc. 2001. p. ix.

> legislative elections), many individuals may become seriously and personally involved in the democratic political process through neighborhood or city politics. Such involvement can act as a primary socializing experience for newly enfranchised or young citizens who, because of extended military rule, may have no experience in electoral politics. Local issues and candidates may thus inculcate a citizenry with political tolerance and with other norms and values critical to sustaining a democracy.[71]

The incorporation of *Bogotanos* into the political process through local elections was extremely important given the city's historically high rates of absenteeism in national elections. In the 1982 presidential elections, for example, 73.1% of Bogotá's electorate did not vote.[72] In contrast to the low turnout rate at the national level, *Bogotanos* now have a higher participation rate in city than in national elections. Standing at 66.8% of the electorate in 1988 and remaining respectable at 57.7% in 1990, the mayoral and city council[73] voting rates were greater than the national rates (55% and 44% in 1994 congressional and presidential elections, respectively).[74]

Beyond providing a venue for action in local political processes, the election of mayors in capital cities like Bogotá incorporates citizens into the national political electorate. When a nation's capital city comprises the dominant political arena, what goes on in that city influences national politics, and vice versa. Though the existence of such metropolises as Medellín, Barranquilla, and Cali, preclude Bogotá from being a primate city comparable to Mexico City, Lima, Santo Domingo or Caracas, it nonetheless influences the nation more than any other city. Economically, Bogotá is the most important financial and business center of Colombia: the city contributes a quarter of Colombia's GDP and receives 50% of Colombia's total income from

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[71] Dietz and Shindo (2001: ix-x).
[72] Gary Hoskin, "Colombian Political Parties and Electoral Behavior During the Post-National Front Period." In Donald Herman (ed.), *Democracy in Latin America: Colombia and Venezuela* (pp. 47-62). New York: Praeger, (1988: 55).
[73] There are currently 40 city councilors in Bogotá who have each been elected to a three-year term of office. In 1998-2000, the Council included nineteen Liberals, twelve Conservatives, and nine other councilors each representing a different constituency.
[74] Cristina Querubín, María Fernanda Sánchez, Ileana Kure, "Dinámica de las elecciones populares de alcaldes, 1988-1997," pp. 115-140. In Ana María Bejarano and Andrés Davila (comps.), *Elecciones y democracia en*

direct foreign investment.[75] In fact, if Bogotá were to be removed from Colombia, its economy alone would still comprise the seventh largest GDP in Latin America.[76] Politically, Bogotá is equally important, containing a voting public that comprises over fifteen percent of Colombia's voting age population.[77] Moreover, the city plays host to the national headquarters of nearly every Colombian political party.

Thus, given such power in the capital city, political parties and their candidates must focus their attention on Bogotá if they are to make a serious run at national office. Not surprisingly, therefore, many aspiring leaders learn their political skills in the Bogotá political arena. Granted the power of the office, several Bogotá mayors have used their position as a gateway to national elections. Perhaps, the most famous Colombian politician, Jorge Eliecer Gaitán, served as mayor of Bogotá before running for president in 1948. Current Colombian President, Andrés Pastrana, was the first popularly elected Mayor of Bogotá (1988-1990), in an earlier administration (1995-1997), current mayor of Bogotá, Antanas Mockus (2001-2003), resigned early from his earlier post to run for presidential office, and finally it is widely believed that former Bogotá mayor Enrique Peñalosa (1997-1999) may run for presidential office in 2006. In sum, the last twelve years has produced one mayor who became president, one who ran for the presidency, and another who may likely run in the future. No other Colombian city can boast a similar record.

Colombia 1997-98. Bogotá: Universidad de los Andes/Fundación Social/Veeduría Ciudadana a la Elección Presidencial. Cited in Angell, et. al. (2001: 26).

[75] Mayor's Office of Bogotá, "Bogotá en cifras." World Wide Web. http://www.alcaldiabogota.gov.co. Accessed on December 16, 2001.

[76] Angel Beccassino, *Peñalosa y una ciudad 2,600 metros más cerca de las estrellas*. Bogotá: Grijalbo, (2000: 296).

[77] These figures were derived from the D.A.N.E. 1993 National Census. The Census calculates that the total population of Colombians of eighteen years an older was 19,438,865 of 3,180,509 are Colombians. There are no figures that calculate the relative number of voters per city in Colombia.

3.2 The Installation of Elections

Before the installation of direct elections for Bogotá mayors in 1988, mayors' policies could not diverge much from those of the Colombian president's. Unlike any other Colombian city, the Bogotá mayor was appointed directly by the president.[78/79] This factor gave rise to a system in which the pre-1988 Bogotá mayors were essentially trusted lieutenants of the president. For example, former Bogotá mayor Carlos Albán Holguín (1970-1973) was Misael Pastrana's (1970-1974) electoral campaign manager, and Rafael de Zubiría (1986) was President Belisario Betancur's (1982-1986) Minister of Health before being appointed mayor of Bogotá by the president.[80] The political continuity was so strong and the city of Bogotá so important that, between 1958 and 1988, only one mayor (Jorge Gaitán Cortés, 1961-66), ever served under a president of another party.[81] In contrast, of the six mayors elected to office in Bogotá since 1988, only two have been from the same party as the national president.[82]

The call for the introduction of local elections of mayors had been gaining political support since the first attempt to do so by Senator Jaime Castro, and during the Belisario Betancur government the balance of political forces shifted in its favor. Politically, it was perceived as amounting to nothing less than a Colombian Perestroika, as the subtitle of Jaime Castro's book on the subject suggests.[83] Castro as the architect of the reform and later Minister of the Interior, believed that elections would undermine *caciques* and establish faith in local administration:

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[78] Harvey Kline, *Colombia: Democracy Under Assault*. Boulder: Westview Press, (1995: 77-78).
[79] To also assure political continuity and approval the president was also given the power to personally appoint half of the city council. Vincent Gouëset, *Bogotá: nacimiento de una metrópoli*. Bogotá: Tercer Mundo Editores. 1998. p. 185.
[80] Gilbert and Dávila (2002: 48).
[81] *Ibid*., p. 46.
[82] *Ibid*., p. 42.
[83] Angell, et. al. (2001: 25-26).

> The new mayor, who will not owe his position to any *cacique* and at times not even to any political group, but to the will of the people, will not be under the threat of removal because he works without bias. He will be an autonomous, independent functionary who will defend the common good and not the needs of one group of people.[84]

The bargaining process for the installation of mayoral elections relied to some extent on the factionalism of the parties, combined with the willingness among Congressional representatives to take long-term political risks in exchange for short-term gains in patronage opportunities. Crucial to many politicians' calculations was the assumption that they would be able to retain control both of mayoral candidacies and their administrations. Nonetheless, some sectors of Congress, because they feared a loss of local control, led them to exert covert pressure on both the Betancur and Barco governments to prevent such elections from taking place. Despite this opposition, the Senate approved Legislative Act 1 of 1986 that allowed for the necessary constitutional amendment leading to the first election of mayors in 1988.[85]

Despite the violence surrounding the country's 1988 mayoral elections—seven mayors, 28 mayoral candidates, 75 councilors, and 19 candidates for the municipal council were assassinated[86]—voter turnout was strong.[87] Voters elected 1,009 mayors and 10,000 municipal representatives in 1988.[88] In Bogotá, thirty-four-year-old Andrés Pastrana Arango, son of the former Conservative president, was elected the first mayor. Polling 324,275 votes, he outdistanced two Liberal candidates, Caicedo (236,567 votes) and Ossa (215,704 votes).[89]

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[84] Jaime Castro, *Elección Popular de Alcaldes*. Bogotá: Oveja Negra. 1986. p. 41. Quoted in Jenny Pearce, *Colombia: Inside the Labyrinth*. London: Latin America Bureau. 1990. p. 226.
[85] Angell, *et. al*., (2001: 25)
[86] CINEP, *Cíen Días*, March 1989, p. 7. Cited in Pearce (1990: 228)
[87] Due to constant persecution from death squads, *Unión Patriótica* candidates were unable to freely contest for electoral office in 1988 without danger of being killed by individuals who felt that their leftist party had no rights. During the 1988 elections alone 327 *Unión Patriótica* politicians, candidates, and party activists were assassinated. See CINEP (1989: 7). Cited in Pearce (1990: 228).
[88] Once elected the mayor set up a local administrative council (*junta administadora local*, JAL), for each 10,000 inhabitants, which would delegate functions by the municipal council. It would have seven members, of which one third would be elected by direct vote. See John D. Martz, *The Politics of Clientelism: Democracy and State in Colombia*. New Brunswick: Transaction Publishers. 1997. p. 253.
[89] Martz (1997: 253-254)

3.3 The Adoption of Participatory Measures

Beyond the installation of free elections, several other initiatives were proposed in latter years that democratized local government in Bogotá. The *Urban Reform Law of 1989* revived the concept of popular action,[90] which allows communities to protect public space from any public or private action against public interests.[91/92] The spirit of this law was further established when the *1991 Constitution of the Republic of Colombia* consecrated public space as a constitutionally-guaranteed right.

The constitutional inclusion of public space made mayors more accountable for their public space policies by the scrutiny of a special court designed to protect constitutionally guaranteed rights (*la Corte Constitucional de Colombia*). Through a procedure called *acción de tutela*, the public was given the ability to place pressure on mayors for their non-compliance with public space enforcement. This new feature in the Colombian legal landscape combined participatory philosophy (anyone can invoke an *acción de tutela* before any judge or tribunal without legal jargon or prerequisites) with a respect for human dignity (a decision must be given in ten days and the burden of proof falls on the suspected violator of any constitutional right).[93] This device became so popular in defending human rights that between November 1991 and April 1994, more than 60,000 *tutelas* were decided throughout Colombia, many of them relating to public space.[94]

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[90] Article 1005 of the Civil Code.
[91] Op cit, Ref 13, p. 5.
[92] María Clara Echeverría, "Urban Reform in Colombia: A Tool for Democratic Development?" In *Cities*, Vol. 8, No. 2, May 1991. pp. 108-119. p. 113.
[93] Manuel José Cepeda, "Democracy, State and Society in the 1991 Constitution: The Role of the Constitutional Court," (pp. 71-95) in Eduardo Posada-Carbó (ed.), *Colombia: The Politics of Reforming the State*. New York: St. Martin's Press. 1998. page 92, note 3.
[94] *Ibid*., p. 76.

3.4 Democratization's Impact on Public Space Recovery in Bogotá

The democratization of the Mayor's Office in Bogotá altered the mayors' relationship to public space by (1) placing considerable citizen pressure on the mayor to uphold public space, (2) intensifying party competition thereby forcing the mayors to cultivate a broader constituency that included proponents of improved public space management, and (3) politicizing public space management as a mechanism to maximize political patronage.

3.4.1 Citizen Pressure

After the installation of mayoral elections and the adoption of several participatory measures, Bogotá's elected mayors would be held more accountable by private citizens for their public space management or lack thereof. The clearest example of how participatory legal measures gave rise to public space recovery is illustrated through the relocation of vendors from San Victorino market to several *centros comerciales*. Though mayors had failed to dislodge the powerful unions of San Victorino, the impetus to risk political favor, stems, in part, to a May 26, 1997 case when a Colombian citizen processed an *acción de tutela* for the Santa Fé Deputy Mayor to do what was necessary for the "immediate restitution of public space."[95] Following this case, the Third Division Court of Santafé declared that the San Victorino vendors were illegally occupying public space and, therefore would be immediately evicted.[96] Though such an *acción de tutela* had the power to evict the 1,600 vendors of San Victorino, the vendors followed a similar strategy and issued a total of 1,016 *acciones de tutela* to protest their imminent eviction.

[95] Fondo de Ventas Populares de Bogotá, "Solictud de conciliación prejudicial entre el Fondo de Ventas Populares de Santafé de Bogotá y 74 comerciantes informales agrupados en la Asociación Sindical ASINCOMODIS." 1999. Condition 12, p. 3.
[96] *Ibid*., condition 14, p. 3.

Following this legal protest on August 24, 1998 the Regional Public Defender for Santafé de Bogotá, D.C. intervened in the process, demanding that the city government "temporarily suspend the formalities [evictions] until the Constitutional Court clarifies its position regarding the process of recuperation of public space."[97] In a response to over a thousand *acciones de tutela*, Constitutional Court Judge Alejandro Martínez Caballero, ordered that 600 of the vendors who issued *tutelas*, be relocated by the Mayor's Office.[98] In this sentence (SU-360/99 Nº T-168937) the Constitutional Court favored government-sponsored relocation or compensation over attempts to recover public space that deny vendors the right to work. In other words, the pressure applied by the vendors ultimately forced the mayor to relocate vendors in a way that would recover public space, safeguard the right to work as delineated in Article 25 of the 1991 Constitution of Colombia, and do so in a way that was legally mandated. These objectives materialize in the construction of *centros comerciales* that would allegedly protect public space and the workers' right to work.

In a similar fashion, "popular action" was invoked in 2000 and led to the relocation of stationary book vendors who occupied public space in the Carrera 72-Avenida 1º de Mayo intersection in the Kennedy neighborhood. This legal strategy, similar to a class action suit, was also applied to relocate vendors on the Venecia Bridge. Through Acción Popular No. 00-0009, a judge called upon the *Fondo de Ventas Populares* to relocate 240 vendors of the Venecia Bridge to stalls in the Caseta Feria Popular de la Carrera 38 *centro comercial*.[99]

Ultimately these participatory measures placed the mayors below rather than above the law. Whereas public space was previously protected in municipal codes and open to the

[97] *Ibid*., condition 17, p. 4.
[98] "Administración distrital tendrá que reubicar a vendedores ambulantes," in *La República*. May 20, 1999. p. 9-A.
[99] Alcaldía Mayor de Bogotá, et. al. 2000: 33, 45-46.

interpretation in civil circuit courts, the establishment of public space as a constitutionally guaranteed right opened venues for meaningful citizen activism.

3.3.2 Intensification of Party Competition in Bogotá

Democratic elections made it possible for parties outside of the Liberal-Conservative duopoly to win office and, therefore, create more intense electoral competition. The ability of outside candidates to win was most dramatic with the 1994 election of Antanas Mockus in Bogotá. Described as a victory for "anti-politics," Mockus was famous for being an eccentric rector of the *Universidad Nacional* in Bogotá where he liked to attend meetings brandishing colorful toy swords and climbing in and out of dumpsters to make some point or other that often eluded his baffled colleagues and students. His notoriety took on national proportions when, at a mass meeting in the university auditorium, he became so exasperated with hecklers that he turned his back on his audience and dropped his trousers. With a reputation for a new political discourse and a clean administration, his outlandish action propelled him into the national spotlight, forced him to resign from the university, and ultimately gave him the popularity to become a "non-political" mayoral candidate. He caught the public mood and was elected in 1994 by a landslide, 65 percent of the votes cast.[100] Mockus was followed in 1998 by another independent, Enrique Peñalosa, admittedly one who had been the Liberal's official candidate in the previous two elections.[101] Mockus' re-election in 2000 was again as an independent. Thus, the installation of mayoral elections was responsible, in large part, to the ascent of independent

[100] Harding (1996: 12-13)
[101] Dávila and Gilbert explain "Enrique Peñalosa did not want to lose the election because of the unpopularity of the Liberal party. Nevertheless, it is clear that most Liberal voters gave him their support." (2002: 69, footnote 22)

politicians with broad concerns and an interest in breaking the election hold of the traditional parties through increased local competition.[102]

Rather than rely on traditional forms of patronage, the new mayoral candidates cultivated a broader, cross-regional constituency via programmatic appeals that hinged on improved provision of services and public space management at the local level. Whereas the appointed mayors rarely championed programs that annoyed powerful elites in Bogotá, the elected mayors have challenged some of the most influential groups in Bogotá. Gilbert and Dávila write

> …unlike the appointed mayors, the popularly elected mayors have championed the priorities of city-oriented groups. Jaime Castro and Antanas Mockus seemed to go out of their way to risk their popularity by taking on certain city-oriented groups (e.g. taxi drivers, bus companies, rubbish collectors, car drivers and night club owners). Similarly, Enrique Peñalosa seemed to take a real risk with his removal of street traders from the central area of Bogotá and with his attempts to control use of private cars…The most plausible explanation of the behaviour of at least the last five mayors is that they have actually been trying to improve the quality of life in the city.[103]

Not only did increased party competition prompt the elected mayors to try to incorporate the electorate using pro-public space platforms, but they transformed public space from a second or third-order issue to a first-order issue. The political support was stable when mayors were presidentially appointed. Given that the appointment of mayors was done on the basis of a personal relationship to the president, public space maintenance and street vendor relocation would have done little, if anything, to change the mayor's support base. To state the obvious, democratization gave mayors the incentives to seek popular support, i.e. votes, and respond to the public's negative perception of mayoral public space management.

[102] Eliza Willis, Christopher da C.B. Garman, and Stephan Haggard, "The Politics of Decentralization in Latin America." In *Latin American Research Review* (pp. 7-56). Vol. 34, number 1. 1999. p. 25.
[103] Gilbert and Dávila (2002: 64)

3.3.3 Politicization of Public Space

As the photographs of the deteriorated historic core in Chapter 2 reveal, the mayoral preservation and maintenance service of public space was one of the most visually neglected services. The bustling drug market in El Cartucho and the masses of people in San Victorino became a symbol of everything that mayoral candidates sought to dissociate themselves from; the disregard of public space became synonymous with corruption and government disregard for the public's safety. Especially with a public that had survived the dark days of drug lord bombings in Bogotá, mayors increasingly wanted to associate with "public order" and campaigning for the recuperation of public space became a top choice to represent a mayor's commitment to public safety and the battle against corruption. Therefore the recovery of deteriorated public space became a vehicle for the mayors to distance themselves from the corruption of previous administrations and leave a visual memorial to their time in office. In this sense, the traditional way of building a "concrete memorial" through the construction of bridges, highways, and buildings was replaced, to some extent, by a model of public space recovery. Again, while building a highway would symbolize modernization, mayors wanted most to cater to a public that despised politicians. They wanted to prove that they were the exception to the pervasive graft; and the recuperation of public space from what were seen as criminals became a microcosm of what *Bogotanos* sought in good government. Furthermore, as relatively few *Bogotanos* could afford a car to drive on a mayor's highways, the creation of parks and the removal of street vendors became the ideal way to maximize opportunities for political patronage. This perception is shared by independent city council member, Alfonso Prada, who believed that public space was used by mayors to "make political campaigns."[104]

[104] Quoted in *Semana*, "Espacio público: los muros de discordia." Edition 959.

Rather than build parks and recuperate public space in rarely used areas, the much higher rate at which pedestrians pass through the downtown area solidifies the historic core as the optimum space for public space projects. The largest public space projects in Bogotá—the transformed San Victorino Park and the new construction of the Parque Tercer Milenio—were constructed in the historic core. More specific, these projects flank the Carrera Décima Street, the busiest avenue in Bogotá, and perhaps in all of Colombia. This street is so significant to the city that over 300,000 people ride buses over it every night.[105] In an interview with Argentine journalist Angel Beccassino, former mayor Peñalosa contextualizes the importance of this area,

> …San Victorino is the site in all of the country where the most citizens pass by daily and where the tolerance for disorder would change to become the clearest example of how anything can be accomplished. There is not a place in all of Colombia where as many citizens pass through as on the intersections of Jiménez [Avenue] and carrera Décima and Caracas. That is how San Victorino emerged. It was not a coincidence because this is a site in which people are required to pass through [to take public transportation].[106]

Therefore, one potential explanation that explains the high incidence of public space recuperation projects in downtown Bogotá is the fact that it is the area that first symbolizes public authority and second, the space by which the greatest amount of potential voters pass through. Just as the Spaniards dominated Aztec society by constructing churches over shrines, the elected mayors' construction of parks over pre-existing street vendor markets symbolizes the imposition of public order. These parks, seen as "the meeting place of all the social classes; the space that breaks the economic and cultural divisions"[107] were created both as a response to citizen pressure and to optimize political support from the greatest amount of *Bogotanos* possible.

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[105] Beccassino (2000: 210).
[106] Quoted in Beccassino (2000: 210-211).
[107] Enrique Peñalosa, "Palabras del Alcalde Mayor de Santa Fé de Bogotá." Bogotá Sostenible Memorias seminarios 1999 CD-ROM. Bogota: Imagen Digital LTDA. p. 6. Author's translation.

As public space is recovered and created, the elected mayors, much like the appointed mayors, claimed the public space as a signature they have left on the city through the naming of parks and other areas of recuperated public space. More than symbolic importance, several spatial theorists, most notably Todorov, argue that nomination is often the first step in taking possession.[108] As the physical landscape in Bogotá changed, the meaning of the recovery of public state was appropriated as political through the renaming of plazas. For example, in Peñalosa's term, the public space he created became politicized by the names his administration gave to the new parks. This was particularly evident when Peñalosa took possession of the term, *milenio* (millenium) by entitling his pro-public space inauguration speech, "La Bogotá del Tercer Milenio,"[109] and then naming a relocation project for one hundred street vendors, the *Servilibros Tercer Milenio* project. He continued this trend by naming the new 50 hectare (123 acres)[110] downtown park, *Tercer Milenio*, and the city's new mass transit system, *Transmilenio*.

3.5 Outcome

Though the eviction of street vendors undoubtedly disenfranchised political support from street vendors and the clients that depended on their goods, mayors gained a greater constituency from these initiatives. In sum, the mayors' ability to recuperate public space from the historic core of Bogotá hinged on their ability to garner political support in spite of the disenfranchisement of several thousand street vendors. The installation of elections made

[108] See T. Todorov. *The Conquest of America: The Question of the Other*. New York: Harper & Row. 1982. Cited in Robinson (1989: 160)

[109] The speech was given in Bogotá, January 1, 1998. During the speech Peñaosa establishes his pro-public space administration, "The essence of a civilized city can not be found in its highways or subways, but the quantity and quality of public space…They call for authorized installation of stalls for sales and other commercial activities…A city with sidewalks without obstacles dignifies the human being. Only a city that respects human beings can expect to be respected." Cited in Jorge Enrique Zuleta Zuleta, "Espacio público y comercio informal en Santa Fé de Bogotá," Thesis for Specialization in Law and Labor Institutions, Universidad Nacional de Colombia. November 1999, p. 12-13.

mayors, unlike city councilors, respond to the entire population of Bogotá not only to specific vendors groups. As the influence of unions was overridden by the concerns of the population of Bogotá, vendors resigned from political participation and opted to relocate rather than wage a battle where their interests were overpowered by the large "pro-public space" middle class constituency .

Nevertheless, the politicization of public space and the institution of democratic elections do not fully explain the power of mayors to make decisions concerning either public space. Of course, what is needed to implement public space recovery programs—some of which cost 12 billion pesos (US$9 million[111])—is the financial wherewithal to do so. Institutional and fiscal decentralization is key in explaining this development.

[110] Gayle Berens, "Bogotá: Enhancing the Public Realm." *Urban Land*. Vol. 58, No. 2, (March 1999: 90).
[111] The 1998 La Caseta Feria Popular de la Carrera 38 cost the equivalent of US$8,969,615. Alcaldía Mayor de Bogotá, D.C., Secretaría de Gobierno, Fondo de Ventas Populares. Informe gerencia junta directiva. Unpublished internal memorandum. June 8, 2001.

IV. DECENTRALIZATION AND ITS IMPACT ON THE MAYOR'S ABILITY TO RECOVER PUBLIC SPACE

In 1991, a popularly elected assembly enacted a new constitution that decentralized the government of Bogotá; it radically transformed local government and made it more responsive, institutionally, legally, and financially to public space issues. Politically, the creation of public space laws in 1991 held mayors in Bogotá accountable for protecting and preserving public space. Fiscally, President Betancur's decentralization program reconfigured the tax system so that up to half of the national sales tax was transferred to municipalities by 1992. Whereas the installation of free elections gave mayors the political incentives to preserve public space, decentralization endowed the elected mayors with the resources to do so. Accordingly, this section addresses how decentralization changed the elected mayors' public space policy from an either "detached" or "passive" role to one of "directive collaboration."[112]

Particularly the following analysis will focus on two closely related processes in Bogotá: *political decentralization* and *functional decentralization*.[113] Political decentralization refers to the establishment of the Bogotá Mayor's Office as a government capable of making binding decisions respecting public space. This decision-making power, is buttressed and justified by the legal institutionalization of agencies in Bogotá explicitly responsible for recovering and upholding public space. Though political decentralization transfers authority down to the local level, functional decentralization gives the Mayor's Office of Bogotá expenditure and revenue-raising powers critical to undertake public space recovery projects.

[112] For a discussion on governmental policies to the informal sector see María Otero, "The Role of Governments and Private Institutions in Addressing the Informal Sector in Latin America," in C.A. Rakowski (ed.), *Contrapunto: The Informal Sector Debate in Latin America* (pp. 177-198). Albany, NY: State University of New York, p. 185.

4.1 Overview of Decentralization in Bogotá[114]

Many critics disagree over the reasons why decentralization was promoted throughout the 1980s. Some analysts, such as Gary Hoskin, Alan Gilbert, and Julio Dávila hold that decentralization was a response to the protracted regional conflicts and broad pressures, especially from the guerrillas, for political opening. In the words of Gilbert and Dávila, "[o]nly by returning some degree of legitimacy to the state and to the discredited partisan system could the dangers of civic strikes, guerrilla movements and drug-related violence be confronted."[115] Others, such as Jaime Castro, posit decentralization as a national response to a growing fiscal crisis among subnational administrations that threatened to undermine political stability. Following this logic, decentralization was viewed as an attempt to improve the delivery of government services in a time when city-wide blackouts were common. A separate field of analysis, supported by the current mayor of Bogotá, Antanas Mockus, considers decentralization a way of involving *Bogotanos* in the solution of their city's problems. This had not happened because Bogotá is a city of immigrants and few people have a strong sense of belonging to the city.[116] Though political analysts and *colombianistas* still debate about the genesis of the decentralization program in Colombia, few doubt its importance. Indeed, few countries in Latin America have devolved power to the extent of Colombia. Andrew Nickson of the School of Public Policy of the University of Birmingham (England), writes

> …Colombia has been undergoing the most serious process of decentralization in the whole of Latin America. In sharp contrast to the decentralization process in Bolivia and Peru, the Colombian reform movement has given priority to the strengthening of

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[113] These typologies were originally applied in Willis, *et. al.* (1999).
[114] Much of this work draws from Arturo Ardila, The Decentralization of the Government of Bogotá: Benefits, Problems, and Possible Solutions. MCP Master Thesis. Department of Urban Studies and Planning. M.I.T. June 1997.
[115] Dávila and Gilbert (2002: 44).
[116] See Antanas Mockus, "La ciudad esperada: el plan de desarrollo para formar la ciudad," *Foro económico y regional*, No. 2. Bogotá. 1996. Cited in Ardila (1997: 6).

