MULTIPLICITY OF REGISTRATION SYSTEMS: MULTIPLICITY OF RECURSE STRATEGIES

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Under the Supervision of Claire Benit-Gbaffou
Declaration

This is the research report submitted for the Bachelor of Sciences with Honours degree in Urban and Regional Planning to the faculty of Engineering and the Built Environment, University of the Witwatersrand, Johannesburg. It has not been submitted for any degree or examination at any other university.

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Nomamfengu Mbele

Signed at University of the Witwatersrand, Johannesburg on 19 October 2017
Abstract

This research is about assessing the registration policy instrument utilised by various street trader management stakeholders. The research focuses on how the street traders experience these registration systems in the current street trader management context. Taking on the phenomenological qualitative research approach, the research tells the stories of registration, as told by street traders in and around Noord Street linear markets. This will be used as an attempt to explore and document the otherwise messily understood registration systems.

The dominant and formalised municipal registration systems are plagued by the inconsistency, fragmentation and unilateral decision making which has contributed to restrictive, yet more importantly the disempowerment of street traders. Whilst the informal civil-society registrations is characterised by collective, unifying and effective practices that have given the street traders an element of empowerment, yet there is still an urge to establish a management tool that would give the traders comprehensive empowerment to deconstruct the unequal power relations that persist in the South African society.
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**List of Abbreviations and Acronyms**

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<tr>
<td>CBD</td>
<td>Central Johannesburg District</td>
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<tr>
<td>CID</td>
<td>Central Improvement District</td>
</tr>
<tr>
<td>CoJ</td>
<td>City of Johannesburg</td>
</tr>
<tr>
<td>CJP</td>
<td>Central Johannesburg Property</td>
</tr>
<tr>
<td>DED</td>
<td>Department of Economic Development</td>
</tr>
<tr>
<td>JPC</td>
<td>Johannesburg Property Company</td>
</tr>
<tr>
<td>MTC</td>
<td>Metropolitan Trading Committee</td>
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<tr>
<td>OCS</td>
<td>Operation Clean Sweep</td>
</tr>
<tr>
<td>SERI</td>
<td>Socio-Economic Rights Institute</td>
</tr>
<tr>
<td>JMPD</td>
<td>Johannesburg Metropolitan Department</td>
</tr>
<tr>
<td>SANTRA</td>
<td>South African National Traders Retail Alliance</td>
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<td>SAITF</td>
<td>South African Informal Traders Forum</td>
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<td>ATO</td>
<td>African Traders Association</td>
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<td>NUT</td>
<td>Nigerian Union of Traders</td>
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Chapter 1: Introduction

The restrictive nature of street trader management is a well-known feature of Street trader management literature. The desktop study by Benit-Gbaffou (2015) seeks to identify specific elements of the street trader management system that can be adjusted in order to change this situation. The study into the street trader management models in Johannesburg conducted by Benit-Gbaffou (2015) identifies two elements which direct this specific research. These elements include firstly the multiplicity of the systems at play and secondly the fragmentation of the informal sector.

“Processes and documents ‘required’ seem multiple and complex” (Benit-Gbaffou, 2015 p:37)

In the first statement Benit-Gbaffou (2015) raises that it appears that that there are several processes and documents required for street trader management, yet this is not a conclusive statement. The statement alludes to the general lack of knowledge regarding the recognition system that the traders are exposed to.

“It has been argued the existing Informal Traders’ Forum has contributed to the further fragmentation of the sector rather than its unification and empowerment” (Benit-Gbaffou, 2015 p: 38)

The second statement identifies an argument made by (Horn, 2014) and (Matjomane, 2013) that states that the existence of the fragmented street trader actors/ organization is not beneficial to the attempt at addressing the restrictive street trader management.

“Operation Clean Sweep (OCS) – where the City of Johannesburg chased out of the inner city about 7000 street traders, licensed or not, and lost its case in the Constitutional court after having been sued by two trader organizations” (Benit-Gbaffou, 2015 p:16)

The above quote contradict the argument made regarding the fragmentation in the informal sector, as made by Benit-Gbaffou (2015). In this quote we see how the presence of two separate street trader organisation have been beneficial in the contestation of Operation Clean Sweep (OCS), which was a restrictive action conducted by CoJ. The fact that these two organisations had been essential actors in the court case against the injustices of the
CoJ, indicates that the presence of numerous street trader actors can empower the informal sector.

The fact that has been minimal research into the all the documents used for management practice is the initial gap in research that this report sets out to address. More importantly the research is interested in how the informal sector has been portrayed to have contributed towards disempowerment yet they have played a role in bringing empowerment back to the traders. The misunderstanding of the complex recognition systems alongside the negative perception of the role of the informal organisations are the key drivers that this research seeks to address.

1.1 Background

The 2009 informal trading policy outlines that there will be a transition to a developmental approach to CoJ street trader management. One of the key elements in implementing this approach had been to transition to a governance management structure. This is where we begin to see the presence of state and non-state actors being involved in street trader management. The various institutions have implemented different models for street trader management.

Initially the role of the street trader management was assumed by the state. The state, which in this research is the Johannesburg local municipality, implemented numerous policies and practices in order to engage with the street traders. Benit-Gbaffou (2015) states that the municipality had experienced difficulties in implementing efficient management practices. These difficulties included the failure to enforce management, denialist vision of the complexities seen in reality and the opacity in the management structures. The difficulties in the implementation of municipal management models resulted in the delegation of management responsibilities to the private sector. The private sector then began to implement their own street trader management practices, yet only in City Improvement District (CID) areas. The practices implemented by the private sector were deemed to be innovative and were giving the traders security of tenure and recognition that would allow for them to develop.
Matjomane (2013) discusses the practices which are implemented by street trader organizations as a way to manage street traders more effectively, more importantly the practices were developed reaction to the inefficiencies seen in the ‘formal’ management.

The varying management practices seen by the varying actors in street trader management indicate varying registration systems. Breckenridge (2014) defines registration as the concept of producing a written document, which documents the individual’s existence in a society. It is a tool used by most states to establish control over a certain group or items. This makes registration essential for street trader management practices, as the documented existence of the street traders will aid in the development of management practices. This also focuses the research interest to being less about the broad management practices but about the specific registration systems that are essential to the management development.

In spite of the existing street trader management actors with their varying practices, street traders are still not managed effectively. This is illustrated in the Operation Clean Sweep (OCS) in 2013, where stakeholders found it difficult to distinguish between the legal and illegal traders, showing the weaknesses in how the traders have been managed. This poor management resulted in the removal of all traders.

The research background indicates how the numerous actors with their management practices have negatively impacted the empowerment that street trader’s experience, highlighted in OCS. There is a need to assess the registration element of the management practices and the impact it has had to the experience of empowerment.

1.2 Problem statement

The problem statement driving the research emerges from the multiplicity of street trader registration forms that have been developed over the years by both state and non-state actors, without much coordination. These numerous registration forms have not been effective in managing or even protecting the street traders and we see the height of street trader management failure, as shown in OCS. The continuation of these practices’ in spite of
the broadly developmental discourse around street trading, is what makes the research interest a study on how the existing registration systems have not aided the transition into developmental street trading management in practice.

1.3 Research rationale

Existing literature regarding street trader management has focused on the broader elements such as; approaches taken, the policy-implementation gap and the ideas to address street trading in the post-apartheid society. This research seeks to deepen the narrative regarding street trader management by assessing the specific registration tool, its operation and its function to contribute to narrative discussions. The registration process is not clear to the researchers as shown by the unjustified statement made by Benit-Gbaffou (2014) that there ‘seems’ to be a complex process at play. This research aims to provide a recollection of the registration system to justify the statements regarding fragmentation and complexity.

The disempowering event of OCS and its justification being based on the street traders’ registration status’, is what makes the impact on the empowerment the ideal goal of the research. The research aims to go beyond the effect on the general management practices yet look into the specific element of registration and its impact on empowerment, as experienced by street traders.

1.4 Research Aims and Objectives

- To explore the existing registration systems which the street traders have been exposed to and to document the traders’ experience from application to the maintenance of the registration, as experienced by the street trader.
- To analyse the manner in which street trader’s use the registration systems and assess what the overall impact of registration is on the empowerment experienced by street traders.
1.5 Research question and Sub-questions

The research question prioritizes a narrative that is led by the experiences of the street trader as an individual and as a collective. The question seeks to keep the idea of experience as broad as possible in order to develop research which takes into account the full experience of the registration systems in place from the application to its uses.

1.5.1 Research Question

What is the experience of the street traders regarding the different forms of registration?

1.5.2 Research sub-questions

- What is the landscape of all registration systems, which street traders have been exposed to, in Johannesburg inner city?
- What are the various uses, by street traders, of the registration systems?
- How has registration impacted street trader well-being (political, economic and social)?
Chapter 2: Literature Review

2.1 Introduction

This chapter will consolidate the existing literature regarding street trader management. The review of this literature will pull out the essential concepts that tackle the above research question and the sub-questions. The literature review will look into the three themes; the first one is street trader management, second is registration and lastly the theme of empowerment.