> municipal government rather than departmental government. By the year 2002, according to constitutional requirements, the combined transfer to municipalities from the situado fiscal and the transferencia is likely to surpass 30 percent of national fiscal revenue, the highest share in Latin America.[117]

In response to the various factors above, the new 1991 Constitution of Colombia redefined Bogotá as a "distrito capital," governed by a special regime (Bogotá's City Enabling Statute) that could only be modified by Congress. Much like a national government, Bogotá's government is divided into executive, legislative, and supervisory branches. The executive includes the City Mayor (*alcalde mayor*) and the secretariats; the legislative branch consists of 40 councilors; and the supervisory offices are comprised of offices such as the General Comptroller, Public Defender's Office, and the *Veeduría* (charged with supervising the work of City employees).[118]

Whereas before Bogotá was previously governed by a presidentially appointed mayor, the democratically elected mayor now transferred some decision-making power to twenty deputy mayors (*alcades locales*). These deputy mayors are appointed directly by the mayor who selects them from a short-list provided by the council of one of Bogotá's twenty localities.[119] In addition to the deputy mayor, the government of each locality generally consists of between twelve and twenty-five employees.[120] These officials receive funding via transfers from the Bogotá Mayor's Office and, in exceptional cases, the central government. The transfers are allocated according to a formula that gives more money to those localities with the highest share of their population living in absolute poverty.[121] Though the deputy mayors make themselves

[117] Andrew Nickson, *Local Government in Latin America*. London: Lynne Rienner Publishers. 1995. p. 153.
[118] Ardila (1997: 26-27)
[119] Interview with Enrique Peñalosa, December 11, 2001.
[120] Ardila (1997: 32)
[121] Ardila (1997: 37)

accountable to the public in ways that the Mayor of Bogotá finds difficult to follow,[122] the high rates of absenteeism in locality elections question their representativeness. In 1994 only 165,000 *Bogotanos* voted for locality representatives, less than one-fourth the number of people who voted for the Mayor of Bogotá in the same year. High absenteeism in the local elections translated into a system in which candidates were awarded seats in the local councils with less than one thousand votes in localities with a population of 800,000 inhabitants.[123] Adding to the weakness of the localities, council members receive relatively few resources from the city government. For example, in 1996 localities only received two percent of the annual expenditure of the City of Bogotá.[124]

4.2 Institutionalization of the Bogotá Mayor's Office Jurisdiction over Public Space

Part of the cause of the deterioration of public space before the onset of the elected mayors relates to the lack of a clear division of responsibility for public space issues. The administration of public space was either unspecified or divided into a jumbled constellation of institutions with overriding responsibilities. As these institutions, such as the District Institute for Recreation and Sports (*Instituto Distrital para la Recreación y el Deporte*), did not have the recovery or defense of public space recovery as their main objective, they were not be held accountable for a goal that was beyond their institutional reach. The institutionalization of agencies with the explicit responsibility to maintain and recover public space was a significant factor that enabled the elected mayors to recover public space.

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[122] Ardila notes that in the locality of San Cristobal (450,000 inhabitants) the deputy mayor has office hours during the week where he sees as many people as possible. He discusses with them the problems of the locality and the implementation of the projects in the locality. The deputy mayor of Kennedy (700,000 inhabitants) also provides an example of accountability. Every Saturday morning he visits one circuit of the locality for a town meeting where he answers questions regarding the implementation of projects. Ardila (1997: 50-51).

[123] Registraduría Distrital del Estado Civil. Tables with votes were given to Arturo Ardila upon request (July 3, 1996). Cited in Ardila (1997: 49).

[124] Ardila (1997: 27)

4.2.1 Historical Antecedents

The post-1988 decentralization in Bogotá was a process that built upon the ongoing decentralization reforms throughout the Twentieth Century. The beginning of the Twentieth Century was associated with the centralization of all questions of public space to the national government of Colombia. President Rafael Reyes Prieto (1904-1910) established Presidential Decree 7/1905 that charged the Ministry of Public Works with the maintenance and construction of all buildings, railways, bridges, roads, idle lands, mines, and oil refineries.[125] The decentralization of public space management in Bogotá came in 1926 with the creation of Bogotá's Secretariat for Public Works (*Secretaría de Obras Públicas Municipales*), the sole entity responsible for managing questions of public space in the capital. Nevertheless, the definition of "public space" in both the Ministry of Public Works and Bogotá's Secretariat for Public Works was confined to questions of "obras" (public works projects) that included the construction of highways, sewerage, and a few parks. The emphasis on satisfying collective urban needs through park construction or street vendor relocation was not a concern of these public work-centered agencies.[126] Álvaro Suárez Zúñiga, speaking in a 1999 organized by the Bogotá Mayor's Office, explains the focus of the early managers of public space,

> Public space was in the hands of persons who did not think of pedestrians, but were rather trained to give preference to roadway networks, intersections, the large scale. Changing the scale will be the objective of the last years of the 1990s and the first of the next century.[127]

[125]In the original Spanish, "(...) el Ministerio de Obras Públicas se encarga de edificios nacionales, ferrocarriles, puentes, caminos, tierras baldías, bienes nacionales, minas y petróleos (…)"

[126] Alvaro Suárez Zúñiga, "Instituciones comprometidas con el manejo del espacio público bogotano en el siglo XX: una primera aproximación." Bogotá Sostenible Memorias seminarios 1999 CD-ROM. Bogota: Imagen Digital LTDA. p. 3.

4.2.2 The Modern Creation of Public Space Agencies in Bogotá

The *Urban Reform Law* (URL) of 1989, approved by the Colombian legislature, re-defined public space, charging municipalities with the maintenance of public space. According to Article 5 of the URL, public space was defined as a space for the "satisfaction of collective urban needs." Article 5 of the URL characterizes public space as the following,

> Public space is understood as the assembly of public property and private elements from architecture and nature, destined by nature to the use or affectation, to the satisfaction of collective urban needs that transcend the limits of individual interests of habitants. (…) it is composed of the areas required for mobility, pedestrian as much as vehicular, of public recreation, the strips of retirement of buildings over roads, plazas, green zones, and the necessary ands for the maintenance of basic public services, urban furnishings, historical elements, to conserve or preserve the landscape and the conservation of beaches and their flora. [128]

The URL continues in later articles to recognize the right of all citizens to public space and recognize municipal government as the guarantor for the protection of public space. According to the first chapter of the URL, cities over 100,000 inhabitants are required to formulate an integrated development plan (IDP) that must detail plans for the configuration, incorporation, regulation, and conservation of urban public space.[129] For example, in the Development Plan of the City of Bogotá 1995-1998, a total of 514.2 billion pesos (US$563.3 million) or 9.9% of the

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[127] *Ibid*., p. 3.

[128] Article 5 in the original Spanish reads, "Entiéndese por espacio público el conjunto de inmuebles públicos y los elementos arquitectónicos y naturales de los inmuebles privados, destinados por su naturaleza, por su uso o afectación a la satisfacción de necesidades urbanas colectivas que trascienden, por tanto, los límites de los intereses individuales de los habitantes. Así, constituyen el espacio público de la ciudad las áreas requeridas para la circulación, tanto peatonal como vehicular, las áreas para la recreación pública, activa o pasiva, para la seguridad y tranquilidad ciudadana, las franjas de retiro de las edificaciones sobre las vías, fuentes de agua, parques, plazas, zonas verdes y similares, las necesarias para la instalación y mantenimiento de los servicios públicos básicos, para la instalación y uso de los elementos constitutivos del amoblamiento urbano en todas sus expresiones, para la preservación de las obras de interés público y de los elementos históricos, culturales, religiosos, recreativos y artísticos, para la conservación y preservación del paisaje y los elementos naturales del entorno de la ciudad, los necesarios para la preservación y conservación de las playas marinas y fluviales, los terrenos de bajamar, así como de sus elementos vegetativos, arenas y corales y, en general, por todas las zonas existentes o debidamente proyectadas en las que el interés colectivo sea manifiesto y conveniente y que constituyen, por consiguiente, zonas para el uso o el disfrute colectivo."

[129] Unlike previous administrations that considered public space as almost a non-issue, Decree 425 (1995), which regulated the local planning process, mandated that administrations develop a City Plan that include public space as

total development plan's costs,[130] were dedicated to the public space projects over a three-year period.

Most important, the URL lays the legal foundation for cities like Bogotá to create government agencies to administer and maintain the use of public areas. In order to recuperate public space, recent Bogotá mayors created three new institutions: the Workshop on Public Space (*Taller del Espacio Público*), the Public Defender's Office for Public Space (*Defensoría del Espacio Público*) and the Police Brigade for Urban Space (*Plan Centro*). The *Taller del Espacio Público* was the first administrative agency to take responsibility for the URL's new definition of public space. Established through Agreement 6/1990, the *Taller del Espacio Público* modifies or designs public space projects such as parks, bike paths, and pedestrian walkways and bridges.

While the *Taller del Espacio Público* is mainly concerned with the architectural planning of new parks that would produce more public space for *Bogotanos*, the *Defensoría* is charged with defending, inspecting, regulating, controlling, and guaranteeing existing public space. The *Defensoría* is further charged with the organization and delivery of consciousness-raising campaigns on the importance of public space in Bogotá.[131] Finally, the 87 officers assigned to the *Urban Space Police Force Unit* seize the goods of unlicensed street vendors, patrol downtown parks, and manage traffic along certain downtown streets. [132]

The modern creation of public space agencies illustrates not only the devolution of national public space responsibilities to Bogotá, but the creation of entirely new roles and responsibilities. For example, the *Defensoría del Espacio Público* encourages *Bogotanos* to file

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one of the city's six priorities. The other five priorities of the local planning process include citizen culture, environment, social progress, urban productivity, and institutional legitimacy. Ardila (1997: 59).

[130] Cited in Ardila (1997: 94)

[131] El Espectador, "Una defensoría para vigilar el espacio público." June 6, 1999.

formal complaints against street vendors that occupy public space illegally either through visiting Defensoría offices, calling to two different complaint hotlines or sending e-mail.

4.3. Public Space as a Human Right: Pro-Public Space Constitutional and Legal Accords as Impetus for Street Vendor Relocation

4.3.1 The Establishment of Public Space Law

The "push" behind relocation programs lies in their ability to be legally justified—both by the national Constitution and various local statutes. Unlike Colombia's earlier Constitution (1886), the *1991 Constitution of the Republic of Colombia* explicitly states that the defense of public space is an obligation of the government.[133] While most mayors interpreted the "state" to mean the city, a presidential decree two years directly relegated the responsibility of respecting public space to the Mayor's Office. On June 21, 1993 President César Gaviria Trujilo (1990-1993) issued *Presidential Decree* 1421 in which Article 86 instructs mayors to recuperate public space and use their deputy mayors for the same purpose.[134]

Beyond the creation of pro-space laws, Colombia's Constitutional Court have issued several sentences that reinforce both the constitutional right of public space and the obligation of

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[132] Secretaría del Gobierno—Plan Centro, "Programa recuperación del centro de Bogotá," Power Point Presentation.
[133] Within Colombia's 1991 Constitution, Article 82 is the key statute, declaring, "It is the responsibility of the State to protect the integrity of public space for its common use which prevails over private interests." In the orginal Spanish: "Es deber del estado velar por la protección de la integridad del espacio público y por su destinación al uso común, el cual prevalece sobre el interés particular. Las entidades públicas participarán en la plusvalía que genere su acción urbanística y regularán la utilización del suelo y del espacio aéreo urbano en defensa del interés común." For a complete listing of the national and local legislation concerning public space in Bogotá, see Defensoría del Espacio Público, "Legislación," in Departamento Administrativo—Defensoría del Espacio Público—Alcaldía Mayor de Bogotá, D.C. World Wide Web. http://www.dadep.gov.co/legislacion.asp. Accessed on November 22, 2001.
[134] Provisión 7, Article 86, Presidential Decree 1421 reads in the original Spanish, "Dictar los actos y ejecutar las operaciones necesarias para la protección, recuperación y conservación del espacio público, el patrimonio cultural, arquitectónico e histórico, los monumentos de la localidad, los recursos naturales y el ambiente, con sujeción a la ley, a las normas Nacionales aplicables, y a los acuerdos distritales y locales."

mayors to uphold these laws and relocate vendors when necessary. Sentence *SU—360/99* declares,

> Mayors, in their mandate as the highest authority of the police in the area of his/her mandate, should enforce and make others enforce in their respective territory, both the constitutional-legal norms and those dispatched by the Municipal Council, among which include the concept of public space.[135]

4.3.2 The Enforcement of Public Space Law

Following the enactment of public space law in a constitutional article and a presidential decree, Bogotá mayors have consistently anchored their decision to relocate street vendors from public space on Article 82 of the 1991 Constitution of Colombia and supporting legal codes. For instance, during the preliminary negotiations with vendors in the Plaza San Victorino, the FVP made clear that its mandate was based on several concepts established by the Constitution. The first of seventeen arguments made to defend the administration's decision to evict the vendors was that "the recuperation of public space is a constitutional and legal imperative according to Article 82 of the Constitution, the Articles that resulted from the Law and the National and Bogotá Police Code…"[136] The eventual contract between the Bogotá Mayor's Office and the vendors—hinging on the legal responsibility of the government to uphold public space—resulted in the Mayor's Office paying seven hundred vendors a total of $6.9 billion *pesos* (US$3.7 million) in compensation.[137] Similarly, in September 1999, former Deputy Mayor of the Engativa locality in Bogotá, Alirio Gutiérrez, followed the pro-public space laws and led a

[135] In the original Spanish: "Por ende, es en los Alcaldes en quienes recae por expresa atribución constitucional la responsabilidad de hacer cumplir por todos los ciudadanos las normas relativas a la protección y acceso al espacio público, en su respectiva localidad, atendiéndose, como es apenas natural, a las normas constitucionales, legales y las provenientes de los Acuerdos Municipales."
[136] José Aristobulo Cortés Gómez, "Referencia: reubicación comerciantes Galerías Antonio Nariño." GER-1179-98 (Fondo de Ventas Populares). Letter sent October 9, 1998 to Junta Directiva, Asociación de Comerciantes Unidos de Galerías Antonio Nariño "ACUGAN."
[137] Alcaldía Mayor de Bogotá, D.C. *et. al.* (June 8, 2001).

campaign to recover public space by removing over five hundred stalls.[138] When asked by *El Tiempo* newspaper about how the project was initiated, Gutiérrez responded, "The recuperation was initiated, first because it was consecrated within the function that the National Constitution and the Presidential Decree 1421 of 1993 grant to me, and second because as administrators, we should secure the well being of our community."[139] Though these initiatives arose from a development plan approved by the Engativa locality's council, they were politically in line with Peñalosa's policy. If public space policy, or anything else for that matter, is inconsistent with the city mayor's objectives, the deputy mayor is usually fired. Arturo Ardila documented that due to frequent dismissals, there is a new deputy mayor and therefore a new style of managing the locality approximately every 18 months.[140]

Nevertheless, a private or government-led initiative, both processes involve the invocation of a human rights paradigm to defend public space for the majority of Colombians. That is, rather than protect the infringement on private space, the government and private actors use a rights-based discourse to argue that public space, just like the right to education, health care, the vote, public space is an extraordinary constitutional guarantee that generates the extraordinary policy of relocation. Theoretically public space law is so strong in Colombia, that a mayor can be held liable for her or his failure to maintain or preserve public space.

[138] These actions have particularly affected the commerce area located between the Avendida 68 and the entrance to the barrio Quirigua and some areas along the Avenida 68. See "Engativa: Espacio Público Para Todos," *El Tiempo*, September 13, 1999. p. 4-E.
[139] Quoted in "Engativa: Espacio Público Para Todos," *El Tiempo*, September 13, 1999. p. 4-E.
[140] Ardila (1997: 53).

4.4. Reformation of the Tax System

The following section moves beyond the institutionalization of public space agencies and discusses how elected Bogotá mayors were able to harness the substantial funds necessary for public space projects.

4.4.1 Pre-decentralization Tax Limitations[141]

For years, every mayor of Bogotá complained that he had far too little money to do what was required of him with the recovery of public space. How could he relocate street vendors or pay police officers to patrol street vending with such limited resources available? Prior to decentralization there existed two options: provide fewer services or run a budget deficit. In practice, both approaches were used and too little was done. Eventually, a real crisis point was reached when more funds were spent than could be covered by the city revenues. As the difficulties of the water and electricity sectors mounted during the 1980s, the city's accumulated deficit grew to unmanageable proportions. When it tried to borrow money to pay its foreign interest payments, the national government refused to guarantee the loan. In response, local creditors stopped advancing payments even on existing loans.[142]

Some pinned the blame on the national government given that the nation took much more money from Bogotá than it spent on the city. Although Bogotá generated a large share of the country's tax revenues, it received relatively little back from the national government. According to Castro and Garavito, "Bogotá gives the nation half of what it collects in taxes."[143] Eduardo

[141] This section significantly draws on the "The City Budget" section (pp. 52-55) of Alan Gilbert's and Julio Dávila's "Governing Bogotá."
[142] Gilbert and Dávila credit Castro and Garavito (1994: 81) and Cárdenas et al. (no date: 166) for this information.
[143] Gilbert and Dávila credit Castro and Garavito (1994: 140)

Sarmiento similarly commented that Bogotá receives only "one third of its tax contribution."[144] In addition, the city was over-dependent on the goodwill of the President and the Finance Minister when it came to finding money for major projects. According to ex-mayor Alfonso Palacio Rudas (1974-1975): "Without the goodwill of the two .... the city can be paralyzed."[145]

Although Bogotá was financially shackled from the limitations, the city's chronically poor financial situation was principally due to its own reluctance to increase taxes.[146] Even though their incomes had risen considerably, the average *Bogotano* was paying the same amount in taxes in 1993 as in 1961.[147] In 1985, taxes amounted to only 1.9 percent of the city's gross regional product; in 1991 it was only 2.1 percent.[148] During the 1980s and early 1990s, the government relied on credit to balance the books and took on new loans to soften its debt payments.[149] In 1985, 10 percent of the city's revenue came from borrowing, in 1991 23%.[150/151]

Of course, while insufficient taxation was part of the problem of public space "invasion," the excessively high costs of relocating street vendors compounded their effect.

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[144] Eduardo Sarmiento, no date: 64. Cited in Gilbert and Dávila (2002: 52)
[145] APROBIS, 1988: 121. Cited in Gilbert and Dávila (2002: 52)
[146] "Tax revenues had not increased for a whole series of reasons. Collection of the property tax was hugely inefficient and the efforts of several administrations to reform the system failed miserably. The cadastral data were out of date, many properties were excluded, and because owners negotiated individually with officials about how much they owed, too much money disappeared corruptly. In addition, valorisation taxes, used widely in other Colombian cities, could not be used in Bogotá after 1985. The tax on industry and commerce yielded far less than it should have done, with the collection system again being vitiated by fraud and corruption." Gilbert and Dávila (2002: 53). Gilbert and Dávila credit APROBIS (1988: 118, 126) and Piza (no date: 14).
[147] Castro and Garavito, 1994; Fernández, 1994. Cited in Gilbert and Dávila (2002: 53).
[148] Piza, no date: 13. Cited in Gilbert and Dávila (2002: 53).
[149] Pachón and Associates, 1992: 274. Cited in Gilbert and Dávila (2002: 53).
[150] Piza, no date: 14. Cited in Gilbert and Dávila (2002: 53).
[151] "Various mayors tried to put the city's finances on a sounder footing but they failed because of political opposition from the city council and from Congress. Alfonso Palacio Rudas made some progress but ultimately suffered from his lack of autonomy with respect to Congress and the national government. Hernando Durán Dussán made a noble effort to raise the yield from property taxes in the early 1980s, but was forced to back down. Andrés Pastrana tried to raise income through an improved cadastre but his decree was overthrown a few weeks after being approved. Juan Martín Caicedo argued the case for implementing valorization taxes but was not permitted to use them." Gilbert and Dávila (2002: 58).

4.4.2 Costs of Street Vendor Relocation Projects

In order to implement public space recuperation and street vendor relocation projects, a substantial amount of funds are needed. Relocation costs include the purchase of the property, the adaptation or the construction of the building itself, assembly of several market stalls (often more than two hundred separate units), and the installation of electricity, water, and toilets. The high cost of constructing *centros comerciales* combined with a high rate of desertion requires very high expenditures for street vendor relocation projects.[152] For instance, the Mayor's Office of Bogotá through the FVP bought a four-story downtown building and equipped it with several hundred stalls. Ultimately the *Centro Comercial Caravana* was built for 340 vendors at the cost of US$5,622 per person. Such a high cost was not exceptional as the graph below demonstrates.

Table 2

Costs of Relocation

PROJECT	YEAR	COST (COLOMBIAN PESOS)	COST ($US)	NUMBER OF VENDORS SERVED	AVERAGE COST/VENDOR
Supercentro de la 61	1991	$265,000,000	$418,608	400	$1,047
Centro Comercial del Restrepo	1991	$338,563,081	$529,184	465	$1,138

[152] There is considerable evidence from the proposals of several nongovernmental organizations that less expensive and more efficient projects were rejected in favor of the construction of buildings for relocated vendors. For example, the "Expreso Bolivariano" project proposed by a consortium of eight informal unions (*Comité Intersindical del Sector de la Economía Informal Santafé de Bogotá, D.C.*) and the project's budget would have been substantially lower than the average of $3,220/vendor. In October 1998 dollars, the per vendor cost of the US$2,383,172 project would have been US$1,044. Besides being more cost-efficient, the project for the 2,283 vendors would also offer an improved design. Rather than follow the FVP's layout that tends to arbitrarily organize a mosaic of vendors and their goods—books, candles, greeting cards, underwear, spices, car parts, etc.—the project proposed to organize the buildings by specific goods especially clothes, leather, prepared food, and electronic appliances. See Gonzalo Huertas Laverde, "Espacio público y comercio informal estacionario en el sector informal de San Victorino: una alternativa de solución para la autogeneración de empleo e ingresos y la reubicación concertada de los comerciantes que ocupan espacios de uso público," Unpublished proposal of the Comité Intersindical del Sector de la Economía Informal Santafé de Bogotá, D.C. October 1998. For more details on this project contact Gonzalo Huertas Laverde, e-mail: Huertas78@hotmail.com. For similar projects see María Gemma Salazar (February 2000). Riesgos sociales y ambientales en la producción y comercialización de Perecederos. Unpublished proposal. Manizales, Colombia: Mayor's Office of Manizales, Community Development Division.

Centro Comercial Caravana	1994	$1,580,040,858	$1,911,586	340	$5,622
La Caseta Feria Popular de Fontibon	1997	$1,480,000,000	$1,297,017	207	$6,266
La Caseta Feria Popular de la Carrera 38	1998	$12,000,000,000	$8,969,615	1,753	$5,117
AVERAGE		$3,132,720,788	$2,625,202	633	$4,147
TOTAL		$15,663,603,939	$13,126,010	3,165	$4,147

Source: Alcaldía Mayor de Bogotá, D.C., Secretaría de Gobierno, Fondo de Ventas Populares. *Informe gerencia junta directiva*. Unpublished internal memorandum. June 8, 2001. Álvaro Suárez Zuñiga, "Las Ventas Callejeras," UNDP—Mayor's Office of Bogotá, June 1995.

Note: The exchange rates were used from Banco de la República de Colombia, "Tasa de cambio representativa de mercado -TCRM-. Promedio mensual desde 1950." World Wide Web. http://www.banrep.gov.co/economia/ctanal1sex.htm#tasa.

Though the FVP did recover a certain percentage of the total investment by selling the stalls to vendors and charging them for utility payments, these projects rarely recovered a substantial portion of the initial investment. Álvaro Suárez Zuñiga, consultant to the Bogotá 2000 Development Plan of former Bogotá Mayor, Antanas Mockus, reported that the Mayor's Office only recuperated 84 million *pesos* (US$94,000) of the 1.738 billion *pesos* (US$2.1 million) invested between February 1990 and December 1994.[153] One may argue that it is acceptable that the Mayor's Office does not recover its cost in the short-term under the condition that it recovers its cost in the long-term. The assumption for the forecasted dates of recovery though, is that the stalls will be occupied, not abandoned as are most markets. For instance, though 340 vendors[154] were transferred to Bogotá's *Centro Comerical Caravana*, less than 30 remain, many of them using the stall for storage of goods for street vending. Even in an article

[153] Suárez Zúñiga (1995: 5).
[154] Fondo de Ventas Populares, "Reseña institucional," Fondo de Ventas Populares—Alcaldía Mayor de Bogotá, D.C.—Secretaría del Gobierno internal memorandum, 2001. p. 12.

that promoted relocation as an "alternative for management in areas deteriorated by street vending," the former president of FVP, Miguel Díaz Forero, admitted that the rate of utilization of the *Centro Comerical Caravana* was less than thirty percent.[155]

In sum, with high desertion rates, costly construction projects and the impossibility of obtaining national funds to benefit a miniscule portion of Bogotá street vendors, the Bogotá Mayor's Office must have a large amount of funds in order to implement a relocation project. The following section will analyze exactly how the Mayor's Office of Bogotá was able to garner sufficient funds via their ability to tax.

4.4.3 Post-Decentralization Taxation Ability

Bogotá's financial situation was transformed after 1993. First, President Betancur's decentralization program meant that up to half of the national sales tax was to be transferred to municipalities by 1992. Although this was modified in the 1991 constitution, the municipalities would still benefit by the transfer of "a specified portion of the national government's current income to municipalities - 14 percent in 1993, increasing annually until reaching 22 percent in 2002."[156] Second, Congress eventually agreed to accept the 1993 population census, thereby giving Bogotá a higher proportion of tax transfers. Third, approval of the Organic Statute in 1993 enabled new sources of income to be tapped. Jaime Castro's reforms increased the sums that could be generated by the general valorization tax, improved the procedure for assessing property values and allowed the mayor to apply a levy on the price of gasoline. Although the Bogotá authorities were not permitted to collect any additional taxes, better use of existing sources meant that the city's revenues improved dramatically.[157]

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[155] Miguel Díaz Forero, "Centros Comerciales: Una Alternativa de Gestión en Áreas Deterioradas por Ventas Callejeras," *Revista Cámara de Comercio de Bogotá*, No. 98, December 1998, p. 40.
[156] Hoskin, 1998: 105. Cited in Gilbert and Dávila (2002: 55).
[157] Castro and Garavito, 1994: 38. Cited in Gilbert and Dávila (2002: 55).