This research lies at the intersection of these three themes. Street trader management as a state practice is the broad concept of the research. The concept of registration aids as a policy instrument utilized in street trader management, registration is the object of the research study which will be studied to establish the degree of empowerment it has brought for the street traders who have experienced it.

*Figure 1: The location of research within existing research*

2.2 Street trader Management

When reviewing the literature regarding street trader management the focus of the literature has been around how institutions have left the street traders, in which they manage, relatively vulnerable. The discussions involve the tools used, the overall approaches to the management and the failure to transition to a post-modern developmental practices.
Cuvi (2014) outlines the vulnerability of street traders in Sao Paulo and associates the vulnerability experienced by street traders to the low levels of institutionalization. Cuvi (2014) then states the dominant state approach to street traders, which is to formalize the activity through license provision or mere eradication. The main arguments raised by Cuvi (2014) includes; license provision has only been used to distribute precarious rights, such as the mere permission to occupy that space for trade. The second argument raised is that licenses had not assured an increase in the power that the street traders had over decision-making processes. This is shown through the illustration where authorities have the ability to contest the license provision, which is their registration, if the street traders are seen not in their stalls for 5 minutes.

Skinner (2008) identifies tools utilized in street trader management in African cities. These tools include spatial planning, infrastructure planning, licensing and taxes. Interestingly, in Nairobi, the use of licensing is crucial to inform the spatial planning and infrastructure planning. Skinner’s (2008) main argument is that licensing offers security of tenure which then allows the state to start to plan for the infrastructure provision and implementation of a rent collection program. However the African cities have adopted restrictive approaches to the licensing system as seen in limitation of licenses, which decreases the number of street traders, in the name of maintaining international investments.

Furthermore, Skinner (2008) points out that the licensing system has not improved the work conditions of the street traders, as seen through two factors; poor infrastructure planning and uninformed site allocation in areas that are not beneficial to traders but are instead areas that are convenient to the state. Skinner (2008) then raises the argument that the rent collection from the licensed traders has been identified as a revenue stream for the local government. This second use of the registration system provides another purpose of the policy instrument to illustrate the state’s true objective to street traders.

Bénit-Gbaffou (2015) looks closer into the documentation of the street trading management, specifically in the Johannesburg context. These management practices have been labelled as repressive since the colonial as well as post-colonial years. The research starts to locate the reasons behind the repressive nature of the informal trading
management policies; outlining the modernist principles trickling down to post-modern state practices seen in the emergence of new public management in the local government practices.

The dominant debate regarding informal trading management policies in Johannesburg are is that the policies have not been progressive. This has been accounted to the failure of local government and the increasing power and mismanagement of profit-oriented entities such as Metropolitan Trading Committee (MTC). The basis of the argument is how the modernist principles are still seen in the management of street traders.

“In order to create opportunities for the informal trading sector to share in the benefits of economic growth, the City will, through a developmental approach, enable access to job and entrepreneurial opportunities within the informal trading sectors” (City of Johannesburg, 2009)

Benit-Gbaffou (2015) argues that not only are informal trading policies failing to transition to more progressive approach, that has been mentioned in the above quote. The South African informal trading management is stuck in a restrictive management vicious cycle. The argument presented begins with the idea that the Johannesburg metropolitan has made unilateral decisions regarding the street trader management. The particular decisions referred to are the decisions regarding the number of trading sites and stalls available. The unilateral decision made leaves the demands of other traders unattended and the core purpose of the city becomes to ensure that the citizens abide by their decision. This minimizes the effort and resources directed towards the support of the citizens, therefore the City’s developmental goals are not addressed.

Bénit-Gbaffou (2016) looks into the state’s street trader policy instruments, which have been restrictive to the development of street traders in Johannesburg. Within the research, Bénit-Gbaffou (2016) identifies several realities regarding the state and street trader engagement. These include firstly the denialist state vision of true street trader needs which will require continued focus on existing street traders and the presence of street traders for a long time. Secondly the state’s production of illegal traders (through limited registration documents) making them ungovernable and lastly the unclear mandates of the stakeholders, such as MTC, included in street trader governance. These elements support
the claims made regarding the restrictive approaches to managing street traders, which are
directed towards restricting the informal activity in the name of maintaining formal business
investments and to instill the idea of order in Johannesburg. The research concludes with a
challenge towards the political leadership to assure that progressive policy instruments are
given greater support in order to support the growth of street trade.

Literature on street trader management has been focused on the discussions of the nature
which guide the decisions in street trader management. The research identifies the policy
instruments of registration in the management framework. The literature has indicated the
role of the policy instrument in the street trader management broad framework and the
uses its serves to the state for street trader management and the uses it serves to the
population it registers. The main uses which have stood out include its use to limiting street
traders within the city, however there has been its use as tool to initiate increased inclusion
into policy making and infrastructure provision programs.

2.3 Registration as a policy instrument

The literature regarding registration will look into the definition of registration, the uses of
registration as a policy instruments, the politics of registration and the reality of registration
application and implementation, in real-life state practices.

Breckenridge & Sretzer (2012) define registration as the production of a written document.
More specifically for this research is the registration of personhood, which is defined as the
production of the written record of an individual person within a society. Breckenridge
(2014) discusses the main uses of registration as a state practice. The uses of registration
include: increase the power of the state over the citizens which supplements Foucault’s
knowledge and power argument , registration as a remedy to poverty alleviation as an initial
phase for resource distribution and the use of registration to empower the citizens as it is
recognition of other citizen who acquire legal recognition.

Breckenridge’s (2014) main argument is around the use of registration as a developmental
tool. There is the identification that the concept of citizen registration will aid in the
realization of the emerging democratic progressive ideology in real life practices. There are three main uses of registration which aid in a developmental state. The uses include: registration as a bargaining tool for infrastructure provision, registration as a measure to facilitate the distribution of financial and bureaucratic services towards the marginalized and the ability of registration to enable citizens with actionable entitlement.

Breckenridge (2014), recognizes that registration can be implemented as a segregator policy tool. He uncovers this observation through the discussion of the critiques of registration as a state practice. The main critique being the propagation of unresponsive modernism practices which have no place in a developmental context, another critique of registration being the maintenance of an inequitable status quo in a context seeking developmental outcomes. This is implemented by the role the state plays in determining the criteria for who qualifies for registration which implicates who has access to necessary goods and services.

Amit & Kriger (2014) conduct the research into registration as it is used as a state practice in South Africa, arguing that registration is used to fulfill the state purpose as opposed to the citizens’ needs. The specific arguments raised in the research are targeted towards the restrictive approach. Registration was used as a policy tool to materialize discrimination. This was achieved through the limitation placed on which immigrants who may be registered. The limitation on the immigrants who may obtain registration enables the state to control the South African social fabric as an attempt to maintain some ideas of order. The limitations placed on registration introduced by Amit & Kriger (2014), raises a significant point; on how the approach to registration has been a disadvantage to South Africa’s greater economy as there is now a limit placed on the international skilled labour which the South African economy requires. This use of registration introduces another impact of registration as an inclusionary and exclusionary tool, regarding the limited number of registration places available. Applying it to the street trader registration, there is a need to research the criteria for application of registration as well as look into the number of places that each stakeholder has set to register compared to the reality of street traders. The analysis of this aids with 3 points, firstly is into assessing the inclusionary or exclusionary element of the policy instrument in street trader management, secondly is to justify the
need for registration (for the street traders who have not obtained registration) as they would gain access to the economy and to finally assess how the limited numbers have impacted the South Africa’s economy.

Mitullah (2003) conducted research on the registration of street traders taking place in Kenya. She outlined the failure of the registration documents, through license provision, to aid with the distribution of infrastructure and services. The results displayed the street traders have not been adequately integrated in infrastructure policy-making process and this has resulted in ineffective registration documents made for them and not by them. Mitullah (2003) argue that the poor relevance of registration documents to attend to the internal street traders’ wellbeing alludes to an external purpose of registration as policy tool to implement the needs of the state as opposed the needs of the street traders.

The story on the African Cooperative for hawkers and informal business (ACHIB) as told by Bénit-Gbaaffou (2014) illustrates the link between registration and collective empowerment of street traders operating in 1980’s Johannesburg. ACHIB as a street trader organization which was formulated to address the laws which restricted the ability that black people had to trade in the city. The organization, through collective mobilization accumulated power in the political sphere, obtaining insurance and increased credibility.

Increased credibility of the street trader organization had been initiated by the city council issuing the organization’s leader, Lawrence Mavundla. The city council had issued a ‘super licence’ to Laurence Mavundla and this license gave him the authority to issue trading permits to other street traders, this power increased the credibility of the organization. Bénit-Gbaaffou (2014) encapsulates that the improved registration had not had an impact on the harassment that was directed towards street traders as the permits issued, by the organization leader, were then used to identify the illegal traders and justify authority harassment.