As a result of these changes, the city's finances were drastically improved. Bogotá's tax revenues increased 77 percent in real terms between 1993 and 1994 as income from the property tax, the tax on industry and commerce, and car-vehicle licensing soared.[158] Second, as a result of the decentralization reforms, the city's share of the national value-added tax increased by half in 1992 and doubled in 1993 and 1994.[159] Rather than harming Bogotá, political decentralization and the related shift in budget allocations shored up its financial situation and allowed for more funds to be spent on relocation projects.

Despite the devolution of public space responsibilities to the Mayor's Office of Bogotá and the increased investment in costly relocation projects, these factors do not guarantee the removal of street vendors. These workers are often heavily entrenched in Bogotá having cultivated the necessary contacts with the police and various authorities to continue informal street vending despite the illegal use of public space for private profit. As mentioned during Chapter 2, the vendor unions were strong from the 1970s to the mid-1980s; they were even so powerful as to block their relocation from the Plaza de San Victorino for nearly thirty years. In the next chapter the third and final factor that enabled mayors to recuperate public space in post-1988 Bogotá will be discussed using both primary and secondary research sources.

[158] Piza, no date: 32. Cited in Gilbert and Dávila (2002: 55).
[159] Sarmiento, no date: 63. Cited in Gilbert and Dávila (2002: 55).

V. THE POLITICAL-ECONOMIC MARGINALIZATION OF STREET VENDOR UNIONS

As mentioned in the beginning section, before 1988 street vendor unions exercised considerable economic power and influence over the mayor. City councilors sought their support and in exchange they helped vendors secure licenses often through illegal means. Vendor unions also acted as intermediaries between companies marketing goods ideal for street selling—potato chips, chocolate bars, soft drinks, and cigarettes—and prospective street vendors. The power of these unions was similar to that in other countries where large unions for informal vendors operate. In nearby Peru, for example, Hays-Mitchell documented that highly organized street vendor unions were so powerful that they forced concessions on fee levels and locational constraints from municipal authorities.[160]

Given the union role for legitimizing street vending and further institutionalizing their role in urban politics, this section will discuss how the decreased power of pro-street vendor unions enabled the mayors to recuperate public space in Bogotá. The following analysis describes first the structural factors that preclude street vendors from joining unions, and second, the factors that account for politically and economically weaker street vendor unions after 1988.

5.1 Structural Barriers to the Unionization of Street Vendors in Bogotá

The union movement in Colombia, and even in Bogotá, has never been very strong—certainly nothing approaching the strength of labor in Argentina, in pre-1973 Chile, or in post-1958 Venezuela. Colombian labor unions became legal only after Liberal President Enrique Olaya Herrera passed Law No. 83 in June 1931 which acknowledged the workers' right to

[160]Maureen Hays-Mitchell, "The Ties That Bind: Informal and Formal Sector Linkages In Streetvending: The Case of Peru's Ambulantes," *Environment and Planning A*, 1993, Volume 25, p. 1092.

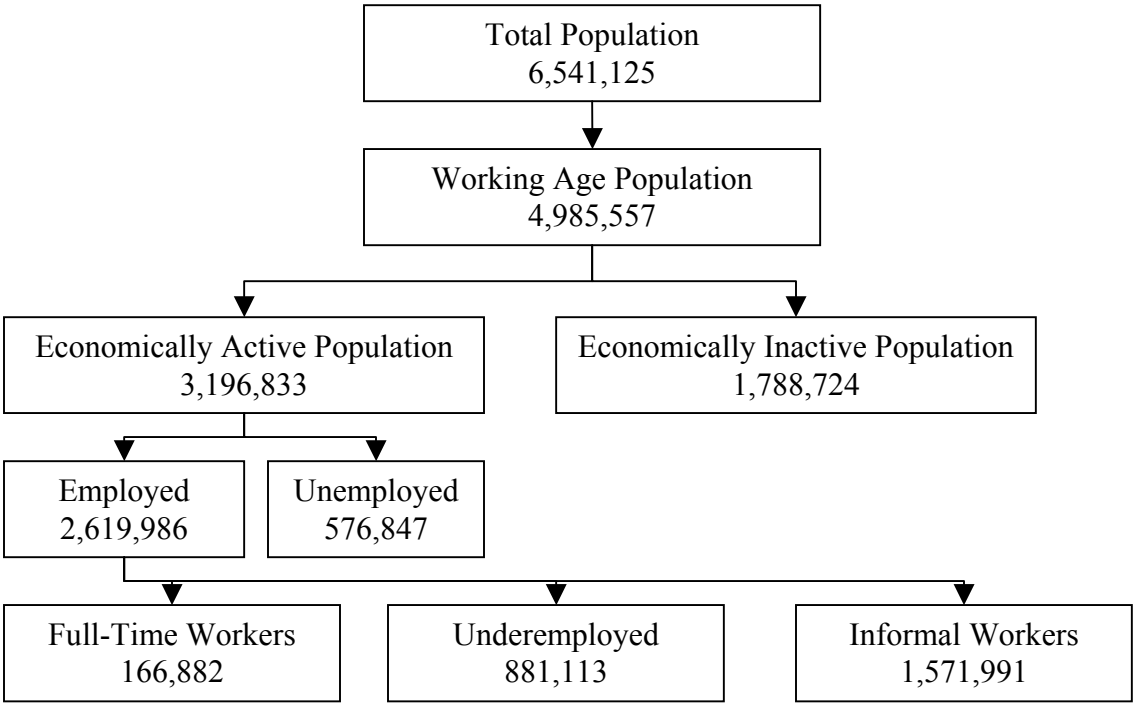
organize in unions.[161] Not only have unions been organizationally and politically impotent, but they have never been able to organize as much as twenty percent of the work force. Currently the rates of unionization in Colombia are modest—only eight percent of Colombian workers are unionized[162] compared to the much higher rates for Argentina (38.7%), Mexico (42.8%), Brazil (43.5%), and neighboring Venezuela (17.1%).[163] In addition, the level of unionization has consistently lagged behind the creation of new jobs, for instance, while the total labor force of Colombia's seven largest metropolitan areas grew by 800,000 between 1984 and 1990, union membership only grew by 7,000.[164]

Another barrier, especially for traditional unions that rely on full-time salaried workers, is the shortage of jobs in Colombia that employ such prospective union members. The following diagram, using census data from the June 2001 D.A.N.E. survey, illustrates that full-time regulated workers make up a miniscule portion of Colombia's labor force; of an economically active population (EAP) of 3,196,833 persons—only 166,882—were salaried, full-time workers.

[161] Osterling (1989: 217). Following the legalization of unions, several street vendor unions organized; among the first to organize were in Cali (early 1930s), Ibagué (1938), Pasto (1940), Barrancabermeja (1948), and Medellín (1949). See Gómez Alzate (1992: 48).
[162] Julio Noé Cely, Organizaciones del sector informal en Bogotá: perfil y diagnóstico. Proyecto Interregional Sobre El Sector Informal Urbano. No. 7. International Labour Organization (1996: 7).
[163] "ILO Highlights Global Challenge to Trade Unions," Tuesday 4 November 1997 (ILO/97/28). World Wide Web. http://www.ilo.org/public/english/bureau/inf/pr/1997/28.htm. Accessed on November 17, 2001.
[164] Alan Gilbert, "Employment and Poverty During Economic Restructuring: The Case of Bogotá, Colombia" in *Urban Studies*, 34 (7), (June 1997: 12).

Graph 1

Labor Force of Bogotá



Source: D.A.N.E. Encuesta de Hogares. June 2001.

Note: *Population in Age of Working*: Persons twelve years or older.
Economically Active Population: Persons who are in the population in age of working who are working or looking for work.
Economically Inactive Labor Force: Those persons of working age that do not participate in the production of goods and services because they do not need to, they can not work or are not interested in having a salaried activity. They group in composed of students, homemakers, retired persons, landlords, handicapped persons, persons who are not motivated to work, and unpaid family workers that work less than fifteen hours a week.
Full-Time Workers: Individuals who find themselves in the following situations: (1) work in a productive activity over one salaried hour a week, (2) family workers who labor without remuneration who work at least fifteen hours a week, (3) those that do not work during the week of being interviewed, but are employed, and (4) police cadets and jail guards who return to their homes during the night.
Underemployed: Those that would like to and are capable of working more time, but: (1) have a working day less than 2/3 parts of the legal working day (32 hours or less a week), (2) consider that their income is not sufficient to attend to their normal costs, (3) judge that their occupation is not in agreement with their profession or training, and therefore have less productivity.
Informal Sector Workers: Persons who may fall under one or more of the following categories: (1) domestic workers and unpaid family workers, (2) self-employed workers except independent professionals such as physicians, lawyers, engineers, etc., (3) laborers that work in businesses that employ up to 10 workers in all of its offices, and (4) employers that employ up to 10 workers. Government workers and employees are excluded from this sector.
Unemployed: Persons who find themselves in one of the following situations: (1) persons who have looked for work in the last calendar year and are still interested in working, (2) persons that have applied to work and are waiting for notification from potential employers, (3) persons that have worked at for at least two consecutive weeks and are now looking for work, and (4) persons who are looking for work for the first time.

Legal strictures and government repression have also hampered the growth and activity of the Colombian labor movement. The requirement (as in most Latin American polities) that all organizations obtain their *personería juridical* (legal personality) from an agency of the state, has sometimes been used to deny legal status to unions.[165] For example, the *personería juridical* was withheld from both the Communist-controlled CSTC and the Christian Democratic CGT for years after the founding of these two labor confederations in 1964 and 1971, respectively.[166] Other legal restrictions include the provision that public employees[167] have the right to form unions, but are forbidden to present demands, negotiate contracts, or lead strikes.[168] In addition, the government has rather often used its powers under "a state of siege" to repress or contain strikes. Colombian legal analyst Gustavo Gallón Giraldo argues that the real reason for prolongation of the state of siege during much of the 1960s and 1970s was not to combat guerrillas in the countryside, but to suppress strikes and other forms of urban unrest that were a greater immediate threat to elite interests.[169]

Another explanation advanced by Colombian "violentologists" is the argument that repression and persecution of union members dissuades new recruits from joining and old recruits from continuing their involvement in unions. Given the high degree of impunity in Colombia where 97% of crimes go unpunished,[170] union leaders are often targets of assassination

[165] Dix (1987: 128).
[166] Ernest Andrew Greco, *Unionized Professionals in Latin America: A Colombian Case Study*. Ph.D. Thesis, Department of History, Boston University. 1997. pp. 37-38.
[167] Public employees represent approximately ten percent of the nation's economically active population.
[168] Osterling (1989: 218).
[169] See Gustavo Gallón Giraldo, *Quince años de estado de sitio en Colombia: 1958-1978*. Bogotá: Editorial América Latina, 1979. Cited in Dix (1987: 129).
[170] At the end of the Gaviria administration (April 1994), only 21 of every 100 crimes in Colombia were reported to the authorities, and of these, 14 resulted in an incomplete investigation, while only 3 of these led to sentences. Giraldo, Javier. *Colombia: The Genocidal Democracy*. Monroe, Maine: Common Courage Press. 1996, p. 69.

and kidnapping.[171] Hector Fajardo of the *Unified Central of Colombian Workers* (C.U.T.) noted that since 1986, approximately 3,800 trade unionists have been assassinated in Colombia, making the nation the most dangerous country in the world for trade unionists.[172] Indeed, as Fajardo noted, more than 3 out of every 5 trade unionists killed in the world are Colombian.[173] While a few unions enjoy at least minimal protection from the Colombian Ministry of the Interior—bodyguards, bulletproof vests, metal detectors, and reinforced doors[174]—most do not.

5.1.1 The Inclusion of Street Vendors Contradicts Key Union Causes

The tendency of informal sector workers to neglect some of the most important causes of unions, notably minimum wage enforcement and adherence to labor law further excludes them from trade unions. Rather than simultaneously battle for two conflicting ends—enforcement of the minimum wage in Colombia and support for vendors that do not pay their employees the minimum wage—unions chose the exclusion of vendors as a more tactical policy. In terms of working conditions, Bogotá unions regularly criticize the government for its failure to prevent child labor, close restaurants that violate sanitation standards, enforce maternity leave payments, and compel employers to pay compensation for work-related accidents. However, a high

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[171] The violence waged against unions in Colombia has recently caught the attention of the U.S. Congress. Senator Paul Wellstone delivered a speech on September 6, 2001 to the floor of the U.S. Senate. He said, "Mr. President, I rise today to address the disturbing level of violence perpetrated against Colombia's union leaders. As another Labor Day passes, I could not in good conscience neglect to mention the plight of our brothers and sisters in the Colombian labor movement. There has been a dramatic escalation in violations against them and the response by the Colombian authorities in the face of this crisis has been negligible." See http://www.locombia.org for more information.

[172] In 2000 alone 129 union members were killed in Colombia, mostly by paramilitary squads. Not only are due-paying members targeted, but leaders—32 of the 129 dead—held positions in unions. Cited in "Derechos humanos," in *Democracia Real*, No. 118, June-August 2001, p.38.

[173] Dan Kovalik, "Colombia: A Case of Genocide Against Unionists." *A Special Report prepared for the National Labor Committee*. World Wide Web. http://www.nlcnet.org/colombia/0401/main.htm.

[174] USAID, "USAID-Colombia: $119.5 million for Economic, Social and Institutional Development," U.S. Agency for International Development Fact Sheet. World Wide Web. http://www.usaid.gov/press/releases/2001/fs010330.html. Accessed November 19, 2001.

number of abuses occur in informal vending where sellers work in sub-standard conditions.[175] Former Colombian Minister of Labor, Dr. Francisco Barbosa, describes the particular violations in the unregulated sector. Informal vendors

> …lack affiliation to the social security system, second, they do not pay benefits (unemployment, interest payments, vacations); third, severance pay for being fired unjustly (here it is difficult to establish because businesses with less than ten workers are not obliged to have internal work regulations). After these follow the firing of pregnant women, prohibiting the worker's right to consult a physician or arbitrarily obliging workers to make up for the time lost when consulting a physician. Finally, there is verbal abuse.[176]

In light of these comments, Alfonso Ahumada, the former head of the *Federación Sindical de Trabajadores de Colombia* (FESTRAC) estimated that, at the most, only two percent of informal businesses comply with the minimum requirements of labor legislation.[177] Given the widespread understanding that informal vendors do not comply with labor law,[178] unions that negotiate with the Ministry of Labor are disinclined to support the informal sector for fear that lobbying for better labor standards and supporting street vendors will appear hypocritical.

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[175] For example, an October 1996 study by the D.A.N.E. (ENA-I) found that 47.5% of boys and 55.1% of girls between 12 and 13 years of age worked as retailers and street vendors. The figures refer only to the eight largest cities in Colombia (Bogotá, Medellín, Cali, Barranquilla, Bucaramanga, Manizales, Pasto, and Cartagena). The October 1996 data is derived from the *Encuesta sobre la Niñez y a Adolescencia en Colombia* (ENA-I) which was jointly administered by DANE, the Instituto Colombiano de Bienestar Familiar (ICBF), the Departamento Nacional de Planeación (DNP), and the Ministerios de Salud y de Trabajo y Seguridad Social. The study was cited in Carmen Elisa Flórez and Regina Méndez, *Niñas, niños y jóvenes trabajadores Colombia 1996*. Bogotá: International Labor Organization, 1998. pp. 70-71.

[176] Francisco Barbosa quoted in Carlos Fernando Rivera and Ángela Montoya Díaz, "Marco legal del sector informal en Bogotá: enfoques y aplicaciones. la perspectiva desde las instituciones" in Carlos Maldonado, et. al, eds., *El sector informal en Bogotá: una perspectiva interdisciplinaria*. Geneva: International Labor Organization, 1997, p. 79. Author's translation.

[177] Alfonso Ahumada quoted in Rivera and Montoya Díaz (1997: 76). Author's translation.

[178] It is worth mentioning that adherence to these labor regulations in excessively stringent in Colombia. For example, Law 11/84, Article 230 of the Labor Code (*Código Sustantivo del Trabajo*, CST) establishes that each employer that hires one or more workers that make below twice the amount of the monthly minimum wage, must provide a free pair of shoes and work clothes to their worker every four months. The same code obliges employers to pay a monthly transportation subsidy (9.5% of the monthly minimum wage). Colombian legal analysts Carlos Fernando Rivera and Ángela Montoya Díaz doubt that such laws are realistically attainable for informal sector workers. They argue that such laws are "…unattainable ends…when one thinks of a family that earns income by hawking fruit or for workers in a makeshift shoe repair workshop who borrow money to acquire the raw materials to proceed with the occasional order, or for the network of messengers and typists who help people process documents." Rivera and Montoya Díaz (1997: 75).

Nevertheless, while the above material suggests why so few street vendors are unionized, it does not address how labor unions have weakened since 1988. This next section attempts to answer this question, and emphasize how the enervation of street vendor unions enabled the elected mayors to recover public space.

5.2 Why Has There Been a Decrease in Street Vendor Union Power?

5.2.1 Introduction: Declining Rate of Unionization Among Informal Vendors

The rates of unionization of street vendors before 1988 when Mayor Andrés Pastrana became the first elected mayor of Bogotá were significantly higher than today. In 1988 Nelson estimated the unionization rate among vendors in the Chapinero area at 35.2%.[179] To understand how this rate had changed among the vendors, the author returned to Bogotá in November 1999 and organized the surveying of 210 vendors along the eight major thoroughfares[180] of the Santa Fé and Chapinero[181] localities.[182] These districts represent the downtown area of Bogotá: the banking district, over ten universities campuses, and governmental office complexes.

The research was additionally limited to two more factors. First, the survey only approached vendors who sold on weekdays, given the different nature and demographics of weekend street vending. Second, the survey was limited to vendors who sold their wares from one of five methods: fold-out suitcases (*maletas portátiles*), makeshift wood boards (*tableros de*

[179] Data are from Nelson (1992: 290-291).
[180] These eight avenues included: (1) Carrera 7 from 40th Street to 1st Street, (2) Caracas Avenue from 72nd Avenue to 13th Street, (3) 19th Avenue from Carrera 3 to Caracas Avenue, (4) Jiménez de Quesada Avenue from Carrera 3 to Avenida 23, (5) 72nd Avenue from Carrera 6 to Caracas Avenue, (6) 15th Street from Carrera 72 to Carrera 100, (7) 100th Avenue from Carrera 7 to Caracas Avenue and (8) Carrera 13 from 68th Street to 32nd Avenue.
[181] According to the Chapinero Locality's 1993 Census, 519 street vendors—both semi-stationary and stationary work in the area. See Huertas Laverde, Gonzalo and Doris Marlene Olea Suárez, *Mercados callejeros en Bogotá: soluciones integrales del impacto socioeconómico*. p. 8.
[182] The author is grateful to the polling assistance of economics students of the *Universidad Santo Tomás* in Bogotá and the administrative support of Professor Jairo Romero and Professor Ciro Martínez.

madera), cardboard stands (*puestos de cartón*), wooden carts (*carretas*), and wooden/metalic tables (*mesas de madera o metálicas*). Though these methods of sidewalk selling are each different; they all have one aspect in common—they operate on *public space*. Further, the research avoided focusing on one product[183] which is probable given the common sale of *machetes*, popular commodities that sell very well for a short period of time.[184] Given this methodology, the surveying was able to target semi-stationary self-employed vendors who sold on a regular basis. Using these methods, 210 vendors were surveyed out of a universe of 308 vendors located along the eight largest thoroughfares of the Santa Fé and Chapinero localities.[185]

It was found that 46 of 205 respondents or 22.4% were members of unions in November 1999. Most of these unionized street vendors had legal permission to sell along the thoroughfares; 69.6%[186] had licenses compared to the much lower rate of 22.6%[187] for unlicensed vendors. Though the rate of 22.4% in 1999 was lower than Nelson's rate of 35.2% in 2000, these are nonetheless high once compared to the aggregate numbers of Bogotá. A study commissioned by the ILO found that in 1995 the total number of unionized informal workers in Bogotá reached between ten and fifteen thousand persons, amounting to a rate of unionization *below one percent*.[188]

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[183] For an one-product approach see Lisa Peattie, "What is to be done with the Informal Sector?. A Case Study of Shoe Manufacturers in Colombia". In Helen Safa (ed.): *Toward a Political Economy of the Urbanization in the Third World*. Oxford University Press, 1982.

[184] These include yo-yos, bestsellers, scarves, and sports-related articles whose sale fluctuates depending on the record of various Colombian soccer teams and the race car driver Juan Pablo Montoya.

[185] The number of vendors interviewed (210) represents a 95% confidence interval and a 5% margin of error. The gender breakdown of these vendors is 61% female and 39% male, while their monthly net income level was US$197 compared to the 1999 minimum monthly wage 374,560 Colombian *pesos* including benefits (US$213).

[186] 32 of 46 unionized vendors.

[187] 35 of 155 non-unionized vendors.

[188] Noé Cely used the official ILO estimation of informal workers in Bogotá of 1,650,000 workers. He attributes this to Beethoven Herrera and Jesús Galindo, "Diagnóstico del sector informal Santafé de Bogotá, D.C. ILO, 1995. Cited in Noé Cely, (1996: 7).

Not only were street vendors less organized than before, but the composition of the street vendor unions had changed. Once seen as strong, street vendor unions had dissolved into fragmented and disorganized organizations.

5.2.2 Growth, Fragmentation, and "Depoliticization" of Street Vendor Unions

Shortly after 1990 a seemingly paradoxical development took root among vendor unions—the number of unions proliferated while their overall power in the political system decreased. In terms of numbers, while before 1988 Bogotá contained only 60 vendors' guilds or unions,[189] only eight years later—in 1996—there were approximately 165 informal unions in Bogotá, many of them listing less than ten workers on their rosters.[190] The legal restriction on the acknowledgement of unions before 1990 allowed unions to exercise a certain monopoly over unions. As previously mentioned, legal recognition hinged on the application for a legal personality (*personería juridica*); a process that sometimes took several years. This requirement was changed when the 1990 Labor Law Reform gave the Ministry of Labor only two weeks to decide whether groups would be given authorization. Further, if the Ministry of Labor stalled and did not send prospective unions notification of their status within the allotted time period, the groups would automatically be awarded authorization and legal recognition.[191]

Following this bill, the number of legally recognized vendor unions dramatically increased in Bogotá. Whereas during the eighties, most vendor unions were affiliated with a national political party or a national labor union, the Labor Reform Bill engendered the growth of politically independent, atomized vendor unions usually led by an untrained organizer. These

[189] Estimate from Jazed Garcia, Secretary of the Political Association of the CTDC, May 24, 1989 and Avelino Niño, President of SINUCOM, June 4, 1988. Cited in Nelson (1992: 286-287)
[190] Ibid., 39-45.

unions often comprise workers from a specific city block or neighborhood in Bogotá, such as the Association of Vendors of the Barrio El Carmen Sur (*Asociación de Pequeños Comerciantes Barrio El Carmen Sur*) or vendors of particular goods like lottery cards, musical instruments, leather, candy, books or toys. Whereas before 1990, vendors conglomerated in politically conscious unions like SINUCOM (*Sindicato Nacional de Unidad de Comerciantes Menores*) and SINDEPA, post-1990 street traders increasingly chose to identify themselves with specific goods as is seen in the Association of "Chance" Lottery Card Sellers (*Cooperativa Vendedores de Chance*), the El Dorado Airport Association of Shoe Shiners (*Asociación Eldorado de Lustrabotas*), and the Crossing Guards Cooperative (*Cooperativa Gestores de Tránsito*). The trend towards depoliticization was not only aided by the coalescence of vendors around goods rather than political ideology, but by three other factors. In tandem, these key changes reduced the political power of unions, and therefore enabled successive mayors to implement strategies with relatively little protest.

[191] This law is consecrated in Article 46, Law 50 of the *Reforma Laboral*.

Table 3: List of the 165 Informal Sector Unions in Bogotá

ACCAMIS
APFEB
APICOJ
ASCOPE
ASINCOMODIS
Asociación Colombiana de Talleres Artesanales (ACOTA)
Asociación de Artesanos de Bogotá
Asociación de Comerciantes, Artesanos y Microempresarios Informales del Sur (ACAMIS)
Asociación de Comerciantes Jugueteros de Cundinamarca (ACOMEJCUN)
Asociación de Comerciantes Unidos de Galerías Antonio Nariño (ACUGAN)
Asociación de Lustrabotas Eldorado
Asociación Dentistas Colombianos
Asociación de Microempresarios y Cooperativas
Asociación de Pequeños Comerciantes Barrio El Carmen Sur, Plaza de Mercado
Asociación de Vendedores Ambulantes y Estacionarios de Plazas de Mercado y Vías Públicas de Colombia (ASOVEPLAMCOL)
Asociación de Vendedores en Módulos de la Calle 12, Cra. 9 y 10
Asociación de Vendedores Estacionarios de 20 de Julio
Asociación de Vendedores Pequeños Ferreteros de Bogotá (APFEB)
Asociación Gestores Ante Tránsito y Transporte
Asociación Microempresarial de la Metalmecánica (ASOMMETAL)
Asociación Microempresarial Metalmecánica del Barrio Carvajal (ASOCARVAJAL)
Asociación Microempresarios de la Confección (ASOMICON)
Asociación Microempresarios del Barrio Bachué (ASOMIBA)
Asociación Microempresarios del Nororiente de Bogotá (ASOMINOB)
Asociación Microempresarios de los Cueros (ADECUEROS)
Asociación Microempresarios del Suroriente de Bogotá (AMISOR)
Asociación Multiactiva de Mujeres (ASOMUJER)
Asociación Nacional de Equipajeros ELDORADO y Terminales Aéreos
Asociación Nacional de Meseros, Profesionales de la Industria Gastronómica, Hotelera y Turística
Asociación Nacional de Pequeños Comerciantes (ASONALPECO)
Asociación Nacional de Reparadores de Automotores (ASONALREPA)
Asociación Nacional de Trabajadores de la Música (ASOMUSICA)
Asociación Nacional de Vendedores Independientes de Juguetes, Tarjetas y Artículos Típicos (ASJAT)
Asociación Pequeños Industriales y Comerciantes de Juguetería (APCOJ)
Asociación Sindical de Comerciantes en Módulos Distritales (ASINCOMODIS)
Asociación Sindical de Vendedores Estacionarios de San Blas
Asociación Técnicos Independientes en Electrónica (ARTICOL)
Asociación Vendedores Ambulantes y Estacionarios Barrios Lucero Bajo y Florida Sur, Barrio Florida
Asociación Vendedores de Apuestas y Loterías (ASOVEAL)
Asociación Vendedores de Juguetes de Bogotá
Asociación Vendedores Estacionarios de 20 de Julio (ASOVEOJ)
Asociación Vendedores Estacionarios Plaza de Tunjuelito
ASOPECO
ASOPUBEN
ASOVEI
ASOVENCISCO
ASOVENLUF
Caravana
Club Camucol de Músicos
Colmenas Microempresariales Cooperativas (COLMICOOP)
COMPROVE
Comunidad Inga
Concentración de Microempresarios, Artesanos y Comerciantes de los Puentes de Venecia
Cooperativa Almacenes Unidos San Andresito
Cooperativa Andina de Vendedores
Cooperativa Artistas Profesionales y Autores
Cooperativa Centro de Empleados del Hogar y Oficios Afines
Cooperativa Colombiana de Crédito
Cooperativa Colombiana de Servicios
Cooperativa Comercialización Bienes y Servicios
Cooperativa Comerciantes del Sur de Santafé
Cooperativa Comerciantes de San Victorino
Cooperativa Comerciantes Informales de Colombia (COMERCIAR)
Cooperativa Comerciantes Mercados Móviles (COOMERCAMOVIL)
Cooperativa Comerciantes Organizados de Centrales de Abastos
Cooperativa Comerciantes San Victorino (COOMERSANV)
Cooperativa Compar Usme
Cooperativa Creaciones Miquelinas
Cooperativa Créditos y Ahorros
Cooperativa de Crédito Integral y Mercadeo
Cooperativa de Libreros, Tipógrafos y Disqueros
Cooperativa de Mercadeo Campesino (COOMERCAMP)
Cooperativa de Proveedores Detallistas (COOPRODETAL)
Cooperativa de Reciclaje El Porvenir
Cooperativa de Relojeros (COONALRE)
Cooperativa Desarrollo Comunitario
Cooperativa de Seguridad y Vigilancia la Federal
Cooperativa de Técnicos Independientes
Cooperativa Editores y Distribuidores de Libros (COOEDITEX)
Cooperativa Empresarios de Artes Gráficas (COOPEGRAFICAS)
Cooperativa Especializada de Servicios al Sector Microempresarial (SERVIEMPRESARIAL)
Cooperativa Fabricantes de Calzado
Cooperativa Familiar San Cristóbal Norte
Cooperativa Gestores de Tránsito
Cooperativa Industria de las Maderas (COOPIMADERAS)
Cooperativa Industriales del Dulce (COOPIDULCE)
Cooperativa Integral de Servicios de Escolta
Cooperativa Integral Microempresarios de la Confección (CONFETEXTIL)
Cooperativa Integral Trabajadores del Espectáculo y la Comunicación
Cooperativa Jugueteros y Similares
Cooperativa Manos Unidas
Cooperativa Microempresarios de la Confección y Tejidos (COONAMICOT)
Cooperativa Microempresarios de Unisur
Cooperativa Multiactiva del Pequeño Productor
Cooperativa Multiactiva Detallistas de Bogotá
Cooperativa Multiactiva de Microempresas del Distrito
Cooperativa Multiactiva de Microempresarios
Cooperativa Multiactiva de Vendedores Independientes (COOVIN)
Cooperativa Multiactiva Popular
Cooperativa Nacional de Desarrollo Comunitario
Cooperativa Nacional de Técnicos Electristas (COONALTEC)
Coopertiva Nacional Integral de Microempresas de la Confección Textil (CONFETEXTIL)
Cooperativa Nacional Microempresarios de los Tejidos (COONAMICOT)
Cooperativa para el Servicio Social
Cooperativa Producción y Comercialización de Juguetería
Cooperativa Recicladores de Bogotá
Cooperativa Recicladores de Suba (COOPSUBA)
Cooperativa Recicladores El Triunfo
Cooperativa Recicladores Nueva Granada
Cooperativa Recicladores Rescatar
Cooperativa Reciclaje Progresar
Cooperativa Servicios Comunitarios
Cooperativa Servicios de Recreación y Turismo
Cooperativa Sindical Barrios Unidos
Cooperativa Tejedores y Confeccionistas de Bogotá (COOTECO)
Cooperativa Tendedores de Bogotá (COOMERCAB)
Cooperativa Trabajadores Loteros de Cundinamarca
Cooperativa Trabajo Asociado Servicios de Vigilancia
Cooperativa Unión Progreso y Amistad
Cooperativa Vendedores de Chance
Cooperativa Vendedores Detallistas
Cooperativa Vendedores Informales de Santa Lucía
COOPNALVEN
Corporación Comerciantes Asociados de San Victorino
Mercancías Varias
Organización Sindical de Vendedores Ambulantes de Bogotá
OSVAB
Sindicato de Acomodadores de los Espectáculos Públicos de Bogotá (Plaza de Toros de Santamaría)
Sindicato Asesores Tributarios y Afines
Sindicato de Braceros y Accareadores Para la Industria y el Comercio (SIBEICO)
Sindicato de Braceros, Zorreros y Acarreadores de Corabastos (SIMBRAZOR)
Sindicato de Caseteros de Bogotá
Sindicato de Comerciantes Almacenes Unidos San Andresito
Sindicato de Comerciantes y Vendedores Monserrate
Sindicato de Elaboradores, Distribuidores y Expendedores de Bombas Flotantes y Artículos de Recreación en Parques y Avenidas (SINDEBOMPARQUES)
Sindicato de Fabricantes y Vendedores de Comestibles de Monserrate, Parte Baja (SIVECOMON)
Sindicato de Medianos Comerciantes Estacionarios de Bogotá (SIMESCO)
Sindicato de Pequeños Vendedores de Mercancías Varias
Sindicato de Trabajadores Plaza de Mercado San Francisco
Sindicato de Trabajadores y Vendedores de Mercancías en Casetas Bogotá y Cundinamarca (SIVECABOCUNDI)
Sindicato de Vendedores Ambulantes y Estacionarios de Usme, Barrio Santa Librada Sur
Sindicato de Vendedores de Frutas Paloquemao
Sindicato de Vendedores Minoristas de Corabastos, Plazas y Mercados Públicos
Sindicato Distrital de Vendedores de Tarjetas (SINDIVET)
Sindicato Gremial de los Trabajadores Vendedores Minoritarios de Colombia (SINTRAGREVENMICOL)
Sindicato Nacional de Artistas Circenses y de Variedades de Colombia (SINARCIRCOL)
Sindicato Nacional de Braceros y Zorreros de Corabastos (SINALBRAZ)
Sindicato Nacional de Distribuidores de Prensa y Revistas (SINDPRERE)
Sindicato Nacional de Pequeños Comerciantes (ASONALPECO)
Sindicato Nacional de Vendedores Ambulantes y Estacionarios
Sindicato Nacional de Vendedores de Comestibles Dentro de los Coliseos (SINALVECOL)
Sindicato Nacional Unidad de Comerciantes Menores (SINUCOM)
Sindicato Nacional Vendedores de Tarjetas y Juguetes
Sindicato de Vendedores Ambulantes del Sector Comerical de Corabastos (SINVACOR)
Sindicato Vendedores de Dulces y Misceláneas de Bogotá
SINDITARJET
SINDUVEAM
SINTRAGREVENMICOL
SINIESCO
SINVEL
SIVACEN
SIVECABOCUNDI
Sociedad Cooperativa Empleados del ComercioSociedad de Vendedores y Distribuidores de Dulces de Bogotá (SEVENDUL)
Unión Comerciantes Plaza Restrepo
Vivanderos Cra. 11 Manuela Beltran

Source: Noé Cely (1996: 39-45) and CGTD (September 14 1995: 64)

First, and perhaps most obvious, is that the mayors' overall shift from licensing to relocation limited the ability of unions to provide "licensing aid" to vendors and therefore attract significant numbers of street traders. As street vendor unions could no longer offer substantial contacts to acquire licenses as they did before, they attempted to reinvent themselves and offer different services beyond "license buying." Vendor unions began to offer formal representation in front of other unions, information repositories, and recreation activities. For the most part, such activities did not attract street vendors who, instead petitioned for training and credit to business upgrade and personal "upskilling." Survey data from Noé Cely's 1996 study of forty informal unions shows this inconsistency between vendor unions and their alleged constituency. While only nine percent of the unions offered training for informal workers, nearly half (46%) of the workers hoped that unions would offer training. In turn, several of the services offered by informal unions are not needed by vendors. Services such as representation in front of government bodies (24% of vendors responded that they needed this service), representation with other unions (8%), information repositories (9%), recreation (6%), and clean-up campaigns (1%), were all *undesired* by informal workers.[192]

Second, the largest street vendor unions in Bogotá, such as SINUCOM, experienced considerable desertion during the nineties due to the growing unpopularity of Communism and the repression of vendor-guerilla alignments. During the 1980s several vendors aligned themselves with Communist urban trade unions. SINUCOM, for example, supported the MOIR (*Movimiento Obrero Independiente y Revolucionario*), a Maoist branch of the Communist Party that entered electoral politics after the Sino-Soviet split. More important, the second largest union for street vendors (SINDEPEAC) aligned itself with C.U.T., which, in turn, supported the *Unión Patriótica,* UP. Since UP was the electoral front of the M-19 guerrilla group,

[192] Noé Cely (1996: 13, 25)

SINDEPEAC's complicit support had deleterious results. An underground surge of political violence in the second half of the 1980's saw a systematic extermination of some 2,000[193] UP leaders and sympathizers,[194] many of them vendor organizers.

Beyond being the target of paramilitary persecution and subject to slandering from competing unions,[195] UP sympathizers like the SINDEPEAC vendor union alienated much of the popular support after the November 7, 1985 takeover of the Palace of Justice. When M-19 urban guerrillas took over the Palace of Justice and demanded that President Betancur face a popular tribunal for allowing the military to ignore the negotiated FARC[196]-government ceasefire, a 27-hour standoff ensued and eventually the armed forces were ordered to "take back" the Palace. When it was over, 115 people had died, including 11 Supreme Court justices and most of the M-19.[197] This political upheaval associated unionized SINDEPEAC street vendors with guerrilla sympathizers, thereby corroding government relations to a poorer position than before.

Third the election of the Bogotá mayor in 1988 shifted the political landscape in Bogotá to one where the concerns and the votes of the general public overrode the interests of vendor organizations. Before the installation of elections in 1988, vendors—in great numbers—voted in city council elections for candidates who, in turn, awarded vendors with licenses or unofficial consent. The installation of elections made mayors, unlike city councilors, respond to the entire population of Bogotá not only to specific vendors groups. Lacking stake in a democratic system where the mayor would represent larger population groups and concerns, vendors, in large part,

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[193] Angell, et. al. (2001: 26).
[194] Among the most notable victims were Jaime Pardo Leal, president of UP (1987), José Antequera, vice president of UP (1989), Bernardo Jaramillo Ossa, UP presidential candidate (1990), and Carlos Pizzaro, M-19 presidential candidate (1990).
[195] Avelino Niño, President of SINUCOM, charged that SINDEPEAC was a "communist base" union. Interview, June 4, 1988. Cited in Nelson (1992: 288).
[196] FARC stands for *Revolutionary Armed Forces of Colombia*. It is the nation's largest guerrilla force.
[197] For more details see Ann Carrigan, *The Palace of Justice: A Colombian Tragedy*. New York: Four Walls Eight Windows, 1993.

resigned from political activity and refused to vote in 1988. Nelson explains the high absenteeism rate[198] among vendors,

> The majority of traders do not vote because they do not believe that their collective influence would have any significant effect upon the political system generally, or the city's policies specifically. This is not because their vote is insignificant numerically, nor because they would not vote as a block, but because they believe that the politicians do not represent their interest…In one vendor's words, which echo what I heard from many others, 'The [mayoral] elections won't change anything. All the candidates are from the oligarchy and all they do is lie.'"[199]

The shift away from a clientelistic system where vendor unions had influence and motivation to participate politically was additionally facilitated by the decentralization of the vendor licensing process in Bogotá. In 1987 the administration of Julio César Sánchez (1986-1988) transferred licensing powers to the offices of the deputy mayors. In effect, Mayor César Sánchez' decision politically castrated larger vendor unions that had cultivated "palanca" in the one licensing bureau in Bogotá's City Hall. This development forced unions to focus their efforts on the political pressure on each of the twenty localities in Bogotá which. Consequently, lean, neighborhood-based vendor unions maintained an advantage over the massive unions of times past, by their maintenance of connections to the local deputy mayor's office. Nevertheless, the political pressure that even these smaller unions could exert on the local deputy mayor's office greatly fluctuated every three years when a different deputy mayor was appointed by the Mayor of Bogotá. In addition, the "palanca" that vendors could cultivate was often undermined before the three year term of office. Arturo Ardila's research found that it was not uncommon to find localities that have had eight or nine mayors in only four years as a result of consecutive dismissals from the Chief Mayor of Bogotá.

[198] Nelson found that two-thirds of the vendors she interviewed in Chapinero refused to vote in 1988.
[199] Nelson (1992: 293-294)

In effect, the decentralization of licensing power made the traditional street vendor unions irrelevant for negotiation, and made union participation pointless for many members. A vast literature on resource mobilization theory provides an explanation of the factors responsible for this decline. According to Bert Klandermans three possible factors explain the emergence and decline of movements: (1) the relative costs compared to the benefits of participation; (2) the level of organization among individuals in society; and (3) expectations of success.[200] Using this framework, the decrease in the ability of unions to acquire licenses reduced the relative benefits of participation.

Rather than develop new contacts every three years to acquire the necessary licenses, most street vendors eschewed political activity for a somewhat more viable and possibly more effective alternative: self-relocation. When under political pressure, the mobile nature of vendors allows them to easily relocate to other, less contested areas.[201] While they may lose some income because of the move and the time it takes to reestablish clientele, flight is a much-used alternative for the vendors, especially when it becomes more difficult to acquire licenses through union activity.

5.2.3 Corrosion of Government-Street Vendor Relations

The relationship between informal vendors and the government has deteriorated to a dysfunctional point whereby vendor unions lack any political venue to voice the small constituency they still maintain. A proposal that potentially would have improved the relationship between unions and the local government—the District Table for Negotiation and

[200] Bert Klandermans, "New Social Movements and Resource Mobilization: The European and the American Approach Revisited." In Dieter Rucht, ed., Research on Social Movements: The State of the Art in Western Europe and the USA. Boulder: Westview. 1991. Cited in John Cross, *Informal Politics: Street Vendors and the State in Mexico City*. Stanford: Stanford University Press, 1998. p. 53.

Reconciliation[202]—the decree authorizing its establishment was never approved and all planning meetings have been suspended since 1996. Due to the failure of successive Bogotá mayors to agree on a "neutral" mediator for a permanent negotiation table, communication between labor unions and the central government has been sporadic, at best. So often is the case that informal union and their attendant support materializes in times of conflict and disappears once the dispute abides.

This reactionary nature of the unions engendered an antagonistic relationship between labor activists and government officials. Contributing to this erosion several desperate acts of protest by informal unions received international attention and consequently embarrassed the Bogotá Mayor's Office. Relations were further strained between vendors and the Bogotá government. For example, on March 2, 2000 a group of three hundred street vendors occupied the Apostolic Nunciature in downtown Bogotá in protest of the government's relocation policies.[203] In July of the same year, more than 150 vendors surrounded the Canadian Embassy in Bogotá to protest their eviction.[204] Later, in December 2000, vendor protest culminated in the seizure of the Venezuelan Embassy in Bogotá. Vendors were calling for an end to relocation projects and the release of between ten and fifteen vendors who were detained after disturbances in an eviction of street vendors.[205] In yet another strike, the organizer went so far as to say that

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[201] Nelson (1992: 295)
[202] The District Table for Negotiation and Reconciliation would have been charged with mediating between the government's public space initiatives and the street vendors' need to earn income by working on the streets. The table would have been composed of three unions—*Central Unitaria de Trabajadores* (C.U.T.), *Confederación de Trabajadores de Colombia* (CTC), and the *Confederación de Trabajadores Democráticos* (CGTD)—and delegates from the Union Nations, the Bogotá Mayor's Office, and the ILO. Though all parties seemed to agree in 1996, at least theoretically, with the idea of a permanent table, the measures were never adopted.
[203] "Colombia-protesta: desalojado edificio de nunciatura apostólica en Bogotá," March 3, 2000.
[204] "Comerciantes callejeros protestan ante embajada de Canada." Caracol Radio Colombia. July 15, 2000.
[205] "Vendedores callejeros desalojan embajada de Venezuela en Bogotá," Agence France Presse, December 21, 2000.

"The protest is putting pressure on the Mayor's Office for their negligent and abusive attitude. They are only interested in evicting the people who earn money honorably."[206]

Rather than continue protest and possible talks, the most drastic action taken was when several Bogotá street vendors abandoned government negotiation, and instead consulted with the nation's largest guerrilla army, *FARC*. Far from Bogotá, street vendors traveled to Villanueva in the remote Caguan province to meet with guerrilla leaders and inquire as to whether their needs could be included in the demands of the FARC.[207] Such an abandonment of the government was symptomatic of the larger corrosion of government-street vendor union relations.

5.2.4 Increased Conflict Among Pro-Relocation and Anti-Relocation Street Vendors

In addition to the intensification of conflict outside unions, the power of vendor unions was further hindered by an intensification of inner conflict between pro-relocation and anti-relocation vendor groups. The increased relocation after 1988 of vendors created a supply of former street vendors (*reubicados*) who are now aligned with the government in opposition to informal street vending. The *reubicados* charge that street vendors, by not paying taxes, are illegally competing with law-abiding merchants and their presence in nearby zones increases crime and thus dissuades clientele. It is also the case that formalized merchants—whether relocated by the government or by their own volition—face competition from street vendors, what Bishwapriya Sanyal refers to as "axes of discord."[208]

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[206] In the original Spanish: "La protesta es presionada por la actitud negligente y abusiva de la autoridad y la Alcaldía. Ellos solo se interesan en desalojar a las personas que se ganan la vida honradamente." Alfredo Rubiano. Quoted in "Protesta de ambulantes," in *El Tiempo*. November 13, 1999. p. 4-E.
[207] "Vendedores Ambulantes Presentan Quejas A Las FARC." Caracol Radio. July 29, 2001.
[208] Bishwapriya Sanyal, "Organizing the Self-Employed: The Politics of the Urban Informal Sector" in *International Labor Review 130*: 39-56. 1991.

Photo 3

Relocated Street Vendor

Informal to Formal: Indigenous Ecuadorian merchants selling clothes in a parking lot they rent two days a week in the Madrugón area of Bogotá. Photo: Michael Donovan

The Mayor's Office has given the *reubicados* considerable support and, in turn, the *reubicados* actively petition for wide reaching relocation and vendor eviction policies. On October 19th, 2001 the Bogotá Mayor's Office and the Plan Centro Police Brigade hosted a town meeting with merchants in the area of San Victorino and asked that anti-relocation vendors sign a "Pact of Coexistence" (*pacto de convivencia*) that would oblige the vendors not to sell on the streets and cooperate with the Mayor's Office construction of the *Tercer Milenio* Park and attendant eviction of hundreds of vendors in the area.

Map 2: Plans for the Construction of Parque Tercer Milenio

Source: Alcaldía de Bogotá and Empresa de Renovación Urbana de Bogotá. Proyecto Tercer Milenio. Power Point presentation. Courtesy of the files of Office of the Plan Centro Director, Lt. Col. José Rodrigo Palacio Cano.

In encouraging the pact, several vendors turned storeowners publicly expressed their resentment at informal street vendors. One ex-vendor who spoke after the representatives from the Bogotá Mayor's Office, encouraged street vendors to legalize,

> And now the police that normally persecute us, now want to legalize us. Why? In the past several proposals they have been generous with the amount of compensation, but here in Madrugón, some of us are collaborating with the invasion of public space. *Compañeros* who have market stalls, do not send your sons, cousins, nephews to the streets. *Compañeros*, we are going to sign the government's pact of coexistence [*pacto de convivencia*] to support legalized commerce. And all of us should work shoulder to shoulder for the benefit of what is San Victorino.

Another *reubicado* added to the man's encouragement, by arguing that street vendors were making the organized vendors less able to take advantage of the downtown redevelopment plan. She said,

> We have worked hand-in-hand with the government to leave San Victorino plaza and I want all of you to be aware of the achievements of our organized commerce since then. Many of us moved to the Madrugones area and I want all of you [speaking to Madrugones vendors] to do the same. I have talked to many unorganized workers who are interested in staying in this area because they've worked here for many years. As one takes care of their proper house, in a similar way we should respect the sector where we work.
>
> Please don't work in the streets any more…We should work together as friends in an organized fashion. I think that we can accommodate these plans [eviction of several vendors and demolition of buildings for the Tercer Milenio Park] so that the San Victorino sector becomes decent and great…I hope that you are aware of this and that there won't be any problems in the future.

Essentially, this fissure between the *reubicados* and the street vendors reflects a division between the financially secure street vendors and a desperate street vending population that are eager to get what the government can provide them. This division of unions played out in the relocation of San Victorino vendors where the "poor" vendor union (represented by ASINCOMODIS), accepted relocation whereas the "rich" vendor unions (ACUGAN and SIVECABOCUNDI) resisted relocation and were able to secure compensation. Cristobal Camargo, union leader of CGTD explains the eagerness of ASINCOMODIS vendors and their need for immediate income.

> Eight years ago we [CGTD] opposed the relocation of vendors to the *Centro Comerical Caravana*—we told them that they would all go bankrupt there. I remember that when the government had a lottery to pick the vendors, they showed up at three in the morning to stand in line. And we still said, "Compañeros don't accept this because you're businesses will fail there." Have you seen the basement at the Caravana lately? It's completely abandoned…the center is useless. It was a mistake for them to rent the stalls.[209]

The differentiation among vendors themselves, combined with the fragmentation of unions into relatively small, isolated units, aided the mayor in relocation negotiation. Rather than bargain

with unions that represent several hundred members, such as was the case in the 1980s, the government increasingly negotiated with inexperienced, untrained unions like ASINCOMODIS. To this end, relocation of vendors and the attendant recuperation of public space were made possible, in part, from the conflict among vendors themselves, which led to a corrosion of street vendor union bargaining power.

5.2.5 Failure to Legally Protect Street Vending

In order to legally protest street vendor relocation and not work under constant police surveillance, unions need to argue for a legislative provision that regulates informal street vending. Such legislation would be necessary as the vendors unions' traditional defense—the right to work under Article 25 of the Constitution[210]—was created under the idea of an employer-employee relationship and is often judged to be inapplicable to the family and self-employment common in street trading. Furthermore, if the local government intends to relocate vendors to an area and provide an environment for their work, arguing that the government is revoking their right to work, simply doesn't hold. If anything, the government is bringing informal workers into the fold of heightened regulation, where they can expect and demand the enforcement of labor law.

Despite being accepted by the House of Representatives, the Senate rejected the most recent proposal for a separate legislation for informal vendors (Law 074/1999[211]). The law would have organized the vendors, given them ID cards, and delegated the authority to regulate

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[209] Cristobal Camargo. October 18, 2001. Interview.
[210] "Work is a right and a social obligation and that enjoys, in all of its forms, the special protection of the State. Every person has the right to work in dignified and just conditions."
[211] In the Senate, the law was named Law 289/2000. It was supported by Senator José Ignacio Mesa Betancur (*Partido Liberal*) of Antioquia and Senator Flora Sierra de Lara (*Partido Liberal*) of Córdoba.

informal commerce to municipal councils.[212] Rather than encourage informal sector activity, the bill would have ensured that all licenses must be renewed after two years, require that informal vendors sell licit goods, prohibit the use of loud speakers, and require that licensed vendors work in specific areas.

In addition to the Senate, the Bogotá's Mayor's Office strongly opposed the bill.[213] Current Mayor of Bogotá, Antanas Mockus, said "This law would take us back fifteen years."[214] There is some truth in this statement, for the licensing-based policy could have reintroduced the power of unions to "buy" licenses for vendors as is currently common with many licenses. Even more critical, a report in Bogotá's largest newspaper, *El Tiempo*, demonized street vendors to the point of associating them with supporters of drug lords and mafiosos:

> Would the Senate want Bogotá to return to those days when sidewalks were truly hovels invaded by ugly stalls that made pedestrians walk on the roadways with fear of their lives? Behind these stalls every kind of assault imaginable was committed. Street vending or informal vending has become a lucrative business, not for vendors, but for a hidden mafia that controls on a whim where vendors are located and goods sold. In addition, vendors are gangs that conceal street attacks, sell any variety of illegal drugs, and provide a safe haven to several crooks, and thereby allow them to evade authorities. To regulate the job of a street vendor, as the Law intends, would be the equivalent of returning public space to the criminal underworld.[215]

Essentially the failure of this law, and others like it[216] left street vendors to be criminalized as law-breaking "crooks." With the installation of public space as a constitutional guarantee in the 1991 Constitution, street vendors were increasingly viewed as violators of public space rights.

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[212] Sierra de Lara Flora and José Ignacio Mesa Betancur, "Ponencia Para Segundo Debate Al Proyecto de Ley 289 de 2000 Senado, 074 de 1999 Cámara,"Gazeta del Congreso, N^{0} 259, June 1, 2001.
[213] Diana Margarita Beltrán, appointed by the Mayor to head the Public Defender's Office for Public Space (*Defensoría del Espacio Público*), argued that the law would be a "real backward step in security, productivity, value, equality, democracy and quality of life." Quoted in *El Tiempo*, "Frente Común Contra Ventas Ambulantes." June 5, 2001. Author's translation.
[214] Quoted in *Citynoticias*. Cited in "Pólemica Por Vendedores," *El Tiempo*, March 24, 2001.
[215] "Ley contra El espacio público." Editorial. *El Tiempo*. June 15, 2001.
[216] Proposed Law 68/1997 would have created local registries of informal vendors and increased regulation of police seizures. Drafted by Germán A. Aguirre Muñoz of the Colombian House of Representatives, the law never passed due, in part, to the considerable opposition from Bogotá's largest business organization, FENALCO.

The decline of street vendor union power, via the erosion of the previous clientelistic relationship and the failure of vendor protection legislation, enabled Bogotá mayors to recuperate public space in downtown Bogotá.