Literature regarding registration as street trader management policy instrument, has shown uses which enhance the control that the state has over the social fabric and the uses of how registration is utilized to enhance the control and access that the marginalized have to the
resources of the state. This is what led to the dependent variable of the research which is the concept of empowerment, specifically interest lies in the empowerment of the marginalized.

### 2.4 Empowerment

The literature regarding the idea of empowerment is interested in the definition of empowerment, the varying conceptualizations of empowerment, the measurements of empowerment and the various approaches in which empowerment may be achieved.

Rowland (1995) discusses the use of empowerment for generalized development initiatives; the author brings forward the dimensions of empowerment, which may be measured and assessed to truly establish a level of empowerment. Rowland defines the idea of empowerment, within a developmental contexts. The definition, instruments of measurement and the final purpose of empowerment in policy-making will guide the research analysis of the registration system impact on the empowerment of street traders.

Rowland (1995) outlines the four conditions that define comprehensive experience of empowerment, in these contexts: skill development, consciousness of the power dynamics of the society they live in, the ability to exercise the control, work together to empower members of the society in a developmental context. There is then the discussion on how to measure the empowerment in this context. The instruments utilized are to the ensure more than economic strength yet they are to ensure the increased opportunities to access to social, political and economic resources.

In order to attain the empowerment discussed by Rowland, there is a need to develop a facilitative bottom-up approach in order for the marginalized to have minimal reliance on the outsiders. I.e. the state and private sector. The approach would result in bringing people into the decision-making process, access to economic market to enable participation in the overall economy from a position of greater strength and allowing the reshaping of the marginalized perception of themselves into knowing that they may occupy that space.
Sadan (1997) distinguishes between two forms of empowerment that have been introduced by Bacque (2012); individual versus collective empowerment. The specific points which are of interest are the measurements that define the attainment of each type of empowerment. The text identifies individual empowerment as an interactive process between the individual and their environment. The measure of individual empowerment is seen to be the realization of the individuals socio-political ability, the ability to participate and deal with everyday frustrations and struggles, their ability to influence and dictate the decisions made regarding their life as well as the faith they have in themselves to impact the social change in the context.

Sadan (1997) then introduces the concept of collective empowerment. The concept is defined as the increased control, as a collective, over their lives. Collective empowerment aspires to social transformation through liberation from structural oppression especially the population that was previously disadvantaged. They key indicator of collective empowerment is outlined as the development of organizations by varying community members. The various members provide resources such as skill interaction and political relations, which will empower the members within the organizations to achieve social change.

Research will not focus on either individual or collective empowerment, yet both forms of empowerment will be considered. This is due to the fact that the research focuses on street trader experiences with the registering systems, this will include the individual interaction with state registration and the collective interaction which emerges from the registration into a street trader organization. The aim is to gather a comprehensive document which discusses how registration has improved the individual empowerment or whether there has been an improvement on empowerment when trader organizations/groups interact with registration systems.

Bacque (2012) brings forward the various approaches in which empowerment may be attained from various parts of the world. The focus is placed on the thinking of these empowerment strategies from two dominant political ideologies in the United States. These
ideologies are that of the republican/conservative and the Democratic. Baque (2012) states the republicans focus towards individual as opposed to collective empowerment, prioritizing that individuals gain access to opportunity as opposed to the communities they live in. This is achieved through the limited state intervention whilst the individual works on their mechanism to poverty alleviation. The democrats thinking is that the empowerment is attained through an increased reliance on increased welfare as opposed to increase accumulation of private property. The varying ideas on the role of state causes a friction with their development of policies.

Third world countries have adopted the idea of limited state intervention as a way to encourage empowerment. Bacque (2012) identifies that in third world countries this manifests through social capital, equal opportunity to an improved livelihood, citizenship and employment inclusion. The main argument raised by Bacque (2012) is how the empowerment approaches in third world countries has left power inequities unaddressed and the consultation forums are ineffective for the poor populations, resulting the poor redistribution of wealth or social security.

Research conducted by Covell (2008) looked at the introduction of rights-knowledge education as a way to increase the student engagement in their schooling system. The results showed that the increase knowledge of their rights increased the children’s participation in their management. It is not only the engagement that is observed, the research revealed that the children became more involved in the system as they have been now made aware of conditions which make their involvement legitimate. This increase in system participation as result of the knowing their actions are legitimate is labelled as overall increased empowerment experience. (Covell, et al., 2008)

Bhowmik (2003) and Daniel (2017) then discuss what empowerment may mean specifically and concretely for street traders; what it means and how it may be obtained. Bhowmik (2003) research defines the concept of empowerment as addressing social vulnerability and reducing the likelihood of eviction. This empowerment is obtained through the urban policy response to street traders in India. The main points which ensure a level of empowerment include; increased legalization of all street traders which will propagate self-regulation and
the introduction of ‘collective empowerment’ through increased development of street trader unions which will allow for access to ‘self-help’ social and credit security.

Daniel (2017) outline that empowerment of traders includes addressing the various structures of oppression this involves ensuring that the marginalized have economic, political and social control over their lives. Daniel (2017) conducts research which has taken a look at the empowerment achieved by various market management models operating in South Africa. She argues that the existing models prioritized financial benefits to achieve empowerment however there is a need for political empowerment to be experienced by traders to ensure the comprehensive experience of empowerment. The comprehensive experience of empowerment looks at the conditions explained by Rowland (1995) and these conditions require social, political and economic infrastructure provision.

The distinction made by Daniel (2017), will give various elements of empowerment to be on the lookout for, throughout the whole research in order to analyse the full attainment of empowerment for street traders, as opposed to being biased towards political or economic empowerment.

2.5 Conceptual framework

For the purpose of the research, there will be the use of the Breckenridge (2014) definition of registration of personhood as a written document to document the existence of an individual within a society. This will be provide the independent variable which the research focuses on. Yet this written document, being studied, is expanded further and the research will then focus on all the elements which arise from attaining the written document to maintaining it, as shown in figure 2. The dependent variable will be the empowerment observed from the various forms of registration, specifically the measurement of empowerment in a developmental context as discussed by Rowland (1995).

This focus on the registration policy instrument will build the body of research regarding the street trader management in Johannesburg and challenge the common narrative of the formal vs informal management practices as well as the restrictive nature of street trader
As shown in figure 2, the study will use the answers seen regarding registration and all its components to analyze the impact on street trader’s empowerment. Considering the individual and collective capacity built to control their lives and how the individual and the collective street traders perceive to have control over their ability to attain social change.

2.6 Conclusion

This chapter has drawn from various existing literature to build the concepts which will be used in aid of answering the question asked by the research. The literature began with presenting the literature on the approaches taken to street trading management, through that there had been the incidence of registration being a common feature yet used differently in street trader management. Then the literature looked into the literature of registration use in varying policies across the world, outlining its impacts on the people it registered its impact on the management that the state desired. Finally the look into empowerment brought forward the various forms of empowerment which will aid with the analysis of the registration data accumulated throughout the research fieldwork.
The concepts brought forward in the literature review will aid in framing the questions that are asked in research fieldworks, yet more significantly aid with the analysis and conclusions formulated regarding the existing registration system in Johannesburg.
Chapter 3: Research Methods

3.1 Introduction

This chapter will unpack the methods and processes taken by the researcher to engage with the individuals and resources that were involved in the development of the research.

Overall research approach

A qualitative method is used to direct the research process. As discussed by Bhattacherjee (2012), qualitative research is a form of research that has its interest based on sense-making, specifically the sense-making of complex social settings and processes. The complexity which arises from the various actors and tools involved with informal trading management in Johannesburg, makes the qualitative method the most applicable.

The specific characteristics, associated with a qualitative method, which would be beneficial to the research objectives include elements such as; holistic mode of inquiry, contextual understanding, the ability to uncover the unhidden reasons behind processes and it also allows for the perceptions or experiences of the data sample to guide the overall conclusion on the social phenomenon being studied.

The focus placed on the experience of the street traders, is what has initiated the specific phenomenological qualitative research. Interest is placed in studying the interpretations of registration, the reality of the registration application and implementation process and how street traders utilize the various registration forms available to them. This in the end will aid in uncovering not only the reality of registration in Johannesburg but also the blatant and unhidden reasons for engaging in registration which has been implemented by state private sector actors and the civil society actors in street trader governance. The research will involve qualitative data collection and analysis.

Bhattacherjee (2012) discusses several characteristics unique to phenomenology qualitative research, which will aid in the fulfillment of the specified research. These characteristics include;
• *naturalistic inquiry*, The study of street traders’ experience within their natural settings and the registration systems they are exposed to will be basis on the discussion pertaining the of empowerment experienced through registration

• *Researcher as an instrument*, it is imperative that the researcher puts aside their pre-existing bias in order to take the social reality as is.