5.2.6 Declining Economic Power of Street Vendors

Despite the corrosion of political power induced by the decline of clientelism and the fragmentation of unions, one can imagine a situation where vendors' economic power could nonetheless counterbalance this shift. The political power of small lobbying groups in both developing and developed countries attest to ability of political power to be wielded by groups with very few members. However, the income levels of street vendors have not risen to the point of exercising such influence to protect their establishment on Bogotá's public space. Whereas vendor union members exercised considerable economic power before 1988, their income levels decreased throughout the nineties, further weakening their political influence. Nelson's 1988 survey of street vendors in the Chapinero locality found that, despite the assumption that vendors were peasants slaving on a "stage of salvation."[217] street vendors' income was relatively high. Based on the survey of 71 street vendors, Nelson found that vendors' gross net income equaled 2.5 times the minimum wage.[218]

In order to document how the level of street vendors' income had changed since Nelson's 1988 study, the author surveyed street vendors in the Chapinero and Santa Fé localities. It should be noted, however, that the vendors' lack of accounting combined with the different methods used (Nelson focused on stationary vendors whereas the Donovan study focused on

[217] Mario Esquivel, "La economía informal: presionados por el desempleo y para poder sobrevivir, miles de latinoamericanos se suman a ese ejército de personas que se dedican a la economía informal. *Latinoamérica Internacional, 20,* pp. 33-36. (1994: 33).
[218] At the end of 1988, the legal minimum salary was 25,637 pesos (US$86).

semi-stationary vendors) makes these two studies incomparable. Furthermore, the Donovan study developed a street vendor income equation that was more thorough than the Nelson study that only discounted costs and credit. Using daily income figures and discounting for reinvestment costs, social security payments, and holidays, the author developed the following formula,

$$Y_m = (S_d - R_d) * (D_m) * (D_w) - [(H_l * H_m) * (S_d - R_d)] - (SS_m * SS_p)$$

where Y_m = median monthly net income

S_d = median daily sales

R_d = median daily amount for reinvestment

D_m = average number of days in month (365 days / 12 months)

D_w = proportion of days worked in month

H_l = proportion of sample that does not work on holidays

H_m = average number of holidays in a month in Colombia[219]

SS_m = median amount of monthly social security payments

SS_p = proportion of workers who pay social security

Using the responses of 210 vendors, gives the following equation:

Y_{month} = [(20,000 pesos – 5,250 pesos)] * [30.4166] * [(6.2438 days/week ÷ 7 days/week)] – [(.538 * 1.4999) * (20,000 pesos – 5,250 pesos)] – [45,000 pesos/month * (24/210)] = **383,133 pesos/month (US$197 in November 1999)**.

The income of 383,133 pesos per month amount to 1.6 times the 1999 minimum wage level (236,490 *pesos*), but approximately equal to the federally mandated wage and benefits package that all regulated workers receive (374,560 *pesos*).[220] Though this figure is lower than

[219] There are 18 official holidays in Colombia. (18/365) * (12/365) = 1.499 holidays/month.

[220] The monthly minimum wage with benefits calculation derives from the 1999 amount of the minimum wage (236,460 pesos), transportation subsidy (22,637 pesos), service bonus (19,697 pesos), unemployment payments (19,697 pesos), unemployment interest payments (2,365 pesos), vacation subsidy (9,860 pesos), uniform subsidy

Nelson's rate of a vendor net income of 2.5 times the minimum wage, figures from a 1995 city-wide census of the Colombian Census Bureau (D.A.N.E.) provide a better basis point of comparison. The D.A.N.E. Bogotá study was part of a three-city ILO pilot program—Bogotá, Dar-es-Salam, and Manila—that analyzed both the size of the sector and the public policies associated with it.[221] Figures from the 1995 D.A.N.E. survey documented that self-employed informal workers in commerce, once they paid off transport, repair, and other costs, were left with 213,525 *pesos* (US$223).[222] This figure of US$223 is quite higher than the Donovan net income figure of US$197 (USD 1999). Despite the differences, both income levels are below the level needed to satisfy a low-income family's basic goods, approximated in 1999 at 526,242 *pesos* (US$299.57).[223]

One possible explanation that explains the difference between the D.A.N.E. numbers (US$223 in USD 1995) and the Donovan numbers (US$197 in USD 1999) is that the D.A.N.E. survey covered a higher income bracket of self-employed workers in commerce. While the Donovan survey was restricted to street hawkers who sold their wares on cardboard stands,

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(4,729 pesos), social security payments known as SENA and ICBF (21,281 pesos), and work risk payments and social security contributions (37,834). This amounts to a total amount of 374,560 Colombian pesos, the equivalent of $212 in 1999 USD.

[221] In order to measure the number of informal street vendors, the D.A.N.E. promoted a hybrid model of the informal sector that defined informal commerce as those businesses that employed no more than five workers and lacked both accountancy and legal recognition. Based on this definition and a survey of 1,020 self-employed informal workers, the D.A.N.E. estimated that 19.8% of Bogotá's informal labor force worked as informal street vendors, a massive number of 220,344 workers. See D.A.N.E., "El sector informal en Santa Fé de Bogotá," in Carlos Maldonado, et. al, eds., *El Sector Informal en Bogotá: Una Perspectiva Interdisciplinaria*. Geneva: International Labor Organization, 1997, p. 35. and G. Huertas Laverde, & and D.M. Olea Suárez, (1997). "El comercio callejero en Bogotá: características, problemas y soluciones." In Hurtado, M. Editor & Maldonado, C. Editor (Eds.) El Sector Informal en Bogotá: Una Perspectiva Interdisciplinaria (pp. 133-152). Bogotá: International Labour Organization.

[222] The figure was obtained by subtracting the average expenditures for informal merchants (53,755 pesos) from the average remuneration (267,280 pesos) and dividing this by the exchange rate (US$1 = 959.0081) of when the D.A.N.E. survey was completed (between August 24, 1995 and September 8, 1995). See D.A.N.E. Cuadro No. 164.2 and 165.3, in "El Sector Informal en Santafé de Bogotá, D.C.: Empleo, Productividad y Condiciones Legales," Santafé de Bogotá, D.C. 1999.

[223] Figure is taken for a family of five—includes food, health care, housing, clothing, education, entertainment, transportation, and other costs. See Gómez Vargas, P. (2000). Indicadores Económicos y Sociales de la Coyuntura. *Carpeta Técnica, 27.*

wooden carts and the like,[224] the D.A.N.E. category of informal commerce did not relate to the sale of goods on the street per se. Rather, the commerce category included commercial wholesalers (*comercio por mayor*), mechanics involved in auto repair, and hotel and restaurant workers, in addition to those who sold goods on the street. If one assumes that these effects were negligible, it may be possible that (a) the income of vendors decreased from 1995 to 1999 or (b) vendors in Santa Fé and Chapinero were somehow unrepresentative of Bogotá vendors. Though proving the second proposition would involve a statistical rigor outside the boundaries of this paper, there is evidence that incomes in the informal sector have been declining due, in part, to the national economic crisis.

With the onset of worst economic depression in seventy years, an official Bogotá unemployment of over twenty percent, the pauperization of Colombians professionals, [225] and a flood of hundreds of thousands[226] of internal refugees to the Bogotá's street trading sector,[227] the income levels of informal vendors in Colombia has reduced. In response to such crisis, the informal sector absorbs unemployed workers and brings down the informal sector wage rate.

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[224] The study was restricted to the materials in which goods were sold, including fold-out suitcases (maletas portátiles), makeshift wood boards (tableros de madera), cardboard stands (puestos de cartón), wooden carts (carretas) and wooden/metallic tables (mesas de madera o metálicas).

[225] Under the surface of the gravitation of professionals towards the informal sector is the bleak reality that thousands of professionals have been forced to accept a decline in levels of consumption, work in less luxurious jobs and accept the social disgrace of working in employment of less esteem. Olga Lucía Bermúdez, director of the Bogotá employment agency *Servihogar*, explains, "unemployment is so critical that we are sending professionals to fill spots as maids, domestic help and other jobs." María Isabel Martínez, psychologist at another Bogotá employment agency adds, "People come here with résumés equal to that of a president of a corporation, but instead accept work as messengers or office assistants." See El Tiempo (December 26, 2000: 4-A), El Tiempo,(October 24, 1999: 6-D). Author's translation.

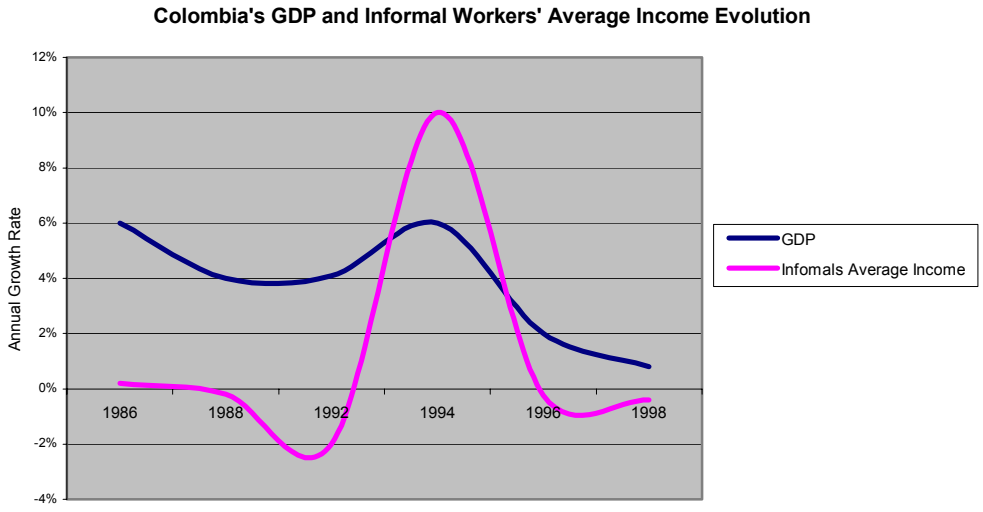
[226] According to a joint study from the Consultancy for Human Rights and the Displaced (*Consultoría para los Derechos Humanos y el Desplazamiento*, CODHES) and the Archdiocese of Bogotá, two hundred thousand displaced Colombians have migrated to Bogotá between 1997 and 1999. Archdiocese of Bogotá and CODHES (1999). *Desplazados: huellas de nunca borrar*. Bogotá: Kimpres Publishers. For more information on Bogotá's displaced population see: Alcaldía Mayor de Santa Fé de Bogotá, *Santa Fé de Bogotá: población desplazada*. Santa Fé de Bogotá, D.C.: Secretaría de Gobierno del Distrito. June 24, 1999.

[227] See Michael G. Donovan, "After the Smoke Clears: The Urban Survival of Colombia's 1,900,000 Displaced Persons." In *Common* Sense. Notre Dame: University of Notre Dame. (1999: 4). The Archdiocese of Bogotá and CODHES (1999: 32) estimate that 39% of heads of displaced families support themselves by street vending, repair work, food preparation and other unregulated activities.

Colombian informal sector expert Hugo López Castaño developed an "acyclical" or "anti-cyclical" model to describe how the informal sector adjusts to economic recession (see Appendix F). López Castaño. If the crisis is severe, such as in 1999[228], López Castaño argues that average formal sector wages will substantially fall and the cost to support an economically inactive population will increase as less people earn a sufficient income to help support these people. As a result, the informal sector wage decreases from the surplus effects of labor as people previously employed and or employed in the home enter the informal labor force to supplement declining income. Figures recently released from the Colombian economics think tank, *Fedesarrollo* shows the correlation between the economic recession and decreased wages in the informal sector. This is consistent with the difference in the D.A.N.E. figures (US$223 in USD 1995) and the Donovan numbers (US$197 in 1999).

[228] Juan Camilo Restrepo, current Colombian Minister of the Treasury perhaps best explains the origin of this crisis, "Something similar happened to the Colombian economy as in Thorton Wilder's book *The Bridge of San Luis Rey*. From all corners of Peru, travelers arrived at the same bridge and as a result, the bridge collapsed. Here [Colombia] the 'travelers' that came together on the bridge of the economy were the initial increases in public spending…high interest rates that weakened the functioning of the financial sector and an international economic crisis...it will be almost a work of filigree to reassemble the Colombian economic fabric." Interview with Marcela Giraldo Samper in *Crisis: antecedentes, incertidumbres y salidas*. Santafé de Bogotá, D.C.: Aurora Publishers (1999: 33). Beginning in the first trimester of 1998, Colombia's recession generated the highest rates of unemployment in generations, devaluated the Colombian *peso* to less than half of its 1994 value, and contracted the GDP growth rate to negative five percent. The urban labor force particularly suffered—in September, 1999, Colombia's seven

Graph 2



Source: Fedesarrollo, 2001, "Indicadores de Empleo", Coyuntura Social, [http://www.fedesarrollo.org.co], (accessed 16 July 2001). Cited in Maruri, Enrique, "Marginality and the Informal Sector: The Bogotá's Case," Thesis for MSc in Urban Development Planning, Development Planning Unit, University College London, September 2001. Draft copy, p. 21.

In response to their declining income, rather than abandon street vending, most street traders, adjusted by working longer hours to gain additional income. In the author's Chapinero-Santa Fé study, when the vendors were asked to compare the amount of hours they had worked in the previous year of 1998 with 1999, the number of hours rose from by nearly a half an hour (9.39 hours/day in 1998 compared to 9.89 hours/day in 1999). The street vendors also reported increases in the days worked per week, from 5.9 days in 1998 to 6.24 days in 1999 and more worked during holidays: 36% labored during holidays in 1998 compared to 46.4% for 1999.[229]

5.2.7 Closing

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principal cities maintained average unemployment rates of 20.1% compared to only 7.8% in September, 1993. See CEPAL (May, 2000) and D.A.N.E., 1999 National Survey of Households, Phases 67 through 106.

[229] It worth noting that these increases were not associated with an encouragement of vending by the authorities, but rather frequent police seizures. Of the 210 interviewed vendors, 44% had their goods seized by the police in the last year, 20% reported that they had been forced to sell on another block by the police and, most disturbing, 30.3% agreed that they had been *physically* mistreated by the police.

Whereas in Mexico City, the vendor union obstruction has perhaps, been the leading reason that explains the poor management of public space, the decreased political economic power of vendor unions in Bogotá enabled elected mayors to relocate poorly represented unions with relatively little protest. Having established the factors behind the elected mayors' ability to recover public space, the next chapter details the outcomes of the public space campaigns.

VI. THE OUTCOME OF BOGOTÁ'S SPACE WARS

As implied throughout this analysis, the shift from a clientelistic relationship with street vendors to one that favored relocation generated an unprecedented number of public space recovery initiatives that produced repercussions on street vendors' employment and the quality of life of common *Bogotanos*. These initiatives were massive and unprecedented in a city where street vendors were entrenched too strongly for the institutionally and financially weak Mayor's Office to dislodge. Such a recuperation of public space, and the attendant investment in *centros comerciales*, greatly changed life in Bogotá for relocated vendors and the general public—this chapter attempts to explain how.

This last chapter is divided into two sections which detail the outcome of the space wars in Bogotá. The first section describes how the findings of the author's survey of 177 relocated vendors in Bogotá revealed evidence whether the working conditions and income level of relocated vendors had improved after being relocated to one of various Bogotá *centros comerciales*. Following this analysis, a final section describes the more macro-impact of the recuperation of public space in Bogotá as is seen in the restoration of public order, downtown revitalization, and the enlargement of social conflict. In a concluding note, future trends in Bogotá space management will be discussed.

6.1 Effects on Relocated Vendors in *Centros Comerciales*

6.1.1 Methodology

In order to measure the changes in income level and working conditions of relocated street vendors and the differences between specialized and non-specialized markets, the author administered a questionnaire to 177 relocated street vendors in nine different *centros comerciales*

for relocated vendors in Bogotá. Seven of these nine markets allowed vendors sell a wide variety of legal goods whereas two markets were designed for the sale of one type of product such as books or flowers. The purpose of the questionnaire was to evaluate to what extent *reubicados* secured gains—through income and improved working conditions—as a result of relocation The survey was carried out in April and May 2000 with the coordination of the *Universidad Santo Tomás* in Bogotá (see Appendix E for a copy of the questionnaire). The markets listed below indicate the number of interviews conducted and whether or not the market was specialized.

Table 4

Breakdown of Post-Relocation Interviews

MARKET	NUMBER OF INTERVIEWS	PERCENT OF TOTAL	SPECIALIZED OR NON-SPECIALIZED MARKET
Centro Comercial Caravana	27	15.3	Non-specialized
Centro Comercial Chapinero	37	20.9	Non-specialized
Centro Comercial Social El Restrepo	17	9.6	Non-specialized
Centro Cultural del Libro	39	22.0	Specialized (books)
La Caseta Feria Popular de Kennedy	12	6.8	Non-specialized
Local Cuatro Vientos	1	.6	Non-specialized
Locales de los Vendedores de Flores (Av. Caracas con 68)	17	9.6	Specialized (flowers)
Mercado de las Pulgas	19	10.7	Non-specialized
Rotunda de la Calendaria	8	4.5	Non-specialized
TOTAL	177	100.0	

Based on these interviews, a number of findings were made concerning the changes in working conditions and income among all markets and significant differences between merchants in non-specialized and specialized *centros comerciales*.

6.1.2 Changes in Working Conditions

Relocated vendors experienced significant gains in the quality of the environmental conditions in their work place. As publicized by the *Fondo de Ventas Populares* and the Bogotá media,[230] the working conditions of street vendors—many of whom are the subject of mafia persecution on the street[231]—is enormous.

To ascertain the gains in working conditions, the author asked 177 relocated street vendors in nine different *centros comerciales* in Bogotá to compare the environmental conditions working in the market with those that the vendors faced working on the street prior to relocation. This was done through rating ten different environmental variables—air, cleanliness, dust, garbage removal, light, noise, odor, space, temperature, and water—as either "good," "regular," or "poor" (see Table 5 for results). When these variables were aggregated, only 15% of the vendors rated the environmental factors as "good" on the street while 67% of the vendors thought that the services in the market qualified as "good." Similarly, 51% of the vendors rated the environmental factors they experienced on the street as "poor" in contrast to the much lower percentage of approximately 10% in the *centros comerciales*.

The most striking benefits to relocated vendors were improvements in cleanliness, garbage removal, and noise levels. Whereas 75% of the market vendors rated the cleanliness of the market as "good," only 11% could give an equal rating to conditions on the street. Improvements in the removal of garbage were equally high: while 20% of the vendors qualified

[230] A 1999 article in *El Tiempo* describes the relocated vendors as enjoying "…safe and controlled sites, with spaces to walk…" In "El paso de economía informal a empresarial," *El Tiempo* (November 24, 1999: 6-D).
[231] The 1999 Donovan survey along the eight largest thoroughfares in Santa Fé and Chapinero revealed that over one fourth of the street vendor sample reported to have paid local strongmen in order to sell their wares. The consequences of not paying these fees were varied: 75.5% alleged that their businesses would be shut down, 7.6% believed that they would be attacked or verbally harassed whereas 9.3% foresaw other repercussions.

garbage removal on the street as "good," nearly 77% considered it "good" within the market. Likewise, the surveys indicated that vendors thought noise levels had decreased. Only nine percent of vendors rated the noise level on the street as "good" compared to the much higher level of 64% in the market.

Beyond working conditions, the vendors reported that their working environment in the market exposed them to fewer dangers than the environment on the streets. Approximately 80% of the vendors, when asked to compare the dangers on the street versus those in the market, responded that there were fewer dangers in the market than on the street. When asked what were the most significant factors that led to an increase in safety, vendors indicated several factors: 73.9% cited the decline in theft, 29.6% thought that they were less vulnerable to getting hit by cars, 12.2% believed they were safer because of the absence of gangs and mafias, and 9.4% reported that they felt safer due to fewer work-related accidents. In a separate question, the relocated vendors also reported that they were losing fewer goods to police seizures; 75% of the 177 vendors said that they experienced less police harassment than on the streets.

Though the responses concerning working conditions were positive, the results of several income questions indicated that most relocated street vendors were making less than what they earned on the street.

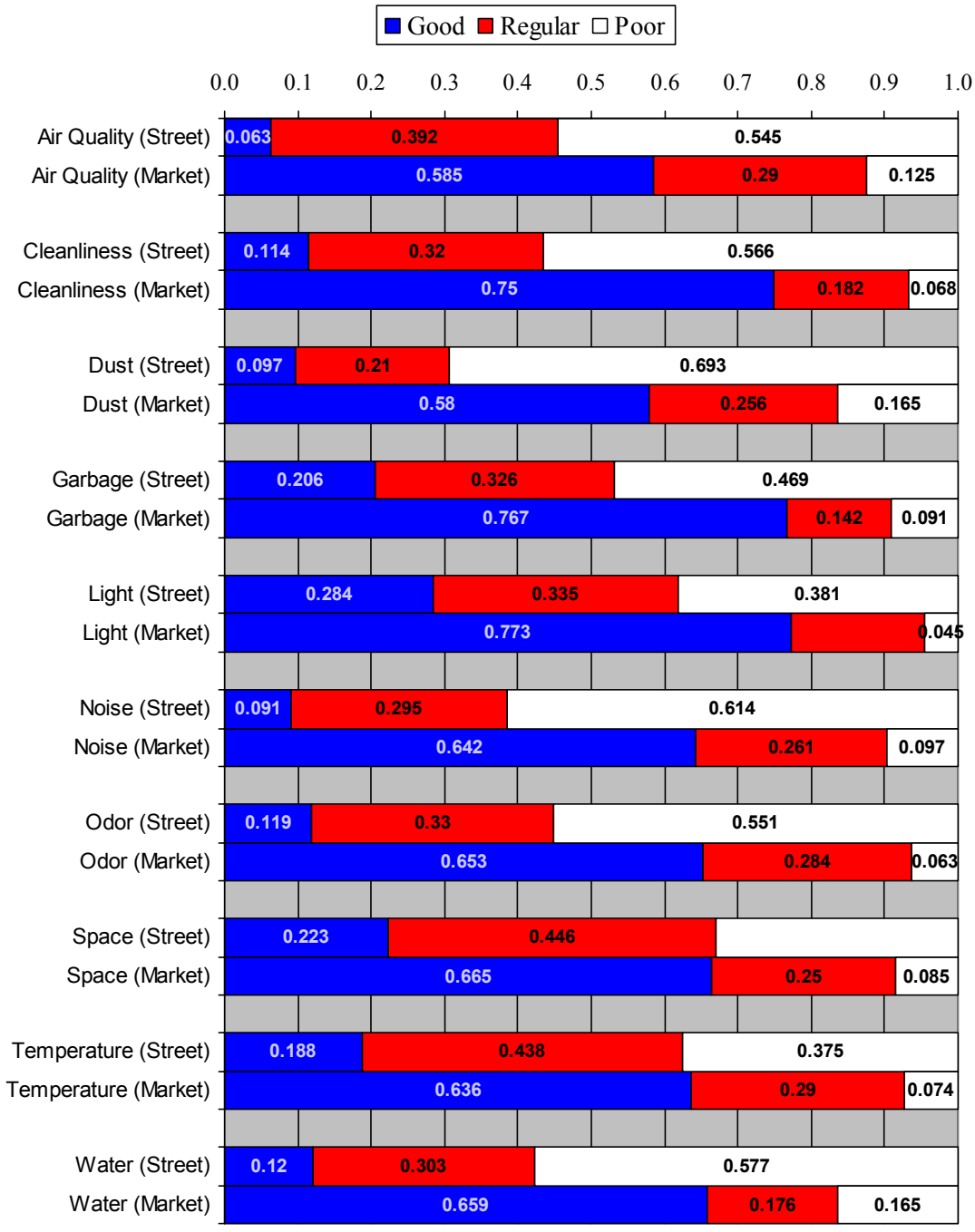
Table 5

Environmental Conditions for Relocated Street Vendors: A Comparison of Conditions On the Streets and in Government-Built Markets

	Response	"Good"			"Regular"			"Poor"		
		Street	Market	Difference	Street	Market	Difference	Street	Market	Difference
Air	Frequency	11	103	(92)	69	51	18	96	22	74
	Proportion	0.063	0.585	(0.522)	0.392	0.290	0.102	0.545	0.125	0.420
Cleanliness	Frequency	20	132	(112)	56	32	24	99	12	87
	Proportion	0.114	0.750	(0.636)	0.320	0.182	0.138	0.566	0.068	0.498
Dust	Frequency	17	102	(85)	37	45	(8)	122	29	93
	Proportion	0.097	.58	(0.483)	0.210	0.256	(0.046)	0.693	0.165	0.528
Garbage	Frequency	36	135	(99)	57	25	32	82	16	66
Removal	Proportion	0.206	0.767	(0.561)	0.326	0.142	0.184	0.469	0.091	0.378
Light	Frequency	50	136	(86)	59	32	27	67	8	59
	Proportion	0.284	0.773	(0.489)	0.335	0.182	0.153	0.381	0.045	0.336
Noise	Frequency	16	113	(97)	52	46	6	108	17	91
	Proportion	0.091	0.642	(0.551)	0.295	0.261	0.034	0.614	0.097	0.517
Odor	Frequency	21	115	(94)	58	50	8	97	11	86
	Proportion	0.119	0.653	(0.534)	0.330	0.284	0.046	0.551	0.063	0.488
Space	Frequency	39	117	(78)	78	44	34	58	15	43
	Proportion	0.223	0.665	(0.442)	0.446	0.250	0.196	0.331	0.085	0.246
Temp-erature	Frequency	33	112	(79)	77	51	26	66	13	53
	Proportion	0.188	0.636	(0.448)	0.438	0.290	0.148	0.375	0.074	0.301
Water	Frequency	21	116	(95)	53	31	22	101	29	72
	Proportion	0.120	0.659	(0.539)	0.303	0.176	0.127	0.577	0.165	0.412
TOTAL	Frequency	264	1181	-917	596	407	189	896	172	724
	Percent	0.150	0.671	(0.521)	0.339	0.231	0.108	.510	.098	0.412

n = 177 relocated street vendors

Graph 3
Changes in Environmental Conditions: Pre-Relocation Vs. Post-Relocation



6.1.3 Changes in Income Levels

Though much of the propaganda surrounding relocation programs promised vendors higher income, half of the relocated street vendors said that they were making more money on the streets than in the market. In two projects alone—*Rotunda de la Calendaria* and the *Casetas al Respaldo de Ley*—all of the interviewees reported that they made more money as a street vendor. These results mirror earlier studies that established significant decreases in income levels of relocated street vendors. For example, Doris Marlene Olea Suárez and Gonzalo Huertas Laverde documented in a survey of 120 relocated vendor of the *Centro Comercial Social Restrepo*, that 93.3% had lower income levels than on the streets.[232] In a recent study commissioned by the *Instituto de Estudios Sociales Juan Pablo II* in Bogotá, Camilo Gómez Alzate found that only 3 out of 40 vendors relocated to the Chapinero *Centro Comercial Supercentro 61* earned a higher income in the market rather than on the streets. Gómez Alzate's findings for the *Edificio Temel* project were equally revealing—only 12% of the vendors responded that they experienced gains in income.[233]

The elevated administrative costs—utility payments, rent, and licensing fees—ensured that relocated street vendors maintained significantly higher costs. Calculating the median monthly costs[234] of street vendors in *centros comerciales* yielded a figure of 642,083 *pesos* (US$312). When asked to use the same criteria to calculate the costs of their business on the street, the merchants' response yielded a median monthly cost over 300,000 *pesos* lower at 334,212 *pesos* (US$163). Monthly rent payments alone accounted for most of the difference, averaging 193,480 *pesos* (US$94).

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[232] Doris Marlene Olea Suárez and Gonzalo Huertas Laverde, *Mercados callejeros en Bogotá: soluciones Integrales del impacto socioeconómico*. Unpublished document. Lima, Peru: International Labor Organization. 1996. p. 32.
[233] Gómez Alzate, Statistical Annex 2, Table 28, p. 230.

Table 6

Do Relocated Vendors Earn More Profit in Centros Comerciales Than They Do On They Streets?

			Profit Compared: Market vs. Streets			
			Profit is more in Market	Profit is more on Streets	Equal profit	Total
MARKET	Mercado de las Pulgas	Count	7	9	3	19
		% within MARKET	36.8%	47.4%	15.8%	100.0%
	Rotunda de la Calendaria	Count		8		8
		% within MARKET		100.0%		100.0%
	Cr. 76, Cll. 35 sur, Barrio Kennedy	Count		11		11
		% within MARKET		100.0%		100.0%
	Casetas al Respaldo del LEY, Barrio Kennedy	Count		1		1
		% within MARKET		100.0%		100.0%
	Local Cuatro Vientos	Count			1	1
		% within MARKET			100.0%	100.0%
	Centro Comercial Social El Restrepo	Count	5	11		16
		% within MARKET	31.3%	68.8%		100.0%
	Centro Comercial Chapinero	Count	9	17	9	35
		% within MARKET	25.7%	48.6%	25.7%	100.0%
	Centro Comercial Caravana	Count	3	17	7	27
		% within MARKET	11.1%	63.0%	25.9%	100.0%
	Centro Cultural del Libro	Count	14	10	12	36
		% within MARKET	38.9%	27.8%	33.3%	100.0%
	Locales de los Vendedores de Flores (Av. Caracas con 68)	Count	13		3	16
		% within MARKET	81.3%		18.8%	100.0%
Total		Count	51	84	35	170
		% within MARKET	30.0%	49.4%	20.6%	100.0%

[234] Defined as median monthly taxes + monthly licensing fees + utility payments + monthly rent + monthly order costs.

6.1.4 More Gains for Vendors in Specialized Markets

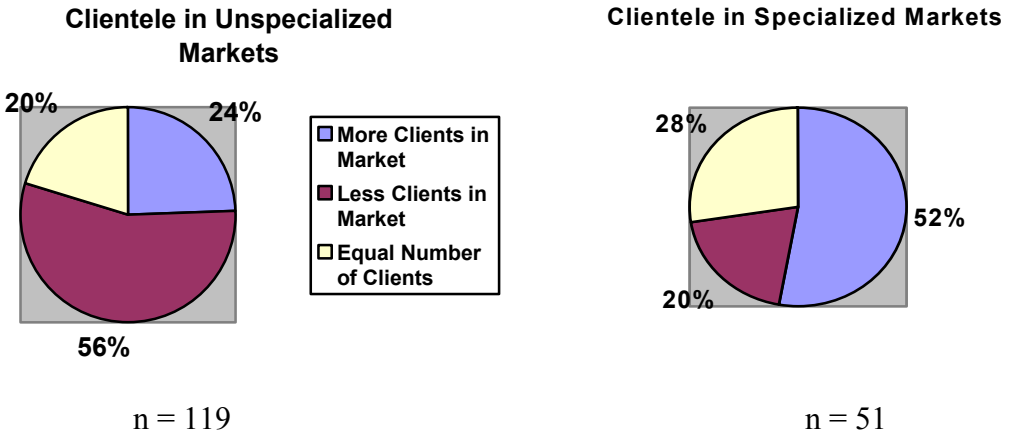
The majority of *centros comerciales* tend to be large markets that contain a wide variety of goods of practically any type. For example, the thirty remaining vendors in the *Centro Comercial Caravana* sell candles, toys, incense, religious statues, food, clothing, electrical parts, and sweets. In essence, the organization of this market is just as chaotic and the goods sold just as unsystematic as on the street. In contrast, the specialized markets such as the *Centro Cultural del Libro* (book market) and the *Locales de los Vendedores de Flores* (flower market) offer various types of one product. For instance, in the *Centro Cultural del Libro*, one merchant focuses on school textbooks while another specializes in fiction and romance novels. Similarly in the *Locales de los Vendedores de Flores* one merchant may sell red roses while another retails house plants. In this sense, the specialized markets offer something fundamentally *different* from their street vendor counterparts. The following section examines whether this difference matters, i.e. whether a higher proportion of street vendors in specialized markets experienced more clientele and higher income than relocated vendors in non-specialized sites.

6.1.4.1 Lower Clientele for Non-Specialized Market Merchants

After vendors were relocated to *centros comerciales*, the ones who were able to relocate in specialized markets witnessed an increase in their clientele while the reverse happened for those in unspecialized markets. As the graph below illustrates, whereas only 24% of the vendors in unspecialized markets saw their number of clients rise, 52% of vendors in specialized markets experienced an increase in the number of clients. It is important to understand that the specialized *centros comerciales* surveyed by the author are in the same neighborhood and often

only a few blocks from the non-specialized markets. To this end, the possibility that a larger number of clientele gravitate to the specialized markets because of convenience does not seem to be the case.

Graph 4: Clientele in Markets Versus on the Street



6.1.4.2 Lower Level of Profit for Non-Specialized Merchants

Whether due to a lower level of clientele than on the streets or another factor, the non-specialized vendors were better off financially in the markets than merchants in non-specialized sites. When asked whether the vendors in the non-specialized markets earned more as street vendors, 20.3% (24 merchants) said that they profited more in the market, 62.7% (74) said that they profited more in the streets, and 16.9% (20) suggested that they profited equally. The responses of merchants in specialized markets were much higher. Whereas only 20.3% of "non-specialized" vendors reported gains in income, over half of the "specialized" vendors (51.9%, 27 merchants) responded that they made more money in the new *centro comercial*.

Photo 4

A Deserted Centro Comercial in Bogotá

Q: How much does a vendor earn each day?

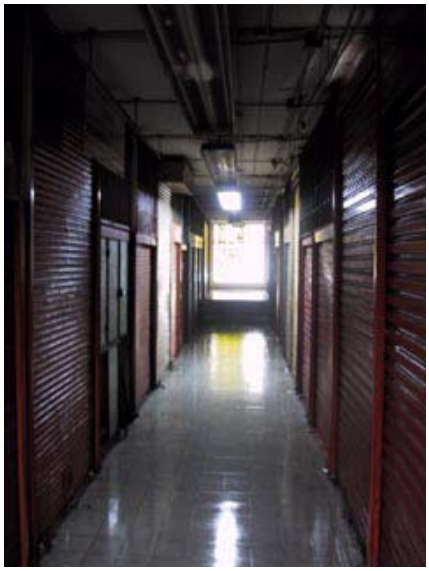
A: "You don't earn enough even for the bus ride here. Right now it's really hard…really hard. Sales have gone way down."

Q: "Are there days when you don't sell anything?

A: "Sometimes for months...lately I haven't sold anything for four or five days."

Luis Gabriel Lozano
Merchant in the *La Caseta Feria Popular de la Carrera 38* project

Abandoned stalls in the Centro Comercial Caravana.



A deserted centro comercial in Bogotá.
Photo: Michael Donovan

Furthermore, both sets of merchants were asked whether regular price increases in their goods led to more profit or less as vendors used the extra money to pay fixed costs. Of 138 vendors who sold the same goods in the market as they did on the street, 87 vendors (63%) said that they sold their wares for higher prices. Of the 49 vendors in specialized markets who raised prices, 23 or 46.9% responded that these increases led to more profit rather than less profit. In contrast, of the 89 vendors in non-specialized markets that raised prices, only 13 or 14.6% responded that such an increase in price would lead to greater profit.

6.1.5 Desertion: The Disclaimer to Gains in Gains in Working Conditions and Income

Despite the dramatic increases in safety and working conditions in the *centros comerciales*, it would be inaccurate to argue that these gains are representative of all of the street vendors who were relocated. The high level of desertion rate in the *centros comerciales*—sometimes over eighty percent—question the validity of the sample. The results of the income question, for example, would have been likely much lower if the respondents were to have been the original relocated vendors rather than the ones who were fortunate enough to continue selling. The table below portrays the high rates of abandonment in the relocation projects in Bogotá.

Table 7

Level of Abandonment in Four *Centros Comerciales*

Name	Number of Total Stalls	Number of Abandoned Stalls	Percentage Abandoned
Centro Comercial Supercentro 61	359	129	36%
Centro Libros XXI	100	50	50%
La Caseta Feria Popular de la Carrera 38—Sector "Biblos"	400	300	75%
Centro Comercial Caravana	340	310	91%
Average	300	197	66%

Source: Alcaldía Mayor de Bogotá, D.C., *et. al*. (2001) and author's observations.

Though the increases in working conditions are a positive consequence of relocation, the high desertion rate, contradicts the objective of the *centros comerciales*: to keep vendors from selling on public space. Even if vendors experience improvements in the quality of working

conditions, this alone is insufficient to keep them in a market.[235] In the words of Antonio, a relocated vendor in the *Centro Comerical Caravana* establishment, "We may have less work-related accidents and sicknesses, but now we're sicker from the hunger that is caused by not selling any merchandise."[236]

Photo 5

La Caseta Feria Popular de la Carrera 38

Q: How many vendors work in the *centro comercial* now?

A: In this bodega 104 vendors moved in, now there are only 35.

Q: What happened to the others?

A: They went back to the streets; working here was a waste of time for them.

Noon at an abandoned *centro comercial* in Bogotá.
Photo: Michael Donovan

[235] Sociologist John Cross discusses the efforts of the Mexico City Mayor's Office in 1991 to relocate vendors in "The Great Rip-off: 'Commercial Plazas', Street Vendors and the 'System' In Mexico City's Historical Center." He writes, "…the worst problem was the markets themselves. Designed to hold the maximum number of vendors at the lowest possible costs, the new "commercial plazas" usually lacked coherent pedestrian flows, with most stalls hidden in a rat-warren of narrow corridors, and had poor natural lighting, leading to sense of claustrophobia. The constant flow of pedestrians that vendors experienced on the street was therefore nonexistent. In addition, the location of many of the markets was far from their original area on the street, so that their established clientele could not find them. As a result, these markets suffered very high rates of absenteeism: in some, such as 'San Antonio Abad' and 'Conjunto La Merced', 80-90% of the stalls were abandoned by their owners, despite the fact that they had already paid their down-payment. Those who stayed made ends meet by returning to sell in adjacent streets, often with the permission of their leaders." John Cross, "The Great Rip-off: 'Commercial Plazas', Street Vendors and the 'System' In Mexico City's Historical Center. World Wide Web. http://www.openair.org/alerts/rip1.html. September 15, 1995. Accessed on November 28, 2001.

[236] Antonio. Interview October 16, 2001. Author's translation.

6.1.6 Centrifugal Displacement of Street Vending to Public Space outside the Historic Center

With few barriers to entry and years of contacts and experience in street trading, many of the relocated return to the same area they were relocated. Though this difficult in some cases, such as in San Victorino where police keep watch for 24 hours a day, many decide to locate on the periphery of the park or plaza where they previously sold. César Hernán Castro Cruz of the UNDP office in Bogotá estimates that the street vendor population in the 20 de Julio neighborhood in southern Bogotá has more than doubled since the eviction, increased police surveillance, and relocation of street vendors.[237] Similarly to how the air of a balloon shifts to the side with the least pressure, street vendors are taking over public space in areas where there is little police surveillance which tend to be in the lower class areas of Bogotá. In this sense, the policies that are designed to benefit "all *Bogotanos*" by preserving the historic center of downtown place a disproportionate amount of inconvenience on residents of lower class residents who have seen the street vendor populations explode in front of their homes. Such transplantation is not unprecedented. In the core of Mexico City's historic center, the removal of street vendors was not only followed by an actual increase in street vendor numbers in Mexico City, but the proliferation of vendor stalls on the periphery of the prohibited area.[238]

[237] César Hernán Castro Cruz. Interview with the author. October 17, 2001. Bogotá, Colombia.

[238] In June 1995 a census of street trade in Mexico City carried out by the Department of Economic Development of the Federal District of Mexico City found that the removal of vendors from the area bounded by perimeter A (the inner area) had led only to their increased concentration in the area bounded by perimeter B (the peripheral area). There were an estimated 5,402 stalls within area B compared to only 2,296 in the historic core of area A. See M. Posada and V. Ballinas (1995), "En la delegación Cuauhtemoc, 25 mil ambulantes." In *La Jornada*, August 16, p. 38, 56. Cited in Margaret Harrison and Clare McVey, "Conflict in the City: Street Trading in México City." In *Third World Planning Review*. Volume 19, Number 3, August 1997. pp. 313-326.

6.3 Macro-Effects on Bogotá

This section describes the impact of street vending not on one specific group of people—such as the street vendors—but on the Bogotá general public. First, along rather optimistic lines, the extent to which street vendor relocation has restored confidence in the Bogotá Mayor's ability to maintain "public order" in the historic center will be discussed along. Second, the negative repercussions of relocation, namely the enlargement and creation of new types of social conflict will be assessed.

6.2.1 Restoration of Public Order

After several years of drug-related bombings and kidnappings in Bogotá, by the 1980s many *Bogotanos* felt extremely nervous about both their physical security and abandoned by the Mayor's Office. The withdrawal of the state was seen in the mayors' *laissez faire* policy towards street vendors, who were viewed in 1989 as a "perpetual problem bearing upon public order."[239] Though most street vendors sold licit goods in an informal manner, they were associated with the "crooks" of the underground contraband economy that accounted for US$8 billion a year.[240] Control of the street vendor population was therefore perceived as crucial to the maintenance of a legal economy based on tax payments and the respect of private property. Particularly business associations such as FENALCO lobbied the Mayor's Office to reinstate order in downtown Bogotá.[241]

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[239] *El Tiempo*, August 16, 1989. Cited in Nelson (1992: 13).

[240] Illegal commerce is defined as contraband, falsification, unfair competition, pirated goods, and dumping. The US$8 billion figure derives from a recent study by the Center for Development of the *Universidad Nacional*. See "Comercio: en vilo por la falsificación," in *El Tiempo*. October 29, 1999. p. 9.

[241] The former president of the country's largest business organization, FENALCO, wrote "It does not seem reasonable that they [informal street vendors] violate constitutional principles and that they do not recognize legal norms that intend to protect public space and benefit citizens. The norms have obligated the authorities to implement a lasting mission of the recuperation of public space, that demands a high cost of money, time, human

Given the public outcry and the mayor's newly defined responsibilities with respect to public space, the mayors sought to control informal commerce on the basis that it generated criminal activity. Their premise hinged on what is known by sociologists as the "broken windows" theory; that minor signs of disorder lead to serious crimes.[242] Though Bogotá crime statistics are not available that correlate criminals with the profession of street vendor, there is evidence that *Bogotanos* were disproportionately attacked in the downtown *plazas* where vendors sold their wares. In a 1998 study commissioned by the *Instituto Distrital de Cultura y Turismo*, a random survey of 1,604 adults in Bogotá revealed that 45% had been assaulted, robbed, or attacked at least once in the center of Bogotá.[243] A follow-up study found that, when asked when to indicate the most dangerous area of downtown Bogotá, 47% selected San Victorino market.[244] Though crime certainly has decreased in San Victorino and Bogotá—dropping from a total of 4,452 homicides in 1993 to 2,238 homicides in 2000[245]—it is not clear whether this was due in part to public space recuperation. Further research should ascertain whether the heightened security was due to the (1) improved layout of the park, the (2) increased police surveillance, (3) the removal of vendors, (4) the disengagement of urban guerrillas (ELN, FARC or M-19) from downtown Bogotá,[246] or the (5) withdrawal of street vendors' customers who may have been inclined to commit criminal acts.

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effort, that from one moment to another is ignored by initiatives that favor a sector of society." Sabas Pretelt de la Vega, "Espacio Público y Comercio Callejero," Unpublished manuscript. Bogotá: FENALCO, pp. 4-5.

[242] For a description of the "broken windows" theory see Mitchell Duneier, *Sidewalk*, New York: Farrar, Straus and Giroux. 1999, p. 10

[243] Instituto Distrital de Cultura y Turismo, *Opinión de los ciudadanos de Santa Fe de Bogotá sobre el centro de la ciudad*. August 12, 1998. p. 33.

[244] Instituto Distrital de Cultura y Turismo, *Percepción de los ciudadanos de Santa Fe de Bogotá sobre el centro de la ciudad*. December 14, 1998. p. 44.

[245] Interamerican Development Bank Report 1999. Cited in El Tiempo. May 9, 2000.

[246] See Antanas Mockus, "How a City Recovers from Violence and Terrorism," World Wide Web. http://www.georgetown.edu/sfs/programs/clas/Colombia/. Accessed on November 26, 2001.

Photo 6

San Victorino Market: Before and After

Before (1997) After (2000)

Source: *Before*: Bogotá Sostenible Memorias seminarios 1999 CD-ROM. Bogota: Imagen Digital LTDA. *After:* Secretaría del Estado—Plan Centro Photo Files. Courtesy of the Office of the Plan Centro Director, Lt. Col. José Rodrigo Palacio Cano.

Unlike the survey of relocated street vendors, which was applied to people who had completely relocated, little can be said about the restoration of public order in Bogotá because some of the largest projects have yet to be finished. It is also difficult to quantify exactly how much pleasure a typical *Bogotano* would derive from sitting on a bench in a plaza that was once full of street vendors. Likewise, it would be equally difficult to calculate how much is it worth for a child to play in a park previously occupied by vendors. These benefits go beyond a traditional cost-benefit analysis and imply that public space may be an end in of itself rather than a means to an end.

Nevertheless, Bogotá's historically high rates of violence have psychologically scarred several of the city's residents from spending time in public parks. Regardless of the location of the park in downtown or its condition, 58% of the *Instituto Distrital de Cultura y Turismo*'s

study rated that downtown parks were "dangerous" or "extremely dangerous."[247] Changing this perception among *Bogotanos*, especially those who have been attacked or robbed downtown, will likely take several years and maybe generations.

6.2.2 Downtown Economic Revitalization

One would expect that public space recuperation, especially in areas near commerce districts and constructing parks would lead to better economic opportunities for downtown retailers. Traditionally the historic center has inhibited investment[248] and though it is too early to tell if there has been a significant reinvestment in Bogotá's historic core, there is some evidence. Once the *Parque Tercer Milenio* is finished, there are plans to construct "the most important shopping mall in the country": a five to six-block wide mall with underground parking.[249] When constructed, this building will revolutionize downtown and be able to compete with the largest shopping malls of the country. This would likely further increase investment in the municipal bonds of Bogotá—their rating has already risen from A in 1994 to AA+ in 2000.[250]

Once the 50 hectare *Parque Tercer Milenio* is completed, there is evidence that some *Bogotanos* will seriously consider moving to the historic center. An *Instituto Distrital de Cultura y Turismo* random survey of 412 adults in Bogotá found that, once the Project is finished

[247] Instituto Distrital de Cultura y Turismo (December 14, 1998: 45-46).
[248] Speaking at a seminar on the state of Bogotá in the early 1980s, Samuel Jaramillo argued that in downtown Bogotá there was "…an association with physical deterioration …[a] functional and economic deterioration…the downtown seems to have lost its importance. Important firms locate in other places …downtown seems to have converted itself into privileged location of marginal practices…commerce that deals with luxury goods seems to have been replaced by pigsties and street vendors." Jaramillo, Samuel. "Como se transforma el centro de Bogotá," in Seminario Sobre El Devenir De La Ciudad, p. 9. Cited in Hugo López Castaño, "El comercio callejero: ¿marginalidad o sistema minorista indispensable?," in *Reista lecturas de economía*. Medellín, 10, January-April 1989, p. 77.
[249] Enrique Peñalosa Londoño, quoted in an interview in Beccassino (2000: 213).
[250] Credit rating is by Duff & Phelps. Cited in Juan Forero, "Bogotá Journal: Conflict Rages, But Capital Basks in Good Times," *New York Times*, September 15, 2001.

44% would be "interested" or "very interested" in living downtown.[251] To accommodate this move and to preserve the architectural patrimony of downtown Bogotá, the Mayor's Office plans to use some of the historic preservation models applied in old Havana. In September 1999, in fact, the Mayor's Office flew Eusebio Leal, the director of Havana's historic center restoration plan, to analyze whether the colonial neighborhood of Candelaria in Bogotá could apply lessons from old Havana.[252] At this time, it remains to be seen whether families and businesses will start to relocate from the north to the center. Candelaria and the downtown are still widely perceived as dangerous and it is not clear that even if *Bogotanos* felt safe downtown, they would base their decision on this factor.

6.2.3 The Intensification of "Space Wars" and Social Conflict in Downtown Bogotá

So often the crackdown of street vendors is met with fierce resistance from casual workers, who are often unable to find alternative employment. When La Paz, Bolivia, Mayor Juan del Granado announced that he would evict 50,000 vendor stalls in the city, thousands of vendors shut down traffic in the city and then proceeded to surround the municipal building.[253] When the Seoul Mayor's Office cracked down on street vendors, one hawker died from self-immolation in protest of the ward office's policy.[254] And after New York Mayor Giuliani used four hundred police on horseback or in riot gear[255] to prevent vendors from selling their wares in

[251] Instituto Distrital de Cultura y Turismo (December 14, 1998: 52).
[252] Patricia Lesmes, "El centro: ¿otra Habana la vieja?" *El Tiempo*. September 13, 1999. p. 3-E.
[253] "Bolivia-Protestas Comerciantes Colapsan Centro La Paz Para Mantener Puestos-Calle," Efe News Services, March 29, 2001.
[254] "Street Vendors, Students Stage Demonstration." Television Program. *Seoul KBS-1 Television Network*. Daily Report. March 25, 1999.
[255] Sharon Zukin, "Cultural Strategies and Urban Identities: Remaking Public Space in New York," in O. Källtorp (ed.), *Cities in Transformation—Transformation in Cities: Social and Symbolic Change of Urban Space* (pp. 205-216). Brookfield, VT: Ashgate Publishing Company. 1997. p. 214.

the African Market of 125th Street, Al Sharpton filed a class action suit against New York City claiming that the vendors' civil rights were violated.[256]

In the case of Bogotá, the elected mayors waded through considerable conflict in order to invest the necessary funds for street vendor relocation. Not only did actors outside the government—unions, NGOs, and certain business groups—call for the FVP to be shut down,[257] but several members within the Bogotá City Council lobbied to terminate the FVP's "white elephants."[258] Criticism of relocation also came from the public and from the press. Beyond the takeovers of the Venezuelan embassy by street vendors, several journalists lambasted former mayor Enrique Peñalosa for his eviction and relocation of vendors. He was dubbed Emperor Nero for "his ferocity of hurling ambulatory vendors to the wild animals...[where] neither their pure nor simple bones are left."[259] After the Palacio de Lievana market was built for vendors, protesters stoned the structure, leaving shattered windows and wounding two people.[260]

Though much conflict has been generated over the large-scale relocation of street vendors from public spaces such as Victorino and others, the daily eviction of individual vendors from their sites has created a battle for space that occurs on an almost hourly basis in Bogotá. In between February and December of 2000, for example, police agents of the *Plan Centro* brigade recovered 42,145 m^2 from areas where street vendors had sold their goods.[261] In contrast to when the police used 3,000 officers, bulldozers and a helicopter to remove 400 vendors in San

[256] Randy Kennedy, "Sharpton Files Class-Action Suit On Behalf of Harlem Vendors," *New York Times Current Events Edition*, October 29, 1994.
[257] Confederación General de Trabajadores, "La CGTD y la economía informal: manifesto y plataforma de reivindicaciones," September 1995. Cited in Doris M. Olea and Gonzalo Huertas, "El comercio informal callejero en Bogotá: características, problemas y soluciones," in Carlos Maldonado (ed.) 1997: 146.
[258] Gonzalo Huertas Laverde, Interview. October 9, 2001
[259] Antonio Caballero, "Calígula, Alcalde." Semana. Edition 977.
[260] Caracol Radio, "El Alcalde Seguirá Recuperando el Espacio Público." April 1, 1998.
[261] It should be noted that these numbers do not mean the total number of meters recovered as many of the square meters could have been recovered more than once.

Victorino,[262] the typical eviction is orchestrated by four or five police officers and targets one vendor stall. These daily evictions engender a deep-seated resentment directed towards the police and the mayor of Bogotá as is shown in an interview in Box 1.

[262] The figures are from Enrique Peñalosa Londoño, quoted in Beccassino (2000:212).

Box 1

Narrative of a Vendor Eviction

Excerpt from Martelena Barrera Parra's "La mano que limpia" which appeared in the *Magazín Dominical* (N$^{0.}$ 827) of the *El Espectador* newspaper on March 21, 1999.

They are trying to modernize the State, to make cities more comfortable. But while you work on your computer or take your dog for a walk, thousands of families inter the battalion of misery…Such is the case of this woman who was evicted to "protect public space." And like her, more than five thousand persons and families. The place? Bogotá? The time? Now.

Name:	María Natividad González Ruíz
Age:	37 years
Place of birth:	Bogotá
Number of children:	5
Educational level:	Grade school
Employment:	Street Vendor
Years of work:	20

- *Where was your stand located?*

- On the intersection of Calle 16 and Carrera 4^{a}. I sold *arepas*[263] there. But in March of last year, by the order of the Chief Mayor, they confiscated the cart where I sold them from.

- *What was the seizure like?*

- On March 7th in the night I was with my 19-year old daughter Veronica when three police officers and a patrolman told me that they were going to take my stand. I asked for them to allow me to work a little more so I could sell the merchandise and not let it waste. They answered "no." In this moment a police cattle truck passed by, four people got off it, and they lifted up the stand.

[263] *Arepas* are corn pancakes often filled with cheese.

- *How did you react?*

- I stood there completely taken aback. On the other hand, my daughter reacted; she held on to the stand with all of her force and struggled until they punched her to the ground. She got up and hung on to the cart again. It was then that one of the police officers, through shoves and blows, made her fall down again. The cart was left there smashed to bits.

- *What did you do afterwards?*

- I went back home to tell my children and my husband. We survived for twenty years thanks to that stand. From what I earned, I could help fund the education of my children and more or less feed and clothe them.

- *Were you previously notified about the seizure of your cart?*

- No, never.

- *Now how do you make a living?*

- I had to rent a two by three meter stall downtown. I sell *arepas*, sausage and candy for kids. The monthly rent costs me $400,000 pesos [US$258]. This month I wasn't able to pay it. I didn't manage to sell the amount necessary to cover these costs. I don't know how much longer I can bear this.

- *Who do you blame for your situation?*

- Mayor Peñalosa. The mayor gave the order and what I criticize the most, what hurts me the most, is that he believes that there isn't another alternative for us. He simply got rid of us as if the city wasn't ours too. He never proposed to use relocation plans or skills training programs. He only gave us his hand to clean.