• *use of expressive language*, The researcher will maintain observant of verbal and non-verbal language used to narrate the true experience of the participants as well as observe the perceptions that traders have on their impact on social change

### 3.2 Research Study area

An essential strategy employed by qualitative research, is the strategy of the *purposive sampling*. This strategy is where the researcher makes use of small case studies which constitute of the necessary contextual characteristics and requirements which fit the research aims and objectives.

With the particulars of this research, the selected case is the case of the street traders of Noord Street with the adjacent linear markets located in the central Johannesburg Metropolitan, indicated in figure 3. This was selected because of the presence of numerous stakeholders (which come with their respective registration systems) in one area and the fact that they had experienced OCS.

*Figure 3: The location of the case study within the Johannesburg Metropolitan. (North Arrow)*
The Johannesburg Metropolitan contains the strongest and most dynamic economy within the country. Figure 4 depicts the researchers’ journey alongside Noord Street, with the adjacent linear markets, located within this metropolitan. Despite the strength of the metropolitan economy, in comparison to other metropolitans in South Africa, the opportunities found in Johannesburg have not been made accessible to all the residents. This is a statement supported by the inclining unemployment rate\(^1\) and the declining labour absorption rate\(^2\).

The economic situation in Johannesburg, described in the above paragraph, has encouraged the participation in the informal economy, as supported by several newspaper article opinions:

‘As South Africa’s unemployment lines keep growing in its first post-apartheid recession, Johannesburg’s downtown sidewalks are increasingly crowded with street vendors hawking their wares.’

(Mail&Guardian, 2009)

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\(^1\) Unemployment in the Johannesburg metropolitan increasing to 25% in 2016 (STATSSA, 2016)  
\(^2\) Labour absorption rate declined to 52.6% in June 2017 (STATSSA, 2017)
The specific location of study, within the metropolitan, is the section of Noord Street with its adjacent linear markets, where there is close proximity to important transport modes and the associated foot traffic, hence the high presence of street traders in the area. The data sample consisted of street traders that were located on the research journey indicated in figure 2.

Despite the basic condition of locating an area with street traders, the street traders in research study area attain the necessary characteristics which would aid the development of the particular research. The characteristics including the presence of various street trader management actors, such as the private commercial business which concentrate in this section of Noord Street (Park central mall etc.) as well as the state aided developments seen through the wanderers and Noord street taxi ranks. The third characteristic which has made the study area ideal is the recent incidences of removal from trading stalls which threatened the traders authority in the area. This specific incident raises the question of what is the procedure that is to be followed to give the traders authority since the formal registration process had been put to a halt at the end of 2013? This further emphasizes the confusion which surrounds registration as street trader management policy instrument.

3.3 Data Collection

To address the research question the information needed includes; the types of registration documents utilized by the street traders, the various uses that the traders make of the registration documents, the process of application undertaken by street traders to obtain registration? And how registration is maintained, updated and checked.

To apply the naturalist mode of inquiry in reality there are various forms of data collection methods that the research will adopt. The methods which will be mainly interviews, scenario observation and document revision from existing reports and literature on the street trader management. With the key focus of obtaining data pertaining the street traders experience of registration.

3.3.1 Interviews

The large amount of data collection was acquired from interviews with the street trade block leaders, street traders and the street trader organisation leaders. Initially the plan was
to increase the diversity of street trader’s experience of registration. The increased diversity would be attained through the interviews of; four street trader organisation leaders, from different organisations (South African informal traders forum-SAITF, South African National Traders Retail Alliance-SANTRA, African Traders Association-ATO and One Voice); five to ten street traders within the research study area.

Street trader organisation leaders

Interviews with street trade organisation leaders had four purposes. Firstly was to provide the history of registration (before the process of registration had been put to a halt), secondly is to narrate what role registration status has in a particular organisation, thirdly was to describe their role as leaders in assisting the street traders with the registration process and finally to discuss their overall input on their experiences of street traders management in Johannesburg.

Securing the short interview with the organisation leader proved to be difficult once the research began as I ended up landing an interview with one street trader organisation leader. The poor response from the street trade organisation leaders to participate in the interview was unexpected as of the relation they had with the supervisor, however upon reflection, enquiring on a policy instrument that seemed to not be in effect or had an effect on their legal rights to occupy space as street traders probably contributed to their hesitation to participate.

Organisation leaders were also utilized as key mechanism as an entry strategy to gain access to the street traders, the focal points of research. It was imperative to be introduced to the traders through trusted street trader leaders, due to the street trade vulnerability and the limited trust that the street traders have with the individuals from the outside. Fortunately through CUBES I attained access to a SAITF leader, Phumulani Ndlovu who then gave access to a street trade block leaders, who then introduced me to the street traders in and around Noord Street.

Street traders

Interviews with the street traders were then taken as the main drivers of the research findings. Due to my contact made with the street trade block leader, securing short semi-
structured with the street traders was relatively comfortable in comparison with the interviews with the organisation leaders. The person I mostly communicated with was the street trade block leader on Noord Street block 4, who was himself a street trader. The process of street trader’s organisation was directed by him he took me through Noord Street, identifying street traders with varying registration status, various sections on the block and various private or public management. This experience was very helpful in understanding the complexity of registration of Johannesburg street traders.

‘Interview in a flash’ was the initial strategy with interviewing street traders during the fieldwork. This is a mode of inquiry as written by Goldstein (2016). The main point raised in this book section is to have short brief semi-structured interviews to the street traders, to be able to get a straight to the point answer whilst not interfering the street traders in their work. As trust is accumulated the researcher will invite the traders that have been participating to have more extensive interviews for more insight.

Each day of interviews would include multiple questions based on certain themes, this will aid the researcher to remain focused when documenting the results from the interview results. The themes include:

- Use of registration
- Registration application
- State( Registering authority) - Street trader engagement *(See annexure A)*

Due to the build-up of negative perceptions that street traders have with authority, this strategy had not been implemented in reality. Short semi-structured interviews became conversations with the street traders on their interactions with authority emerging from the experience of registration.

*Interview Challenges*

The welcoming of the street traders to engage with the research proved to be a benefit and a challenge to me, as an inexperienced researcher. The challenges raised included; digressing conversations which deterred me away from the interview purpose and the sensitivity which came from the informal relations that the street traders had built to contribute to the security that the street traders had to trade in that space. These are all
challenges which made it difficult for me to attain the answers required to develop an understanding of the registration process.

- Securing an interview
- Street traders request for some compensation - monetary
- Attaining the focused answers

These challenges were mitigated with the help of the street trader block leader. The leader made constant effort to ask the street traders to answer the questions that have been asked, this was a challenge for me due to some language barriers. The contact with a trusted member within the vulnerable group, such as the block leader, displays the crucial impact of such an entry strategy.

The overall challenges provided limitations to the conclusion on the research report would develop as the experiences recorded were limited to the respondents willing to participate and the findings leaned more to negative experiences as opposed to the comprehensive experience that the traders have been exposed to.

3.3.2 Case Research
This is a common research method to carry out qualitative research, a method where the researcher remains as neutral as possible and lets they’re intention and role as well-known as possible. Bhattacherjee (2012) discusses the method to be key in observing a rather complex social phenomena and does not influence the interaction whatsoever.

The use of case research was not the focal method of inquiry from the beginning of the research, however it became quite necessary due to the existing informal relations which exist regarding the entire registration process from the access to the updating and checking. The purpose of case research was for me to observe how the unregistered street traders experience the city and the empowerment or lack thereof that arises from being an unregistered street trader. I resorted to the participant observation method of inquiry due to the sensitivity I felt when doing fieldwork and the hesitation that the street trade block leader had to introduce me to the unregistered. It is minimal disturbance observed from
the block leader or other street traders which made me question of the degree of empowerment that the being unregistered might be experiencing.

The initial plan, regarding the case of the unregistered street trader, was to observe their interaction with customers, JMPD officers who were on sight and other street traders found in ‘formalised’ stalls. The interaction would give some clues on how these particular street traders strengthen their security to trade in that particular space.

**Challenges**

There are 2 particular challenges which arose with the case research of the unregistered street traders. These challenges include: the hesitation to discuss informal relations and secondly is the contradictory source of empowerment which seemed to arise from being unregistered which in total made it difficult to finalise the process of registration and its contribution to street trader empowerment.

### 3.3.3 Documents and Media

Within documents I had made use of previous student research reports, SERI reports and newspaper articles to gather how the street traders had experienced being street traders in Johannesburg, due to the this particular research referring to the specifically the experience of registration, there was not an abundant of research to refer to as it is policy instrument that has not been looked into individually despite it is acknowledged in the general restrictive informal trading management system.

**Challenges**

- Time
- Skill of researcher
- The bias and knowledge of the data sample
- Can’t answer research question and predict future behaviours

### 3.4 Ethical considerations

The ethical considerations arise with the research interaction with the participants of the research. The participants are the street traders within Johannesburg. The participants are identified as a vulnerable group. To address these ethical considerations, it is imperative to
form relation with a trusted street trader leader (organisation leader, street trade block leader). In one incident with the organisation leader, introduction was facilitated with the block leader and going forward facilitated with the street traders, this aided with the formulation between the street traders and the researcher. It was also imperative for the organisation and the participants to attain a benefit from the partaking in the research.

To respond to these questions was beyond my research field as I had not been speaking towards the official who are implementing and checking with the registration process, despite the pause put on it. The executive background given back to all participants who asked for feedback was to be formulated to bring attention the common experiences of registration that other street traders to inform them with the possibility of having to dispute the registration management system or to support the call for more useful mechanisms by the state.

To ensure an extra degree of comfort between the participants and the researcher, an information sheet of paper with description of the research and my name and supervisors’ name, alongside the contact details of us both would be displayed. This will allow participants to contact with any queries or complaints. The researcher will then, verbally confirm the anonymity of all participants paired with taking down no names throughout the interview.

3.5 Data Analysis
Interpretative analysis, the research will derive the information from the interview results to develop a narrative of the street traders experience under three dimensions, firstly it is to understand the registration process that inner city Johannesburg street traders are subject to, secondly it is to understand the uses and misuses of the registration systems to ultimately understand the third dimension, which is to determine the degree of empowerment experienced by the street traders’ engagement with the registration systems.

3.6 Research limitations
The use of qualitative research does present some limitations to the research conducted, these limitations are enhanced by the research conducted by an unexperienced researcher and the short time period that this research is meant to be conducted in. The limitations
include: too little data cause premature assumptions on the social phenomenon inadequate trust between the researcher and the participants.
Chapter 4: A landscape of fragmented registration systems: a typology of recognition

There is no overall and consistent database registering existing or even legal traders, existing currently in the city of Johannesburg. Traders’ experience as well as existing research or grey literature refer to multiple registration systems that can be organized into three categories. Firstly are the local state registration systems of which refers to smart cards, lease agreements and rent invoices these are systems administered by Johannesburg Property Company (JPC). Secondly are the civil society systems known as street trader and block leader registration lists. Lastly is an observed recognition strategy addressing the failures of the registration systems, which is known as the informal rent system.

The materiality of the registration system includes investigating;

- The process of application.
- The final product, in the form of material document, or evidence / proof of registration.
- The process of checking and updating of the registration.

The section presents the elements of the registration system as told by the street traders involved in the fieldwork.

4.1. Several registration processes in the municipal database

JPC was given the responsibility of street trader management in 2013 as outlined by Benit-Gbaffou (2014). JPC took over the management of street traders as it is stipulated in the 2009 informal trading policy, this policy seeks to establish a framework on how informal traders are to be managed. There are two registration systems that act as policy instruments to enact this policy. The systems include smart cards and the lease agreement. The fact that the policy instruments are seen in the policy, in 2013, JPC then became the administrators of both the registration systems.

4.1.1. Smart cards

The 2009 informal trading policy introduced the smart card as a new instrument involved in street trader management. The tool was developed with the purpose to prove that the
informal trader had been allowed to access licenses, permits and other permissions to use the trading space they occupy. Benit-Gbaffou (2015) outlines that the issuing out of smart cards was inefficient, the evidence being that out of the plan to issue out 4000 smart cards only 2729 smart cards were rolled out. The smart card was also ineffective due to the allocated smart cards not being aligned to the demand of smart cards, there was a rise of the illegal street traders. The registration system was deemed as unsuccessful for the management of traders and the system was suspended in 2013 after operation Clean Sweep.

Amongst the five interviewed street traders, two had the smart card in their possession. The research conducted by SERI (2015) revealed that more than half of the street traders interviewed, had the smart cards in their possession. There are some differences noted, between the traders, regarding the application and the maintenance of the smart card registration process, representing an element of inconsistency.

**Application**
The process of application to attain the smart card is similar between the two street traders interviewed.

**Database application**

“The process? You go to the JPC office and they ask you for your valid permit. Then from there they put you on their database” (Street trader 2, 17 July 2017)

The above quote is the most clear application procedure attained from fieldwork, concluding that the application process constitutes of:

- Go towards the JPC offices, located in Braamfontein which is approximately 3.5 km away from Noord Street.
- Required documents to bring to the offices, include ID and a valid residence or asylum seekers permit (for non-South African traders)
- Street trader is then placed onto the JPC database
- JPC takes about 60 days to approve or disapprove your application for the smart card, the street traders interviewed had not stated how long it took for them to retrieve their smart card.

**Being allocated a trading stall**
“Probably if the space is occupied, they put you on waiting list. When a space is available, they will allocate or demarcate a space for you” (Street trader organization leader, 7 July 2017)

The above quote indicates the application of a smart card being a two-part process. The first part being the application to be placed on the database and the second involving a demarcation of a trading stall through the application unto the waiting list, which is a separate document from the JPC database. Database refers to a document which is used by the management to identify the legal traders whereas the waiting list refers to a tool to aid the management in the redistribution of infrastructure and services. The process of being demarcated a trading stall is outlined as follows:

- After attaining the entitlement (smart card) which means they are on the JPC database, the street trader goes back to JPC offices to apply for a trading stall. The street trader states which location they would prefer to have their trading stall allocated.

- Dependent on the availability of trading space within the traders’ desired location. Street traders are placed on that location’s waiting list when the space becomes available JPC issues the trader a space. (see figure 5)

- The trading spaces that are available are referred to as the designated areas for trade, the areas are located on public roads or on any areas under the ownership of the council (City of Johannesburg Metropolitan Municipality, 2012). The designated areas are characterized by their public ownership, it is unclear what these areas have been demarcated as.
Figure 5: An example of the demarcated areas for trade, demarcated by JPC.


The street traders’ experience expand on the process of trading stall allocation that the SERI (2017) simply documented to be as simple as; acquire registration = trading stall allocated. The recognition given by the database does not ensure entitlement to a trading stand. The process involves abiding by the conditions to apply for entitlement to a demarcated space as well as it involves in applying unto a waiting list where the trader is made to wait for a space, their mere acquisition of a smart card does not ensure a trading space.

“I have been trading from this space for 30 years” (Street trader 1, 7 July 2017)

The response from street trader 1, shown above, hints that the existing traders are prioritised with regards to the allocation of trading space as the 2009 informal trading policy had legislated. The long term location of the street trader in that location indicates that the trader had applied for the smart card to formalise the trade in accordance to the 2009 informal trading policy as opposed to acquire a trading stall.

The waiting list is a tool used by JPC to administer the process of distributing trading stalls available to the street traders seeking trading space. The amount of legalised trading stalls is determined by JPC so the street traders apply to access the stall that JPC legalised. Street traders apply for stall in a desired area, the JPC consolidates the availability of the trading space within that area. If there is no space available, the trader is placed on the waiting list.

__3__ Interview of black female conducted by Nomamfengu Mbele (7 July 2017)
Street trader awaits for a space to be open, which can be done when a trader passes on or when the City takes away a street trader entitlement to the trading stall.

**Final product**

The smart cards recorded during fieldwork are shown in the figure 6 below:

*Figure 6 A: Smart card of a Female South African street trader, B: Smart card of a Male foreign street trader*

© Nomamfengu Mbele, 2017

As shown in figure 1, the smart card that the street traders have in their possession have the following details included:

- Personal information: name
- Passport/ work permit number
- Photograph
- Barcode-Payment and billing information. Which stipulates to the official the rental amount that is payable by the street trader. These details are given in the invoice that is issued to the street trader once a month. Street traders are unaware of the amount that will be given to them in the invoice. Whether this barcode retraces the history of the payment is unclear, however it is possible because the invoices that the traders retrieve for rental collection shows the
balance that the traders owes from when it began to trade under the municipal database (see figure 8)
- Trading stall information, also in the form of a code that is not understandable to the trader indicates the allocated trading location and the goods sold at the stall.

Whilst the computerised system, materiality of the card, bar codes and numeric codes convey an image of professional and efficient management. The efficiency has not been translated to increasing the knowledge that street trader have on the system, as shown in the below quote.

“We don’t know, we don’t see what we are paying for... we just pay when they come and tell us to pay. [...] I want to know who I am paying to and what I am paying for. When you go the offices they say you should wait for a report back, and this report back never comes” (Street trader 1, 7 July 2017)

The above quotes highlights the dissatisfaction associated with the rental collection procedure. There has been poor transparency on the end outcome of their monthly rental payments and overall there is no clarity on which rents correspond to which stalls (be it size, location, typology of trading stall) – what should be public information is not available anywhere. Officials request the payment at their own discretion.