- *What do your children do now?*

- They're garbage pickers. I had to invest their school money into the rent.

The repression of street vending has not only fueled existing social conflict in Bogotá, but has created new forms of conflict. Whereas before heavy investment in relocation ensued, space conflicts were basically a question of the legal government versus an unregulated street vendor population, today the large surplus of relocated vendors on the streets points to the proliferation of vending not because of the lack of government regulation, but rather because of regulation itself. Because the *reubicados* signed contracts that obliged them to pay rent, failed merchants use the *centro comercial* only as a storage point for their goods that are sold on the street. In this sense, the failed relocated vendors face a double persecution from authorities. On the one hand, they are pursued by market inspectors who oblige them to sell in the market and on, the other hand, they are pursued by street police. Their existence in a gray zone between regulation and informality[264] places them at par with the ambulatory vendors of Mexico City known as "toreros" or "bullfighters" because they spend their time dodging the "bull" or market inspectors and police officers.[265]

Furthermore, the failure of *centros comerciales* to retain vendors—regardless of whether this was due to a lack of customers, poor governmental administration, or the incompetence of relocated vendors—has eroded the confidence of street vendors in the municipal government and further alienated them from the political system that sought to originally incorporate them. Now, instead of having better access to credit as a formalized merchant, the high rate of loan default of most relocated vendors will inhibit these vendors from acquiring a bank loan from a commercial bank. Especially in a time when many of their clients are in even greater need to buy low-cost

[264] In a study of another Latin American capital city, La Paz, Bolivian economist Roberto Casanovas exposed this "gray zone" by documenting that of a total of 338,638 informal workers in the La Paz department (excluding Trinidad and Cobija) 166,591 or forty-nine percent paid a proportion of their taxes (registered under the *Registro Unico de Contribuyentes*) and 65% of informal businesses operated with a municipal license. See Roberto

goods on the street, vendors could not be "formalized" in a harsher economic climate. The experience of other cities with equally high unemployment suggests that during times of economic crisis, easing rather than increasing restrictions on street vending, may be a more logical policy.[266] This conflict caused by these actions will inevitably affect future negotiation between the Mayor's Office of Bogotá and street traders.

6.3 Conclusion

After fourteen years of elected mayors' public space campaigns, the recuperation of public space will likely be the target of much political debate in the future. Just as public space recuperation was a way for Andrés Pastrana to claim democratic legitimacy and to leave his "signature" on the city, future relocation projects will be designed in a way that will "outdo" the level and nature of previous projects. For example, while Peñalosa's administration was able to recover or create 430,000 m^2 of public space, current Mayor Antanas Mockus pledged to surpass this mark by acquiring or rehabilitating an additional 6,002,100m^2 of public space.[267] Not only has the amount of public space acquired political ramifications, but the style of public space management is evolving into a political symbol. Distancing himself from Peñalosa's administration, Mockus is using a participatory framework to train citizens to monitor public space rather than hire police officers.

Casanovas, "Informalidad e ilegalidad: una falsa identidad. El caso de Bolivia" in *Más allá de la regulación: el sector informal en América Latina*. Geneva: International Labour Organization (1990), 39-41.

[265] Cross (1998: 99)

[266] The Mayor's Office of Kuala Lumpur, for instance, eased license regulations and reserved car parks in the evenings so vendors could subsist and city dwellers could reduce their cost of living by sidewalk eating. The Ministry for Housing and Local Government went so far as to say that "all those who want to do petty trading should be given every opportunity to do so." Malcolm Harper, "Urban Planning and the Informal Sector," *Regional Development Dialogue*, Vol. 17, No. 1, Spring 1996. p. 108.

[267] Antanas Mockus, Plan de desarrollo económico, social y de obras publicas para Bogotá D.C. 2001 - 2004 "BOGOTA para VIVIR todos del mismo lado" (2001: 34).

Though it is too early to determine whether a "soft" or "hard" public space management approach is the most effective, the pending completion of the *Parque Tercer Milenio* along with its shopping mall will undoubtedly generate an additional conflict between vendors who gravitate to the periphery of mall and the police. As long as the informal labor sector "offers the poor a range of income opportunities that are lost in the process of formalization"[268] and prospective customers arrive downtown, the vendors will continue to sell and survive from informal street trading. With the completion of two mega projects in downtown—the Plaza de San Victorino and the 50 hectare downtown Parque Tercer Milenio—the next era of public space spending will be in which projects will focus on specific residential neighborhoods rather than the historic core. This next wave of space recovery will likely be more challenging to urban planners and policy makers than the recuperation of public space in Bogotá's historic core.

The prioritization of Bogotá's historic core over other areas as the first recipient of massive spending in public space recovery was unchallenged by most actors. The downtown area represented one of the most dangerous areas of Bogotá, the center of the city's architectural patrimony, a highly traveled area where more than 300,000 *Bogotanos* passed through on a daily basis, and the symbol of the local and national administrative power. Nevertheless, the absence of residential areas in downtown Bogotá makes downtown public space investment one where many *Bogotanos* enjoy the benefits of recovery during the working hours of weekdays and return home to neighborhoods overrun by vendors and illegally parked cars. To this end, with the Plaza de San Victorino finished and the construction of the massive Parque Tercer Milenio underway, residents in Bogotá may soon feel that the downtown areas are receiving disproportionate amounts of public space projects while they languish in neighborhoods with no parks to take their children.

[268] Bishwapriya Sanyal, "The Urban Informal Sector Revisited." In *Third World Planning Review* 10, (1988: 81).

To this end, the tremendous amount invested in public space recovery in downtown Bogotá will raise the expectations that similar projects will be conducted in other neighborhoods. Who wouldn't want a secure place to read the newspaper, exercise, and be unhampered by street vendors just like downtown? The elevated expectations downtown produces will lead to a serious debate in Bogotá that has already existed for generations—what neighborhoods will be the beneficiaries of Bogotá government projects and which will be left behind? Though the elected mayors were able to establish public order in downtown, their future ability to legitimatize their claim to equity and representative democracy hinges on the investment of public space projects in Bogotá's lower class neighborhoods and even in *barrios subnormales* (informal settlements).

Public space recovery in Bogotá's low-income areas will likely be formidable given the absence of key factors that were needed to recover public space in Bogotá's downtown area. First, the historic core example illustrates how the media, politicians, and many *Bogotanos* aligned street vendors with "crooks" and "mafiosos" and used this depiction as justification to evict, relocate, police, and clear *plazas*. Terrorist activities concentrated in downtown Bogotá and the recuperation of public space fit nicely into the mayors' campaigns for increased public security in Bogotá. Similarly, older *Bogotanos* who remembered the beauty of the downtown area before it was destroyed in the *Bogotazo* and transformed into *inquilinatos* and street vendor malls, supported the recuperation of downtown Bogotá as a bridge to a time when the city was more hospitable and safe. Whereas the chaotic Plaza de San Victorino served as an entrance to an equally chaotic city throughout the 1980s, the same *plaza* served as the entrance to an orderly capital city before the *Bogotazo.* Its salvation from vendors was viewed as the reinstatement of

an era when this neighborhood mattered and Bogotanos could walk through their city without fear of theft or kidnapping.

Public space recovery in Bogotá's massive *barrios subnormales* would be an attempt to integrate a divided city. Unlike San Victorino the street vendors in these areas—women, men, and children—are viewed not as thieves, but as peasants working for subsistence. Given the desperation of these vendors, few *Bogotanos* would believe these vendors to be representatives of a wealthy vendor underworld. Especially when the vendors only offer goods like used clothing, damaged fruit, and second-hand salsa LPs from the 1960s, few *Bogotanos* associate them with the same types of "crooks" that ran San Victorino and obstructed its recuperation for decades. Consequently, the implication of campaigning to recuperate space from non-criminal actors presents new challenges to the Bogotá Mayor's Office. Mayors may lose significant popular support for campaigns against vendors seen as paupers rather than "mafiosos" and contraband-selling capitalists.

Therefore, in order to integrate Bogotá planners and mayors face a political conundrum in which each decision potentially disenfranchises political support. Neglect of *barrios subnormales* and exclusive investment in the public space of the center or north presents mayors as elitists, as one of *los de corbatas blancas* ("the white-tied ones"). Marginalized *Bogotanos*, accustomed to elitism and unaccountability in local politics have already developed a deep reservoir of language describing their resentment of Colombian politicians. The common saying *¿Al alcalde, quién lo ronda?* asks "Who controls the mayor?" or, in more general terms, "Where are the authorities for the authorities?" The resounding answer for several *Bogotanos* is that the mayor doesn't have any accountability.[269] Ines de Valencia, a housewife in Bogotá denounces

[269] Michael G. Donovan. "A War of Words: Interpretations of Equity and Hierarchy in Ten Popular Colombian Sayings. Certificate in Latin American Studies Thesis. University of Notre Dame. November 1988.

this double standard of Colombian justice demanding, "The *alcalde* should be equal to me. He deserves the same criticism and punishment."[270] If candidates would be able to align this longstanding resentment of politicians with the idea that mayors are giving preferential treatment to wealthier neighborhoods, they would be able to amass a formidable political support base. Though the downtown situation disenfranchised a vendor population that was economically weak and politically negligible, a wider neglect of public space in *barrio subnormales* and other marginalized areas would disenfranchise a much larger population and leave them open to the campaigning of prospective mayoral candidates. The neglect of public space in poor areas along with a government abandonment of failed *reubicados*, could be viewed as an expected, traditional practice of corrupt mayors which would then call for the election of politically independent candidates that lionize equity and city-wide integration. Such has been the strategy of current mayor, mathematician-turned-"anti-politician," Antanas Mockus.

On the other hand, if mayors enter *barrios subnormales* and recover public space from street vendors, these operations will be portrayed as anti-poor and anti-democratic. Residents, most of who characterize these vendors as indigent will likely watch the poverty of these traders expand as evicted vendors have few economic opportunities. On the other pole, more wealthy *Bogotanos* will question the mayors' investment in areas where most residents evade taxes and often do not possess a land title. They will ask: "Why should they be awarded for their illegality?"

In response to these conflicts, public space management disputes between the Bogotá Mayor's Office and newly empowered citizen groups is imminent. Unlike the experience of Lima and Quito where the mayor has an almost totalitarian power to implement binding public space decisions, the power of Mayor of Bogotá can be counterbalanced or even subverted by the

[270] Ines de Valencia. Personal interview. Bogotá. October 30, 1997.

decisions of the Constitutional Court of Colombia and class action litigation (*acción popular*) based on the citizens' right to public space. Additionally, each locality council has a budget for public space whose use is directed by a popularly elected locality council. It has yet to be determined whether such powers in localities can be used against the plans of a mayor's public space recuperation priorities. Given these different stakeholders, the recent democratization of public space management will inevitably generate intra-urban conflict as more actors are given legal and political venues to voice their vision of public space.

Beyond the city-level, the recuperation of public space in the historic core illustrated the larger, more important goal of national unification and state building. Whereas the public space recovery in Lima and Havana established these cities as global tourist destinations, the beautification of public space in downtown serves more to unify Colombia into one nation. Only recently has Bogotá been recognized as the undisputed political and economic powerhouse of Colombia. Indeed, the urban history of Colombia has not been marked by the primacy of Bogotá, but what geographer Vincent Gouëset refers to as a "cuadricefalia" or "cuad-primacy" between Bogotá, Medellín, Cali and Barranquilla. Indeed, in the 1985 census, Bogotá only contained 14% of the national population. A partial explanation for the "cuadricefalia" development relates to the geographical fragmentation of Colombia by the Andes mountains and the jungles in the Amazon and Chocó region, which for centuries retarded intra-regional integration. Secondly, while nearly all of Latin America's capital cities—Lima, Caracas, Buenos Aires, Santiago, São Paulo, Rio de Janeiro, and Montevideo—are located on or near the coast, for four hundred years the only way to arrive to Bogotá was on a two-week boat ride down the Río Magdalena.[271] Given this national fragmentation, public space recovery in the

[271] Often this journey would take more than a month given a low level of water, slow current, treacherous rapids, and lack of supplies to repair vessels along the river. Gouëset (1998: 37-38)

administrative center of Bogotá seeks to establish the primacy of a capital city located 2,900 meters above sea level in a geographically fractured nation.

Beyond suggesting that the recovery of public space was entirely driven by the vision of local politicians to establish Bogotá as the veritable capital of Colombia, this thesis argues that the transformation of public space policy in Bogotá occurred within an urban context involving structural economic and political dimensions. The popular election of mayors in Bogotá enabled candidates to employ public space as a method to acquire support while mayors created public space to leave their "signature" on the city and distance themselves from previous administration. Decentralization gave the Mayor's Office the fiscal and institutional capacity to implement costly and complex space recuperation projects. Finally, the marginalization and fragmentation of street vendor unions facilitated the implementation of public space recovery projects with little protest. Together these three factors account for why elected Bogotá mayors were able to recuperate more public space than their predecessors. In the end, the recuperation of public space projects became a double-edged sword; providing *Bogotanos* with better mobility and recreational areas at the cost of disenfranchising hundreds of failed relocated vendors. Faced with the imminent clash between Mayor Mockus' pledge to recover over 6 million meters^2 of space and the opportunities street vending offers many of the city's three million poor persons,[272] future space wars in Bogotá will likely be marked by only Pyrrhic victories.

[272] "Un millón más de pobres." *El Tiempo*. November 21, 2001.

Appendix A

Policy Alternatives to Street Vendor Relocation

PROGRAM	YEARS	PROMOTER	OUTCOME
1. Productive Assistance Packages			
Skills Training Programs	1992-2000	National Labor Training Program of Colombia (*Servicio Nacional de Aprendizaje*, SENA), NGOs, Colombian Federation of Informal Sector Cooperatives (Federación Colombiana de Cooperativas de la Economía Informal, FEDEINCOOP), Neighborhood Offices of the National Police.	Benefits a limited number of vendors per year. Equipment used in training is either obsolete or unaffordable for vendors. Many vendors do not have the time to attend unsubsidized courses.
Government Lending of Equipment and Training for Sponsored Small-Scale Businesses ("incubators")	1996	Administrative Department of Social Welfare (*Departamento Administrativo de Bienestar Social*, DABS), specific unions of informal vendors.	Training for small businesses was implemented; courses on finance and accounting were held; "incubators" allowed to borrow equipment from DABS for 6-18 months; time was insufficient for businesses to acquire necessary capital to purchase equipment.
National Commerce Strategy	2000	Ministry of Economic Development and the Center of Research for Development of the *Universidad Nacional* of Colombia	Program would attempt to decrease elevated transportation costs, develop infrastructure (especially regional freezer houses and storage units), give credit access to small producers. The program is being evaluated by President Andrés Pastrana.
Micro-credit/Revolving Fund for Informal Vendors	1997-2000	Informal Sector Unions, NGOs, Maria Cano Institute, Dutch Aid Agency, Acción International	Very small-scale, results have been positive.
Strategic Planning	1994	United Nations Development Program (UNDP), Mayor's Office of Bogotá	Both a table for public space and a table for informality proposed projects that would preserve public space and lead to better conditions for street vendors.
2. Welfare Packages			
Improved Social Security for Informal Vendors	1995	CGTD, C.U.T.	Plan was never implemented.
3. Legal-Institutional Packages			
3.1 Legal Recognition			
Proposed Law 68/1997: Creation of Local Registries of Informal Vendors and Increased Regulation of Police Seizures	1997	Law was drafted by Germán A. Aguirre Muñoz of the Colombian House of Representatives	Law was never passed; received considerable opposition from a Bogotá business organization (FENALCO).
3.2 Taxes			

Tax-Free Fairground for Crafts and Souvenirs	1996	Maria Cano Institute, Inter-Union Committee of the Informal Sector of Santafé de Bogotá, D.C. (*Comité Intersindical del Sector de la Economía Informal en Santafé de Bogotá, D.C.*)	Plan was never approved.
3.3 Labor Regulation			
Local Tables for Negotiation and Conflict Prevention (Comité de Concertación)	1991, 1995	Mayor Juan Martín Caicedo Ferrer (1990-1992) and labor unions, especially the *Confederación General de Trabajadores Demócraticos* (CGTD)	First table was established in the administration of Mayor Caicedo Ferrer composed of representatives from the Mayor's Office and twenty representatives from the informal sector. After Caicedo Ferrer, the tables were not reactivated; various groups involved could not agree on a mediator who they thought was legitimate and neutral; absence of organization in preliminary meetings.
National Law of Informal Commerce Regulation: Law 289/2000 (Senate) and 074/1999 (House of Representatives)	1999-2000	Law was authored by Risaralda Germán Aguirre and supported by Senator José Ignacio Mesa of Antioquia and Senator Flora Sierra de Lara of Córdoba, and was approved by the House of Representatives of Colombia.	The law was ultimately rejected by the Senate in June 2001 on the grounds that it was "unconstitutional."
Fund for Relocation by Private Initiates to Non-government Constructed Markets	1999	National Association of Indigenous Artisans and Vendors (*Asociación Nacional de Artesanos y Vendedores Indígenas*, ASNAVEI)	Several groups have relocated to better areas. The *Asociación Indígena* pays an owner of a parking lot twice a week to convert the lot into a market for sweaters and other clothes.
4. Institutional Arrangement & Grassrooots Support			
Alamedas: Rotating Markets on Assigned Streets During Certain Days of the Week	1994-1997	Fruit & vegetable vendors, Workshop for Public Space (*Taller del Espacio Público*), Ministry of Urban Development (*Instituto de Desarrollo Urbano*, IDU), Fund for Popular Sales (*Fondo de Ventas Populares*)	Many existing alamedas were successful, proposals to include four localities in Bogotá—Kennedy, Bosa, Tunjuelito, and Ciudad Bolívar—were never enacted.
Formation of Cooperatives	1995-1997	Bogotá Mayors Office, sympathetic street vendors	50 cooperatives have been formed; supply chain of certain products has improved; training programs were implemented; an umbrella federation of cooperatives was formed.
Community-based Development	1995-1997	Administrative Department of Communal Action (*Departamento Administrativo de Acción Communal*, DAAC) and Bogotá Mayors Office (Mockus Sivickas administration, 1995-1997)	Attempted to incorporate street vendors in programs that generated employment and neighborhood development; program was significantly reduced by Peñalosa administration (1998-2000).
Government Support for NGOs to Design Informal Sector Assistance Projects	1993-2000	*Central Unitaria de Trabajadores de Colombia*, C.U.T.	The Mayor's Office has not funded NGOs to implement projects that affect informal workers.
Town Meetings, Participatory Democracy, and Public Debate on the Formation of the Bogotá Police	1995-1997	Bogotá Mayors Office (Mockus Sivickas administration, 1995-1997), Ministry of Culture and Tourism of	Implemented by the Mockus Sivickas administration (1995-1997); meetings were held in several of Bogotá's

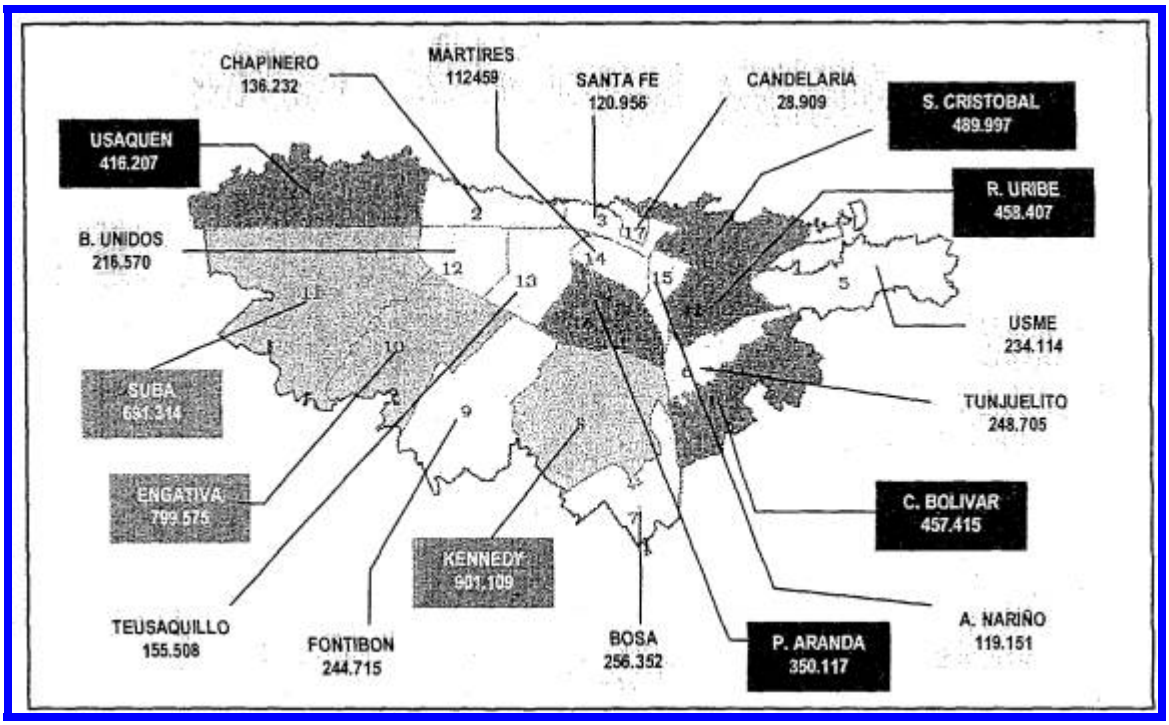
Code and it Impact on Street Vendors ("semilleros de convivencia")		Bogotá	district; to a certain degree, citizen input was integrated into future local government plans.
Reorganization and/or Elimination of the FVP	1998 - present	CGTD, C.U.T.	Plan would have replaced the *Fondo de Ventas Populares* with a tripartite organization for economic assistance to street vendors (government, unions, and the private sector). It was never implemented.
Consolidation of Informal Sector Unions and Cooperatives	1997	Labor Unions and Cooperatives	*Federation of Cooperatives* has been strengthened, but still is relatively weak.
Incorporation of Informal Labor Demands in the Agenda of Formal Unions	1998-2001	C.U.T.	C.U.T. National Conference for Informal Vendors was organized June 2000 in Cali

The four categories of assistance packages were first described by Tokman (1989: 1067-1076)

Sources: Ministry of Economic Development and the Center of Research for Development (CID) of the Universidad Nacional, Una Política Pública Para el Comercio Interno de Colombia. Bogotá: Universidad Nacional. 2000. pp. 23-25. Luis Ricardo Gómez, et al, Desafíos de la Modernización y Sector Informal Urbano: El Caso de Colombia. Geneva: International Labour Organization. 1998. pp. 132-141. "Pólemica Por Vendedores," *El Tiempo*, March 24, 2001. *El Tiempo*, "Frente Común Contra Ventas Ambulantes," June 5, 2001. C.U.T., "Documento de Exposición del Diagnóstico Para el Sector Informal Urbano," March 1996. Gilberto Pareja Garcia, Letter to supporters of the Central Unitaria de Trabajadores de Colombia Union, June 2000, p. 2. "Texto Definitivo del Proyecto de Ley Número 068 de 1997 Cámara," *Gaceta del Congreso 234*, August 3, 1999, p. 4.

Appendix B

Map of Bogotá's Localities



Source: Georgetown University Colombia Program, "How a City Recovers from Violence and Terrorism," World Wide Web. http://www.georgetown.edu/sfs/programs/clas/Colombia/how_a_city_recovers_from_violence.htm. Accessed on November 26, 2001.

Appendix C

Laws Governing the Bogotá Mayor's Office's Policy With Respect to Mobile and Stationary Street Vendors Occupying Public Space

Public Space

Acceso de personas con capacidad de orientación disminuida por edad, analfabetismo, incapacidad o enfermedad (S. T-499/99, SU.601ª/99)
Protección y acceso al espacio público (S. T-499/99, SU.601ª/99)
Actuaciones de la policía administrativa (SU.601ª/99,T-706/99)
Ampliación del concepto (S. T-499/99, SU.601ª/99,T-706/99)
Connotación constitucional (S. T-706/99)ESPACIO PUBLICO-Determinación sitio donde puedan laborar las personas que van a ser desalojadas (SU.601ª/99,T-706/99)
Diseño y ejecución de un adecuado y razonable plan de reubicación de vendedores ambulantes (SU.601ª/99,T-706/99)
Efectos de los actos de perturbación (S. T-499/99, SU.601ª/99,T-706/99)
Elementos que integran el concepto (SU.601ª/99)
Gravación menor que para áreas privadas en unidades inmobiliarias cerradas (S. C-346/97)
Fenómeno social que conlleva la economía informal (SU.601ª/99,T-706/99)
Legitimidad de las conductas tendientes a la protección (SU.601ª/99,T-706/99)
Presupuestos necesarios para reubicación de vendedores ambulantes (SU.601ª/99,T-706/99)
Reglas para la preservación deben ser razonables (SU.601ª/99,T-706/99)
Solución de problemas sociales por las autoridades debido a la ocupación (SU.601ª/99)
Sentencia T-133/95
Acceso (Sentencia T-288/95)
Ocupación de tierras por recicladores (Sentencia T-617/95)
Plan de reubicación del barrio los Comuneros (Sentencia T-617/95)
Protección (Sentencia T-617/95)
Ceremonia religiosa en cementerios (Sentencia T-602/96)
Ocupación ilegítima no permite reubicación (Sentencia T-160/96)
Plan de reubicación para recicladores (Sentencia T-548/96)
Recuperación (Sentencia T-438/96)
Reubicación de desalojados (Sentencia T-438/96)
Regulación corresponde al legislador (S. C-346/97)
Concepto (S. C-346/97)
Protección de la integridad (S.P.V. C-346/97)
Recuperación compete al Estado (S. T-398/97)
Recuperación conlleva plan de reubicación (S. T-398/97)
Recuperación por funcionarios de policía (S. T-398/97)
Plan de reubicación de vendedores ambulantes titulares de licencias (S. T-778/98)
Plan de reubicación de vendedores estacionarios (S. T-550/98)
Presupuestos necesarios para reubicación de vendedores estacionarios (S. T-550/98)
Presupuestos necesarios para reubicación de vendedores estacionarios titulares de licencias (S. T-778/98)
Recuperación (S. T-550/98)
Recuperación por el Estado (S. T-778/98)

Street Vendors

Adjudicación de puestos (Sentencia T-115/95)
Discriminación (Sentencia T-115/95)
Reubicación (Sentencia T-133/95)
Ubicación (Sentencia T-115/95)
Reubicación (Sentencia T-091/94)
Reubicación (Sentencia T-578/94)
Validez del permiso (Sentencia T-578/94)
Reubicación temporal (S. T-398/97)
Conciliación del interés general con derechos de personas que ejercen el comercio informal (SU.601ª/99,T-706/99)
Presupuesto para reubicación (Sentencia T-160/96)
Reubicación temporal de foráneos (Sentencia T-647/96)
Vendedores ambulantes desalojados (SU.601ª/99,T-706/99)

Human Rights: Rights of the Child, Freedom of Mobility, Collective Rights, Fair Eviction Procedures

Reconocimiento de espacio para tránsito peatonal (S. T-427/98)
Vías y espacio para tránsito peatonal (S. T-427/98)
Utilización del espacio público puede afectar derechos fundamentales(S. T-530/97)
Intromisión indebida en el espacio privado de las personas (S. T-394/97)
Uso del espacio público(S. T-530/97)
Ocupantes del espacio público (S. T-396/97)
Reubicación de desalojados (S. T-398/97)
Reubicación de desalojados (Sentencia T-438/96)
Derecho al espacio público (Sentencia T-115/95)
Protección del espacio público (Sentencia T-395/95)

Source: Lt. Col. José Rodrigo Palacio Cano, "Espacio público: su normatividad," Unpublished Document. Metropolitan Police Force of Santa Fé de Bogotá. Recuperation of Public Space and Plan Centro Program. Pp. 4-5.