The biometric nature of the registration systems has the potential of making recognition a policy instrument that promotes segregation. This is an argument presented by Breckenridge (2014). Arguing that it will contribute to the social inequality in a developmental context. Breckenridge (2014) argues that biometric nature of registration that we see in the computerised system of the smart card makes it hard for the vulnerable that have had prior challenges of literacy, to gain access to the conditions/details seen in the registration system right. There is a political implication associated with the use of biometric recognition. The implication is that the gap between the have and have nots is widened as there is increased skill development required in order to be fully aware on how the biometric system operates. The level of skills is not accessible to all. This is particular risk for in the South African context where the vulnerable have recently began developing basic literacy skills.

Rental collection
Procedure

Street trader 1[^1], is a black South African woman, who has been trading for 30 years. She operates in the open food stalls standing between Noord Street and De Villiers Street, (see figure 7). The rental collection process she practices involves:

- Once a month obtains an invoice from an official with the amount due. This is different to the experiences of the street trader operating in Hoek Street as explained by Tsebe (2017) where the traders receive an invoice directly from the bank.
- Receive the JPC account number and pays their account at either a Pick n Pay or at an Absa. Pays an amount of R100.
- Keeps all receipts of all payments as a statement of the payment history that the officials come and check for.

“When I have concerns, the people at Pick n Pay or Absa don’t know me, they can’t help me so where do my concerns go?” (Street trader 1, 17 July 2017)

The above comment, shows rental collection procedure to not be completely meeting the needs of the trader as they do not have their concerns directed to the people they want to listen and they do not see the services they were told initially that they were paying.

It is not only the biometric nature of registration which serves as a risk for the social inequality in the South African context, the poor engagement between the street trader and the authorities regarding enquiries on the rental collection purpose limits the potential of having the vulnerable break through the vulnerable position they are in. Resulting in having a permanent situation of the vulnerable and the powerful because of the variation in knowledge acquired.

“We ask the official that comes once a month, why we are paying when our stalls are not maintained by you and you have not assisted us in any way... They say they will get back to us but they never do.” (Street trader 1, 17 July 2017)

[^1]: Interview of black female conducted by Nomamfengu Mbele (7 July 2017)
SERI (2017) alongside the 2009 informal trading policy state that the attainment of the smart card was to aid with the distribution of infrastructure and services. However, the dissatisfaction and confusion regarding the provided infrastructure expressed by the street traders does not show the successful implementation of the policy instrument. Mitullah (2003) accounts the failure of the poor distribution of infrastructure and services to the poor inclusion of the traders in the policy making process, this raises a call for more inclusion of street traders in the infrastructure policy making in order to ensure that their needs are met. Their dissatisfaction and the obscurity regarding the rental collection process reflects the failure of the recognition in assuring a developmental outcome.

Street trader 2, is a black foreign male street trader who operates in the newly refurbished trading stalls on Noord street linear market. The rental collection process he experiences involves a JPC official coming on the 7th of every month to give an invoice to the street trader.

The rental collection processes for street trader 2 can be recapped as follows:

- Receives an invoice from a JPC official visiting him at his stall
- Street traders make their way to the Bree city mall, where a payment can be made.
- Pays a monthly amount of R200, obtains a receipt. The street trader had a collection of past receipts in his possession that he keeps with him every day.
- Trader continues to pay to this day as the officials continue to come to the trader to deliver the invoices.

Street trader 2 rental collection and maintenance procedure slightly varies in the rental amount and the institutions involved in the process. The varying amount and the varying institutions involved hints towards the fragmentation of the existing system.

“They wanted us to start paying on the 1st of every month, but we have no money then, so we got together to discuss with them that it had to stay being the 7th of every month. So now we still pay on the 7th (Street trader 2, 17 July 2017)

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5 Interview conducted by Nomamfengu Mbele (7 July 2017)
The above quote shows that there is been inconsistencies on how the traders engage with the City, because this level of engagement is not expressed by Street trader 1 who does not receive feedback on concerns raised.

**Rental amount variation**

A key observation has been the rental amount that the two traders are subject to pay. Street trader 1 paying R100 and street trader 2 paying R200.

The 2009 informal trading policy states that Informal traders are to pay rent for the trading space they have been allocated. There is a criteria to be developed by the JPC that will state the rental payable by the street trader. SERI (2017) expanded that the criteria is based on the services and infrastructure available to you, simplifying that the rent of traders within a linear market will be higher than opposed to the street traders along a sidewalk.

The criteria stated by (SERI, 2017), which puts that each traders in a linear market should pay more than street traders on the sidewalk is not supported by the rental amount variations observed by the two traders, as the variation in rental amount variation is seen even between traders within a linear market. Refer to figure 7

*Figure 7 Infrastructure conditions available in each linear market.*
Street trader 1 Linear market

A: Poorly maintained water system  B: Street trader DIY storage facility

Source: Nomamfengu Mbele, 2017

Street trader 2 Linear market

A: newly refurbished linear market  B: organisations within the linear market

The above figure shows that both the street traders operate in linear markets demarcated by the City and should then be paying the same rental amounts, yet they don’t. The variations between the street traders rental amounts may be accounted to the variation in the nationality and the conditions of the trading space. Street trader 1 is a South African and her trading space is poorly maintained with a litter and water problem that she has complained about. She pays R100.

Street trader 2, operating in the Sophie de Bruyn Street, is a foreigner who is trading in a well organised demarcated linear market, who pays R200. The street traders could not account for the variations in their rent. Assumptions are that the criteria that is stated by SERI (2017) is not entirely true, the city takes into account the nationality of the street trader to develop the rental payable as well as the conditions of the infrastructure.

Due to the small size of the sample, we cannot conclude on the reasons for the variation in rent level and in rent collection process. Suffice is to say, that there is no public information available explaining this difference, the traders were not aware on how much traders in blocks outside of theirs pay. What is crucial to the research is the evidence of inconsistencies within the same system, which emphasize the fragmentation of the registration system. Importance is placed on the lack of reasoning available on the reasons for the rental variation as opposed to the rental variation itself.

The smart card registration system reveals two points. Firstly, the access to trading stalls is limited by the availability determined by JPC. Secondly are the inconsistencies of the systems manifesting through the variations in the rent amount paid by the two traders and the varied engagements that each street trader has had with authority pertaining the rental collection process; where street trader 1 receives minimal interaction and street trader 2 is able to convince the authority to not change the collection dates.

4.1.2. Lease Agreements

A second type of registration document, still administered by the municipality through JPC, is that of lease agreements. The lease agreement is introduced in the 2012 Johannesburg metropolitan by-laws, it is required to sign for any trader that wishes to carry out business in the trading stand them have been allocated (City of Johannesburg Metropolitan
Municipality, 2012). It serves as a contract between the JPC institution and the street traders.

It is difficult to determine how many of the interviewed street traders attained the lease agreements, there was confusion on the materiality of a lease agreement and street traders had varying token to prove the possession of a lease agreement with the state. Out of all the interview participants only the street trader organisation leader had provided information on the process of lease agreements.

Application

The general procedure of lease agreement application as explained by a street trade organization leader is follows:

- JPC officials consolidate the smart card database of traders
- JPC officials make their way to these street traders already operating in the city.
- The official then gives varying street traders a lease agreement to sign
- The official then takes the signed agreement back with them.

The organization leader states that there had been no token of a signed agreement left with the trader who had signed the agreement,

“The street traders are not given the chance to read the agreement, they are made to sign and the document stays with them, they do not allow you to keep it.” (Street trade block leader, 17 July 2017)

The quote above indicates that the officials request that they keep the lease agreements as well as they do not give the street traders enough time to read the document, which is a document that has a huge impact on the rights and responsibilities of the street trader.

This is in slight contradiction with what the lease agreement procedure is according to (SERI, 2017), which stipulates:

“Your lease agreement is a contract between you and JPC... You must have it at all times and be ready to show it to any JMPD officials who asks for it, if you are asked for it and you do not have it with you, you are contravening the by-law” (SERI, 2017: 16)
The by-law, which SERI is referring to is

“An informal trader must, at all times while carrying on business on the stand retain such token on his/her person ready for display to an Authorised Official” (City of Johannesburg Metropolitan Municipality, 2012)(8)

The research report conducted by (SERI, 2015) revealed two incidences of traders which had signed the lease agreement. Incident one displays a process described exactly as stipulated by the street trade organisation leader. The experiences regarding lease agreements include:

“He was forced to sign under threat that he would no longer be able to trade from his spot if he did not” (SERI 2015: p27.)

“Old ladies are told to read long lease agreements and made to sign with no explanation” (Street trader organisation leader, 16 May, 2017)

“Many street traders remain unaware about whether or not they had signed a lease agreement. This is partly because of the exhaustive documentation of the lease agreements” (SERI 2015: p26)

The above quotes indicate the experience of retrieving a lease agreement: the process being forceful and the purpose not being clear to the street traders, similar to the experience by the organization leader.

Street trader ⁶ describes that he alongside other street traders were not approached by the JPC official. The traders then petitioned for the recognition by the city. The street traders had understood that recognition is to be attained by the possession of a smart card and a lease agreement. The petition was successful and traders were given a smart card and a lease agreement which gives entitlement to own and use of a trading stall, respectively.