Appendix D

Testimony of a Bogotá Street Vendor

"I live in Meissen [a neighborhood in Ciudad Bolívar in Bogotá] and therefore must wake up every day at four in the morning. I drop off my little grandson with Doña Carmen while the older one goes to school in the afternoon. My youngest son who is fifteen years old leaves later—I don't know where he goes—but I'm pretty sure that he goes with his friends from the neighborhood to recycle garbage. He doesn't want to continue studying.

Sometime he helps me pick up oranges and carrots at the Corabastos Market. To buy good fruits and vegetables, we must wake up really early and then catch an old car that takes us and all of our bags to where I store the juice cart. I usually go to Corabastos Market every three days, but when a lot of people buy juice from me, I sometimes go to a market that is close by—the Paloquemao. But there the oranges cost more. The days that I go to get supplies start very early, I get up at around two so that I can arrive to the Reina bodega early.

I sell juice from seven in the morning, but first I take the cart out from the parking lot where I pay someone to look after it during the night. I then lock the oranges in the cart and afterwards I go to a café where I buy a bucket of water to clean the oranges.

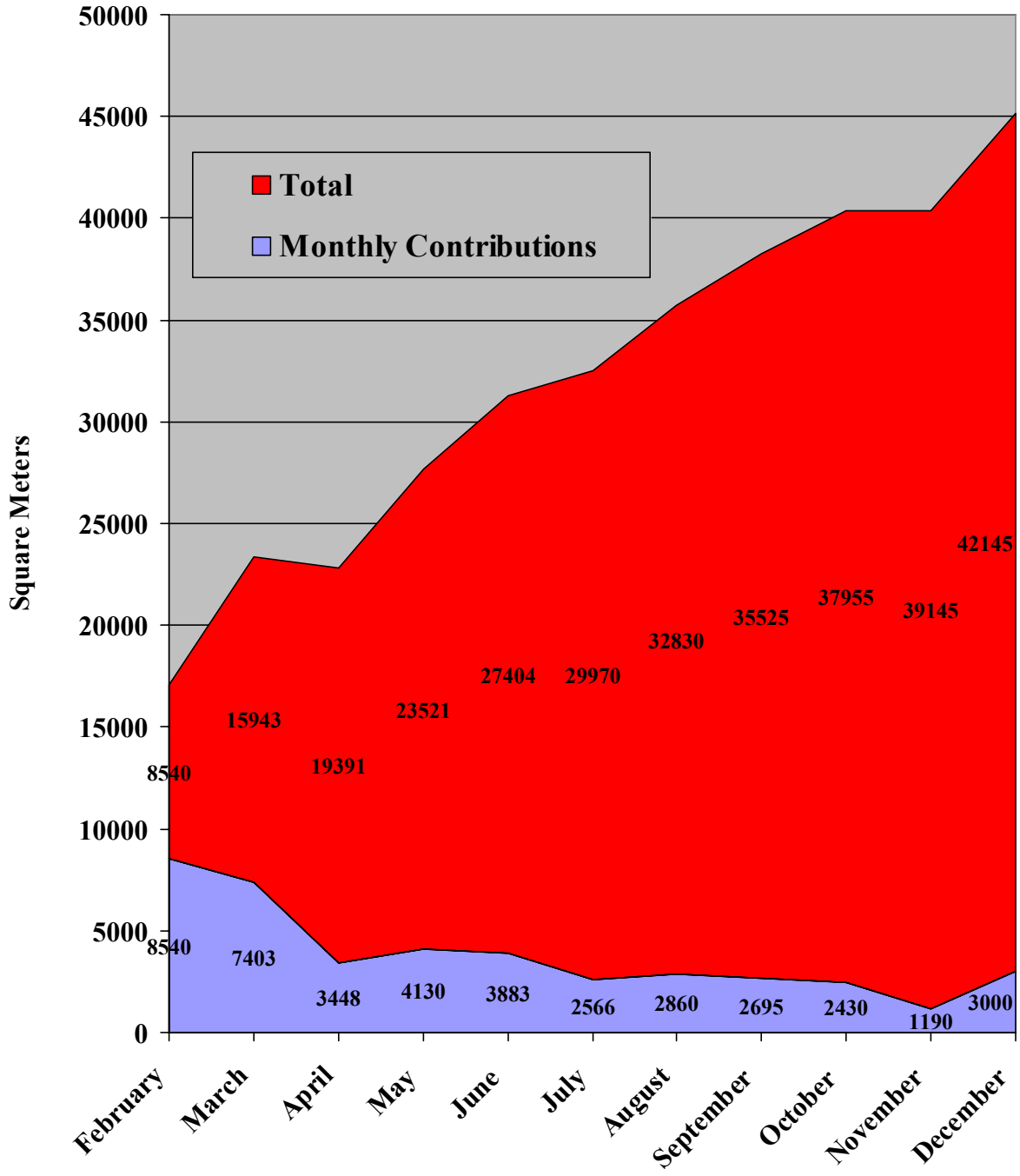
I don't throw orange peels on the ground where I work. I put them in an old sack and give them to the Agency for Public Services of Bogotá. I don't sell during the afternoon—you don't sell this juice very late—and given this, I can leave early at around three. I return to my house where I prepare dinner and run errands for my children, because since my daughter left, I don't have anyone to help me take care of the children. And you really can't leave them alone or they'll get bad habits like the older son. I usually get home at four thirty or five and then I start doing house work. I usually get in bed around ten or eleven.

One time street children [*gamines*] robbed me when I used to sell juice along the *carrera décima*. It was terrible because they stole my rent money."

Source: Quoted in Jesús Galindo, "Costos y Beneficios de Legalización Del Sector Informal: La Perspectiva Desde Los Trabajadores Informales" in Carlos Maldonado, et. al, eds., *El Sector Informal en Bogotá: Una Perspectiva Interdisciplinaria*. Geneva: International Labor Organization, 1997, p. 98. Author's translation.

Appendix E

Square Meters of Public Space Recovered From Street Vendors: February - December 2000



Source: Plan Centro—Subsecretaría de Asuntos Locales, "Operativos Año 2000." Excel Worksheet.

Appendix F

Questionnaire for Diagnostic of Street Vendors' Income and Working Conditions

IDENTIFICACIÓN

PARA EL/LA ENTREVISTADOR/A

1. Número de la entrevista _____
2. Barrio y dirección de la entrevista _____
3. Fecha de la entrevista _____
4. Nombre de el/la entrevistador/a _____
5. Sexo: Masculino □ Femenino □
6. Forma de ejercer la actividad
   (1) maletas portátiles
   (2) tableros en madera
   (3) puestos o de piso
   (4) carretas
   (5) mesas de madera o metálicas
7. Producto/s del vendedor _____

PARA LA PERSONA SELECCIONADA

8. ¿Ud. trabaja independiente o le pagan por su trabajo?
   □ independiente o trabaja por cuenta propia
   □ es asalariado

INCREMENTO DEL COMERCIO CALLEJERO

*1. ¿Cuánto tiempo hace que empezó a vender?*_____
2. *¿Desde que Ud. entró en el negocio, ha estado fijo (□) o móvil (□)? ¿Se ha mantenido fijo desde el inicio?* Sí □ No □
3. *¿A qué se dedicaba Ud. inmediatamente antes de trabajar en su negocio o empresa actual? ¿En ese trabajo que era?*
   (1) empleado asalariado
   (2) estudiante
   (3) pensionado
   (4) desempleado
   (5) discapacitado
   (6) rentista
   (7) otro _____
4. *¿Entre las razones por las cuales Ud. trabaja en este tipo de negocio esta:*
   4.1 *el negocio no requiere mucho capital* Sí □ No □
   4.2 no pudo conseguir trabajo asalariado Sí □ No □
   4.3 *jubilación* Sí □ No □
   4.4 *familia necesita ingreso adicional* Sí □ No □
   4.5 *puede trabajar junto con la familia* Sí □ No □
   4.6 *permite combinar el trabajo con el hogar* Sí □ No □
   4.7 *buscaba mayor estabilidad o mejor futuro* Sí □ No □
   4.8 *le gusta ser independiente* Sí □ No □
5. *¿Dónde nació Ud.?* Municipio _____ Departamento _____

6. *¿Ud. nació en la ciudad o en el campo?* _____
7. *¿Hace cuanto tiempo que vino a Bogotá?* _____
8. *¿Desde cual ciudad vino?* Municipio _____Departamento _____
9. *¿Cuál fue la principal razón por la que vino a Bogotá?*
   (1) posibilidad de conseguir trabajo
   (2) posibilidad de estudiar
   (3) desplazado por la violencia
   (4) catástrofe
   (5) hay familiares en Bogotá
   (6) otro _____
10. *¿Cuánto se vende cada semana?* $_____ (Si no sabe, pase a 10ª)

10ª. *¿Cuánto se vende diario?* $ _____

11. *¿De esto cuánto es para Ud.?* $_____
12. *¿Cuánto de lo que gana dedica al negocio?* $_____
13. *¿Recibe otro ingreso?*
    Sí □ (pase a pregunta # 14)
    No □ (pase a pregunta # 1 del próximo bloque)
14. *Los ingresos son:*
    (1) intereses de préstamos
    (2) arriendos
    (3) pensiones
    (4) transferencias
    (5) ayudas
    (6) otro _____

6 *¿Cuál es el valor?* _____

EXTENSIÓN DE LAS JORNADAS DE TRABAJO

1. *¿Cuantas horas trabaja Ud. cada día?* _____
2. *¿Si tenía el mismo negocio en el año pasado, cuantas horas trabajaba Ud. diariamente?* _____
3. *¿Actualmente, cuantos días trabaja Ud. cada semana?* _____
4. *¿Si tenía el mismo negocio en el año pasado, cuantos días trabajaba Ud.?* _____
5. *¿Ud. trabaja los días festivos?*
   Sí □
   No □
6. *¿Hace un año trabajaba los días festivos?*
   Sí □
   No □
7. *¿Cuantas semanas de descanso toma al año?* _____
8. *Además de su empleo ¿tiene Ud. actualmente otro trabajo?*
   Sí □ (pase a pregunta # 9)
   No □ (pase a pregunta #10)
9. *¿Qué hace Ud.?*
   (1) empleado asalariado
   (2) trabajador por cuenta propia
   (3) patrón
   (4) empleado doméstico
   (5) otro _____

10. *¿Piensa Ud. que trabaja (1) más, (2) menos o (3) igual que el año pasado?*
11. *¿Porqué?*
    (1) la recesión
    (2) lo de la alcaldía
    (3) necesidades familiares
    (4) por peligro
    (5) otro _____
12. Si es vendedor ambulante (sin puesto fijo): *¿Para vender sus productos, Ud. tiene que caminar (1) más, (2) menos o (3) igual que el año pasado? ¿Porqué?* _____

REDUCCIÓN DE LA CALIDAD DE CONDICIONES LABORALES

1. *¿Ha estado Ud. enfermo el último año como resultado de su ambiente de trabajo?*
   Sí □
   No □
2. *¿Existen peligros desde el punto de vista de seguridad?*
   Sí □ (pase a pregunta #3)
   No □ (pase a pregunta #4)
3. *¿Cuáles?*
   (1) roscas
   (2) robo
   (3) vehículos
   (4) otro _____
1. *Ha aumentado los peligros de su trabajo en el último año?*
   Sí □ (pase a pregunta #5)
   No □ (pase a pregunta # 6)
2. *¿Cuáles peligros han aumentado?*
   □ más robo
   □ más roscas
   □ más atropellos
   □ otros _____
1. *¿Está cubierto por una entidad de seguridad social o salud?*
   Sí □ (pase a pregunta #7)
   No □ (pase a pregunta #8)
   No sabe □ (pase a pregunta #8)
2. *¿Cuánto paga Ud.?* $_____
3. *¿En el último año la policía le ha quitado la mercancía?* Sí □ No □
4. *¿En el último año la policía lo ha reubicado?* Sí □ No □
5. *¿En el último año la policía lo ha maltratado físicamente?* Sí □ No □
6. *¿En el último año la policía le ha impuesto una multa injusta?* Sí □ No □
7. *¿Ud. tiene que pagar a alguien para poder vender* [nombre del producto] *aquí?*
   Sí □ (pase a pregunta #13)
   No □ (pase a pregunta #1 del próximo bloque)
8. *¿A quién le paga?*
   (1) la rosca
   (2) la policía
   (3) otro _____

9. *¿Qué pasaría si no le paga?*
   (1) los sacan del negocio
   (2) lo agregan
   (3) nada
   (4) maltrato verbal
   (5) otro _____

CAMBIO DEMOGRÁFICO DE LOS COMERCIANTES CALLEJEROS

1. *¿Cuántos años tiene Ud.?*_____
2. *¿Cuál es el nivel educativo más alto alcanzado y el último grado aprobado en este nivel?*
   (1) *ninguno*
   (2) *primaria*
   (3) *secundaria*
   (4) *superior*
   (5) *universitaria*
   (6) *postgrado*
3. *¿Cuál es su estado civil?*
   (1) soltero(a)
   (2) casado(a)
   (3) unión libre
   (4) divorciado(a)
   (5) separado(a)
   (6) viudo(a)
4. *¿Cuantas personas conforman su hogar?*_____
5. *¿Entre los miembros de su familia, cuántos dependen económicamente de Ud.?* _____
6. *¿Cuántos miembros de su familia trabajan con Ud.?* _____ *De estos, cuántos son niños?* _____
7. *¿Emplea niños que no son miembros de su familia para trabajar?* Sí □ No □
8. *¿Ud. perteneció a una cooperativa o un gremio el año pasado?* Sí □ No □
9. *¿Actualmente pertenece a una cooperativa o un gremio?* Sí □ No □
10. *¿Cuánto dinero necesitó para iniciar al negocio?* $_____
11. *¿Ud. tiene permiso legal de trabajar aquí*? Sí □ No□

Appendix G

Questionnaire for Street Vendor Relocation

I. IDENTIFICACIÓN

A. Para el/la entrevistador/a

1. Número de la entrevista ☐☐
2. Barrio y dirección de la entrevista
3. Número del local ☐☐☐
4. Sexo de el/la vendedor(a): Hombre ☐ Mujer ☐
4. Fecha de la entrevista ☐☐ / ☐☐
5. Nombre de el/la entrevistador(a):

Para iniciar el contacto, el/la entrevistador/a debe motivarse al sujeto para que permita la realización de la entrevista. Habitualmente el/la entrevistador/a seguirá una secuencia de procedimientos que explica el propósito y los objetivos de la investigación, identifica al patrocinador (USTA) y comunica la naturaleza anónima o confidencial de la entrevista. Después de la entrevista, cada entrevistador/a debe agradecer al informante (por ejemplo, <<muchas gracias por su colaboración>>).

B. Para la persona seleccionada

1. ¿Antes de que trabaja acá, Ud. trabajaba como trabajador por cuenta propia o vendedor ambulante en Bogotá? **SÍ** (pase a pregunta 2) **NO** (termine la entrevista)
2. ¿Entonces, Ud. fue reubicado(a) a este sitio? **SÍ NO OTRO**

_____

3. ¿Su negocio de ventas se desarrollaba en:

KIOSKO	☐	VITRINA	☐
CASETA	☐	CARRETILLA	☐
MESA	☐	SOBRE TELA	☐
CHAZA	☐	OTRO	

4. ¿Cuánto tiempo hace que empezó a vender acá?

II. PERFIL DEL VENDEDOR

A. Calidad de Condiciones Laborales

1. Compararía Ud. su sitio actual de trabajo con el sitio donde trabajaba como vendedor ambulante o trabajador por cuenta propia como bueno (1), regular (2) o malo (3).

	AHORA	ANTES		AHORA	ANTES
ESPACIO	☐	☐	**CALIDAD DEL AIRE**	☐	☐
RUIDO	☐	☐	**TEMPERATURA**	☐	☐
POLVO	☐	☐	**DISPONIBILIDAD DE AGUA**	☐	☐
OLOR	☐	☐	**LIMPIEZA/SANIDAD**	☐	☐
LUZ	☐	☐	**RECOLECIÓN DE BASURAS**	☐	☐

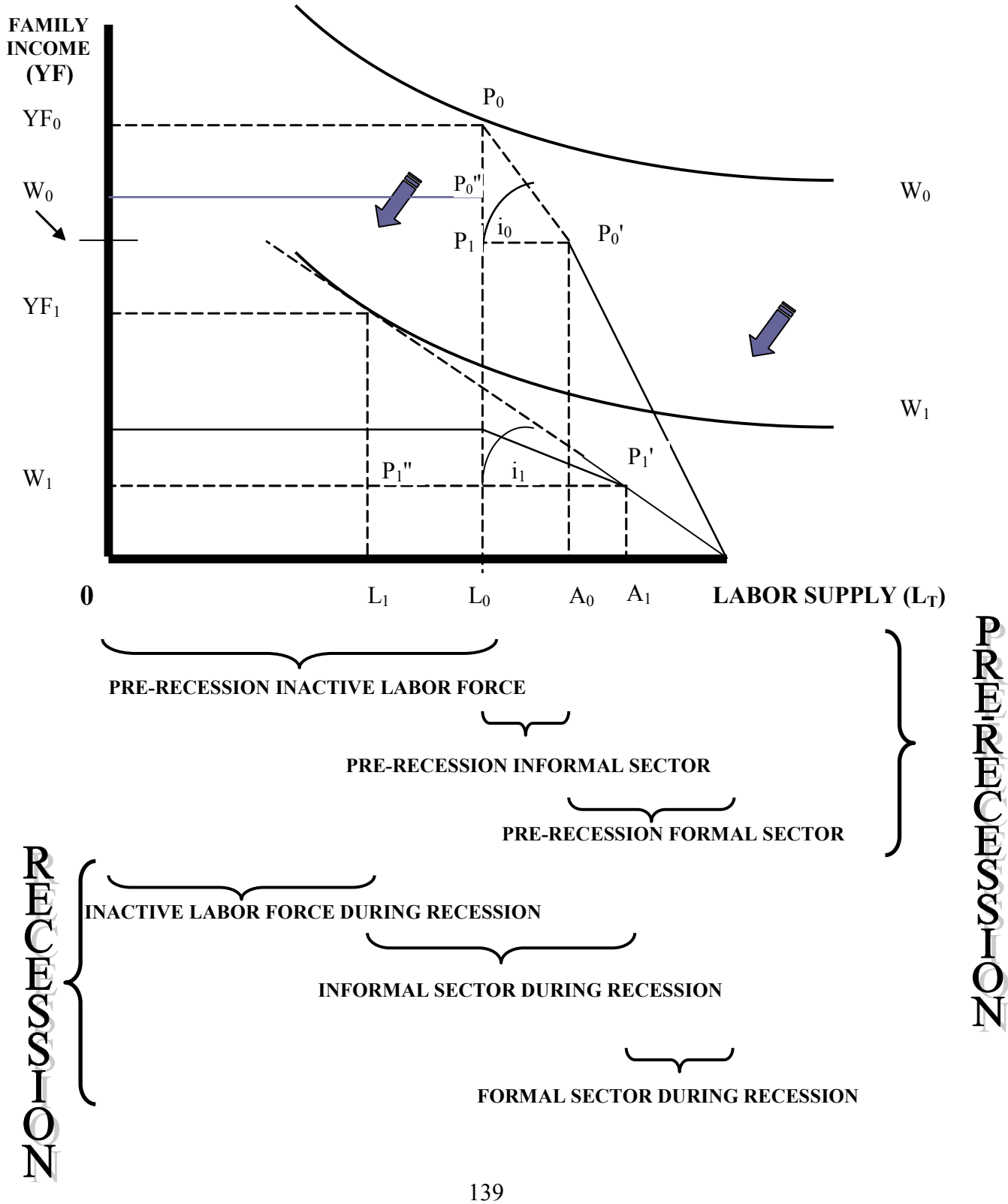
2. ¿Ha estado Ud. enfermo el último año como resultado de su ambiente de trabajo aquí?**SÍ NO**
3. ¿Cuando Ud. era vendedor ambulante o trabajador por cuenta propia se enfermaba
   MÁS (pase a pregunta 4) **MENOS** (pase a pregunta 5) **IGUAL** (pase a #5)
4. ¿Porqué?
   (1) las condiciones físicas del feria/mercado popular son mejores
   (2) no tiene que trabaja en el aire libre cuando hace mal tiempo
   (3) actualmente, usa equipo más seguro
   (4) otro ¿cuál o cuáles?
3. ¿Actualmente existen peligros desde el punto de vista de seguridad? **SÍ NO**
4. ¿Cuales?
5. ¿Ha bajado los peligros que cuando estaban en la calle? **SÍ (**pase a #8) **NO** (#9) **ES IGUAL**
6. ¿Porqué?
   (1) Hay menos roscas y mafias
   (2) Hay menos accidentes de trabajo
   (3) Hay menos robo
   (4) Hay menos atropellos
   (5) otro ¿cuál o cuáles?
9. ¿Como comerciante regulado, Ud. encuentra **MÁS , MENOS** o **IGUAL** persecución de la policía que cuando estaba en la calle?
10. ¿Ud. trabaja los días festivos? **SÍ NO** ¿En la calle trabajaba los días festivos? **SÍ NO**
11. ¿Es miembro de cooperativa, asociación, sindicato u otra organización? **SÍ NO**
12. ¿Cuando era trabajador por cuenta propia callejera/vendedor ambulante, era miembro? **SÍNO**

B. NIVEL DE INGRESO

1. ¿A cuánto equivalen sus gastos mensuales?
2. ¿A cuánto equivalían sus gastos mensuales cuando era trabajador por cuenta propia callejera o vendedor ambulante?
3. ¿Cuánto ahorra mensualmente?
4. ¿Cuánto ahorraba cuando era trabajador por cuenta propia callejera o vendedor ambulante?
5. ¿Ud. gana **MÁS , MENOS** o **IGUAL** que cuando estaba en la calle?
6. ¿Porqué?
7. ¿Si ahora Ud. vende el mismo producto que vendía en la calle, Ud. lo vende por un precio **MENOR** o **MAYOR**? Esta significa que está ganando más (☐) o que gana menos porque la ganancia cubre costos más altos (☐)?
8. ¿Aquí cuánto paga en arriendo cada mes?
9. ¿Si necesitaba pagar alguien para poder vender en la calle (policía, mafia), cuánto pagaba?
10. ¿Aquí cuánto paga Ud. en servicios públicos cada mes?
11. ¿Si necesitaba pagar servicios públicos cuando estaba en la calle, ¿cuánto pagaba?
12. ¿Cuánto paga cada año en licencia de funcionamiento? ¿y en impuestos?
13. ¿Ud. tiene un número **MÁS , MENOS** o **IGUAL** de clientes que cuando estaban en la calle?
14. ¿Porqué?
15. ¿En resumen, cuales son las ventajas y desventajas económicas más importantes de trabajar aquí?

Appendix H

Anti-cyclical Informal Sector Economic Model



Explanation of Anti-Cyclical Informal Sector Model

Renowned Colombian economist, Hugo López Castaño, in his seminal work on Colombia's informal economy, *The Informal Sector in Colombia: Structure, Dynamic and Politics* (*El Sector Informal en Colombia: Estructura, Dinamica y Políticas*), analyzes the effects of a recession on the informal sector. He argues that a crisis generates unemployment (if salaries, $\bar{s}$, are held constant) and increases the number of those beginning informal small-scale activities and offering goods and services in the unregulated market. An explanation of Graph 3[273] illuminates the shift in employment and its impact on wages.

The pre-recession labor supply is one characterized by an active labor population—both informal and formal—represented by the area between the pre-recession inactive workers (L_0) and the total labor force (L_T). This total is divided into two segments—informal and formal. While the space between the pre-recession inactive workers (L_0) and the pre-recession formal active workers (A_0) accounts for the size of the informal labor force, the area between the pre-recession formal active workers (A_0) to the total labor force (L_T) illustrates the size of the pre-recession formal labor force. In addition, the pre-recession inactive labor force is described graphically by the area between the pre-recession inactive workers (L_0) and zero.

According to López Castaño's anti-cyclical theory, when an economic crisis ensues, wages are first to respond. As the probability (ϑ) of obtaining salaried work reduces for the members of the formal labor force—both for the most and the least skilled workers—wages fall via a shift in the curve of possible wages to the left.[274] If the average income (i_0) doesn't change, it will produce a complete shift of the formal labor force to the informal sector whose income is higher. However, income in the informal sector *does* decreases to i_1 (the slope of the angle P1 P1'P1'' in Graph 3). Income in the informal sector will decrease to a level lower than that of the formal sector, but will nevertheless be higher than the average income of the informal labor force.[275]

If the crisis is severe, such as in 1999, López Castaño argues that average incomes will substantially fall and the cost to support an economically inactive population will increase as less people earn a sufficient income to help support these people. As a result, inactive workers are forced to labor in the informal sector; an enlargement symbolized by the shift from the pre-recession inactive labor force (L_1) to the smaller recession inactive labor force (L_0). This implies that during a crisis, rather than see lower participation in the informal sector, the rate of labor participation in informal markets actually increases.[276] One increase of the informal labor force is represented graphically by the area between the A_0 and A_1—those persons recently made unemployed by the crisis who have become part of the informal sector.

In sum, as a consequence of economic recession, salaried employment decreases, and the least-protected families (lacking financial and human capital) see their wages decrease and bear a higher rate of unemployment. In their reaction to compensate for a decline in income, they reallocate newly unemployed workers and/or force formerly inactive members (mainly those with the least probability of acquiring salaried labor, e.g. women, the aged and children) to work in informal activities.

[273] López Castaño, Henao and Sierra (May, 1986: 24-25)
[274] Ibid., 24-25.
[275] Ibid., 25.
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