**Final product – what does a lease look like?**

Despite none of the street traders having the lease agreement with them, I was able to see an unsigned lease agreement that the block leader had in his possession, he stated that none of the street traders have it with them. I can get my own copy at the JPC offices. The

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⁶ Menzi interview, conducted by (SERI, 2015)
* Exerpts from the lease agreement shown during fieldwork, accessed 17 July 2017
block leader permitted me to take a photo of the original copy he had. The copy is seen in

Figure 8

**Figure 8: The front cover of the lease agreement that the traders are meant to sign**

(SERI, 2017) stipulates the details of the lease agreement contract. The contract has the following:

- **The rights of the lessee (street trader),** which include:
  
The details pertaining how long the street trader may utilize that space- the traders have valid use is valid of the trading stall for 36 months.
- **Responsibilities of the lessee** include:
  1. “Maintaining the leased property in good order, keep it clean, habitable and tidy and be responsible for its maintenance”
  2. Not make structural or alterations without the written consent of the lessor
  3. Not carry out trade in light of an erected notice by the City council
  4. May not conduct business in an area that has not been designated by the city.

- (SERI, 2017) summarises the responsibilities of the **Lessor** (JPC) is to provide the structural support needed by street traders. This includes:
  1. Sheltered stands
  2. Storage facilities
  3. Provision of amenities

- **The rights that the lessor** (JPC official) has to the trading stall, at any time for any reason, which include:
  1. The policing of informal trade, to ensure that traders are in alignment with the law of informal trading
  2. All enforcement action is to be rational and supported by an existing law

- The rental and eviction procedure, the agreement outlines the date of rental collection and the procedure to be followed when traders fail to meet the rental payment date.

The lease agreement works alongside the smart card registration as it provides recognition for traders to use a demarcated space. The lease agreement is contract which issues rights and responsibilities to the street trader who already attains a trading stall. The smart card system gives entitlement to own a trading stall whilst a lease agreement is issued to give actionable entitlement to the trading stall.

A key finding is the precarious nature of the rights stipulated in the lease agreements. The rights seen as mere permission to operate in the trading stall, yet their rights are dependent on the obedience with the conditions set by the lessor. This is an argument by Cuvi (2014)
which argues that the license provision to traders does not equate to the attainment of power as they are still evaded from the decision making process. The reduction of power is further emphasized by the poor knowledge of the rights and responsibilities.

Another key finding pertaining the lease agreement final product is the unavailability and the poor knowledge that the street traders have on the document which has their constituted rights and responsibilities. This means that the street traders are not fully aware of the rights as street traders and the responsibilities of the JPC institution, this weakens any contestations that the trader might have in the future. A study by (Covell, et al., 2008) revealed that the knowledge of rights strengthens the citizens’ engagement with their management, the fact that the JPC official takes away the lease agreement alludes to their true intention of the city not wanting to decentralize the power to other stakeholders essentially not wanting the trader to be involved in the decision-making process. The absence of the lease agreement signals towards a lack of documentation that would legitimize the street traders’ actions proposed for street trader management.

4.1.3 Invoices as material proof of registration
Fieldwork uncovered a street trader who showed signs of having a lease agreement yet some irregularities were apparent. Street trader 3 is a black middle aged male street trader, who operates in one of the demarcated areas found opposite De Villiers street, opposite the Universal church of the Kingdom of God. He is a street trader that has been in operation since 2001. (see figure 9)

Figure 9: The demarcated trading stalls opposite De Villiers Street.

7 Interview of black male middle aged street trader, conducted by Nomamfengu Mbele (7 July 2017)
First to note is that the street trader was in operation before the introduction of the smart cards and the lease agreement in the 2009 informal trading policy. It is not known which document gave him the recognition to trade prior to the establishment of those systems. There is the assumption that the trader had been operating with a business permit.

Secondly he has no recollection of signing a lease and he possesses no smart card.

“I don’t have an agreement why do I need to sign an agreement, I have the space and I maintain the space” (Street trader 3, 17 July 2017)

Yet he operates as a registered street trader with the access to legal stand. The street trader pays R80 as monthly rent and operates in a demarcated trading stall.

“I don’t remember signing an agreement with the city, but I am on the database. If you go to the state you will see I am on the database” (Street trader 3, Interviewed 7 July, 2017)

The above quote illustrates that despite the by-law which states that a application is to be carried out to be allocated a stand and to be allocated the rights to use the stall, street traders have still been placed on the database and operate as ‘legal traders’ without this process being carried out. The assumption is that the business permits database continued to serve as proof that traders could operate in the trading space.

*Figure 10 illustrates* the documents held by Street trader3: the JPC invoice as well as a proof of payment. The documents indicate the details of payment as well as the reference number (stall number, name of trader). The JPC invoice signifies the recognition that the street trader has by the JPC institution. This recognition is continued by the rental payment that the street trader pays every month.

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8 Interview of black male middle aged street trader, conducted by Nomamfengu Mbele (7 July 2017)
It is important to note that the invoice reflects an amount due by the street trader that shows that the street trader had stalled payments for four years however the street trader is still utilizing the stall given to him.

“After Operation clean sweep, Street trader organizations had mandated the street traders to not pay and as a result they did not pay for four years” (Tsebe, 2017)
The above quote shows how the alignment with a street trader organization had operated with the contestation of the laws stipulated by the City council. The city council states that failure to pay rent without a good reason, that has been written down, will result in the in the rights to use the trading stand to be taken away. Yet figure 4B shows that the trader had resumed payment, when asked why he still pays the trader says:

“ I feel I should pay because I am using a space that other people would like to be using so I feel I should pay “ (Street trader 3, 17 July 2017)

The invoice has become the document that fills the absence of the lease agreement. The street traders, with an invoice perceive this as adequate documentation required and find no additional purpose of attaining a signed lease agreement.

The fact that street traders have accessed a proof of payment and deem it as adequate proof of their legal status combined with the fact that the street trader is still observed on the database, raises the question on the purpose of the database administrated by the JPC. The smart card and the lease agreement experiences, show that recognition by the state is to aid the management and the distribution of infrastructure and services to the street traders, yet the proof of payment (with no agreement with the city) points out to the possibility that the database is used only to facilitate the rental collection process which aids the state as opposed to aiding the traders. This possible use of registration has seen to be case for the street traders operating in Nairobi, studied by Skinner (2008), the argument raised by Skinner is that the focus on registration being just avenue for income serves as an example for a restrictive approach that is common to the general African approach to street trader management.

4.2. Street trader organization/block leader lists

The civil society–administered registration systems were the most common form of registration identified during fieldwork. There are two registration forms which emerge from the civil society, first is the street trade block leader list which had been established during transition period occurring in post-apartheid management. Secondly is the street trade court list which had been established after the Operation Clean Sweep.
4.2.1 Street trader block leader list.

The block leader list describes a list of elected block leaders that would be permitted access to the management discussion which were held by JPC. The strategy implemented in order for street traders to exercise the citizenship rights and responsibilities. (Khwashaba, 2016)

“MTC introduced block leaders (list) as a way to empower street traders to climb up the economic ladder and grow. Management is trying to grow/empower traders. Management comes up with checks and balances to ensure house rules are followed” (Khwashaba, 2016)

The above quote is from a city official which shows that the purpose of developing the block leader list had been to involve the street traders in the management framework as well add convenience to the engagement between street traders and the management authority. This engagement being facilitated through the informal trading forum.

Application

The application to this list is outlined by Khwashaba (2016). To be recorded unto block leader database is essentially the procedure of electing a street trade block leader. The election time and process varies with every block of street traders. The general procedure begins with the election of a block leader nominated by traders within the specific block who is then endorsed by JPC. The block leaders are then recorded on a block leader registry to be taken to JPC.

“Traders group themselves and nominated leaders and went to MTC to endorse it. Not a lot of people wanted to become block leaders. Elections are depended on each street/block when traders want to remove someone they can remove them but no one has been replaced yet” (Khwashaba, 2016)

The above quotes indicates the agency exercised regarding the application unto the block leader list. There is agency in the selection of the traders which would be included in the election process as well as the collective agency of selecting the suitable street trader to be a representative in the informal trading forum. This is agency not experienced through the application process unto the municipal-administered registration systems. This left the street traders with the freedom to review the rights and responsibilities regarding registration and gave them freedom to decide for themselves whether registration was
beneficial for them. This shows the step made by MTC (now known as JPC) to develop street trader management that would address the needs of the street traders.

**Final product**

The list of street trader block leaders, documents the block leaders noted in the Johannesburg inner-city. This list consists of 15 block leaders with the associated traders within the block which constitutes of 1500 traders. The database comprises of:

- The name of the block leader
- The location of the block that the leader has been elected to.
- The contact details of the block leader.
- The number of street traders within the block
- The organisation that the block leader is affiliated with.

*Figure 11: An excerpt of the street trader block leader list, in the possession of the interviewed block leader*

The list, taken to JPC, was to provide a list of block leaders that the institution would endorse. Endorsement means that the block leaders would be given skill development and formalised in order to be recognised as legitimate stakeholders in management discussions.

“This is a list of all the block leaders *(see figure 7)* You can see here, where I wrote down the in hospital, I have all the contact details of the block leaders, so when a leader was not able to attend the meeting I was able to inform the others on the reasons why” (Block 4 street trader leader, 17 July 2017)
The above quote shows when this list was used for the meetings with the JPC, it was not revealed what the purpose of or the content of the meetings had been, yet it is important to note that there had been some access to the meetings that the list provided for.

A report edited by (Benit-Gbaffou, 2014) revealed the initial benefit of having a list which would serve as recognition into the management discussion.

“We used to solve these issues easily during our monthly meetings as block leaders. But they stopped, before even Operation Clean Sweep, because of MTC’s internal problems. So now it is difficult to solve issues [...] Last month, we as block leaders tried to meet with JPC managing Director, Helen Botes. We went as a group, block leaders from Delvers, Jeppe, Bree, Plein, and Edith Cavell... We went twice to her office to try and set up a meeting, send her the agenda of the meeting – the list of issues that needed resolution. But she never replied, and we could not meet her. For instance, we requested that the cash office be reopened, for traders to be able to pay their rent to JPC quickly, rather than spend time queuing in a bank to pay just R50 or R100. Traders are losing money because of the closure of this cash office. We also have an issue with illegal traders invading demarcated spaces and chasing legal traders, or painting fake demarcated spaces. These traders are not paying rent – they need to be chased or legalised so that they pay, like us. A third issue was that before OCS we submitted changes of traders’ names on demarcated spaces: this has not been followed up, putting legal traders at risk of harassment by the JMPD.” (Chukwu 2014) (Benit-Gbaffou, 2014 p: 196)

The above quote illustrates how the involvement in the meetings had provided a platform for street traders to have their grievances addressed, yet the impact of the inclusion had been eradicated due to the collapse of the informal trading forum. Before the collapse of the informal trading forum, Khwashaba critiques the impact of the street trader block leader list.

Khwashaba (2016) points out how endorsement was not attained successfully as the list was used more to regulate that traders obedience to the ‘house rules’ of the trader opposed to being used as identifying the spokesperson of street trader needs and rights. This minimised their impact as official representatives for the street trader, minimising potential of having the street traders incorporated in street trader management.

*Rental collection*
Due to the voluntarily nature of the block leader list, manifesting through a voluntary registration process. There is no associated rental collection process associated with it. The block leaders would have access to the management forums, free of charge.

4.2.2 Street trader court list

The street trader court list, refers to the document where the number of street traders is documented unto a list for the contestation of OCS in 2013. The documentation of street traders unto a list to contest OCS was not the original strategy that street traders had implemented. Benit-Gbaffou (2014) Discusses the recollections of contesting the operation from the various street trader organisations. SANTRA, SAITF and ATO initial reaction’s had been to engage in protests, that would threaten the City to engage with them. This was not the initial approach of the Nigerian Union of traders (NUT) as they avoided confrontation with the City, as it was seen as risk to the security of the foreign traders, their initial response had been to attempt engaging in dialogue with the city. Their attempts were ignored by the city so they set out as supporters of the protests led by SANTRA, SAITF and ATO.

Their protest actions and applications to the City had been ignored. Until the introduction of SERI to their movement, ATO’s ability to discuss with power provided this connection, the protesting traders began to see progression with their contestations resulting in the successful interdict on the 5th December 2013. SERI involvement in the contestation introduced the use the strategy of compiling a street trader court list.

According to street trade block leader, in 2013, after OCS it became imperative to document the number of traders operating within the city of Johannesburg. This is a sentiment shared by the street trader organization leader who states:

“ They are record-keeping, they were very helpful during Operation Clean sweep where we had to prove to the City that they had removed people illegally because these traders attained a formal recognition from the City.” (Street trader organization leader, 11 July 2017)

The street trader court list tool which was developed as a reaction to the OCS, indicates the protection purpose that recognition within the street trader court list would provide access to. The court list is separated into several annexures, from annexure A to annexure R1.

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9 Interview with Block leader, conducted by Nomamfengu Mbele 2017
Interviews during fieldwork exposed the researcher to specifically the annexure A and annexure D

**Application to the Court list**

The application unto the court lists broadened the pool of recognition by also utilizing the recognition from the lease agreement, proofs of payment and general association with a trading stall to establish the final court list which served as protection for all street traders.

“We asked them if there were any fake smart cards, they said no there aren’t any. Then how were these traders given their stands. They are legal traders.” (Street trade block leader, 17 July 2017)

The above quote formed the basis of the argument that traders had with the City. The basis of the critique on the accuracy is based on the fact that street traders have attained formal trading stalls and have had some of engagement with street traders (shown with the written documents they acquire) so why does the City remove them all and deemed them as all illegal.

“Yes, without a smart card, there was some difficulty to place some traders on the list of traders to be affected by the court order given in 2014, but then traders utilized any written permission or contact from the state to attain the position within the annexure.” (Street trader organization leader, 11 July 2017)

The above quotes further emphasizes that the registration system was set as a protection tool that considered a variety of recognition documents/statuses. Recognition from proofs of payments (or any other written engagement with the City) were used to build a case to combat Operation Clean Sweep. The written statement includes rental slips, JPC invoices and lease agreements that the street traders had in their possession. The application to review combined the traders with smart card and traders with other forms of written permission which resulted in the successful judgment, in favour of the street trader.

**Annexure A application**

Application unto annexure A involved the SERI law clinic representative going around each block, requesting each trader to note down their name, surname, their block name and a formal signature. Annexure A had been continuously altered in the 2 days after the traders
had issued an application to the city courts (19 November 2013) against the City for Operation Clean sweep.

“in the 2 days (after the application to the court), we had a lawyer from the City and our lawyer from SERI offices come to the trading stalls and identify whether the trader seen on the court list is accounted for. If the trader was not there, I as the block leader have everyone’s contact details would then call to confirm their existence and request an ID number, if this was unsuccessful the trader would be removed from the court list” (Street trade block leader, 17 July 2017)

The above quote describes the process that was followed in order for a street trader to re-assure their position on the trader list known as annexure A. This was the process for the initial 2 days, after the application to the courts, thereafter the process altered to the lawyers not coming unto the site, the city lawyer would contact the SERI representative to confirm they list and the SERI representative contacts the block leader to assure that the trader is still located in that trading stall. This altered process indicates the importance for street traders to have their contact details given to the block leader as a confirmation from a block leader results in your position on the street trader court list.

Annexure D application

Application unto annexure D involves two parts. Annexure D is a database of traders who attain a SAITF membership. The court list did included a large variety of street traders from SANTRA and ATO. NUT were not included because they wish to be protect their identity but they were still supporters of the contestation.

I only had access to the list compiled for SAITF members due to the interviewed street trader being affiliated with only SAITF. Street trader organizations do not work together.

“This annexure is for the SAITF associated street traders, there is another one for SANTRA... We are not together cause of the politics” (Street trade block leader, 17 July 2017)

The above quote provides the reason for the division between the street trader organizations; SANTRA and SAITF, which is reflected through the development of separate court lists which are separated according to the organization that the block leader is associated with.

The first part would be applying to be a member of SAITF. This a voluntary process where traders fill in a membership form and pay the joining fee. The second part explained by the
interviewed block leader, who states that the “SAITF-aligned” block leaders simply went around the block to every trading stall recording the names of the trader and writing whether they have government verification or not. The second part did not involve the documentation of the organisation that the street trader is affiliated.

During the case of “Operation Clean Sweep”. The maintenance of the databases was imperative as shown by the daily examinations made by SERI lawyers, ensuring that each trader were still found on the trading stalls.

“I have everyone’s number, so if someone is not at their stall I can call and find out”

Street trade block leader, interview conducted 17 July 2017

**Final product**

The street trader court lists are separated into 17 different annexures (A-R1), in the court case against the City for operation Clean Sweep. The annexures have been made public information and can be obtained from the SERI website, (SERI, 2016). The fact that these annexures are made public document is a testament to the transparency of this form of registration.

The court lists, that I had access to are labelled as annexure A1-A17 and annexure D. Annexure A1-A17 is a long list of traders with approximately 830 informal traders within that, the street traders in Noord street make up 120 street traders Figure 8 below illustrates the excerpt from the annexure.

*Figure 12: An excerpt of the annexure A which is street trader court list compiled by the lawyer representative*

<table>
<thead>
<tr>
<th>NAME</th>
<th>SURNAME</th>
<th>BLOCK</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of the street trader, who wants to contest OCS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Norah</td>
<td></td>
<td>Noord</td>
<td></td>
</tr>
<tr>
<td>Jenna</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Betty</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Image source: (SERI, 2016)

Annexure D is a longer list with the street traders amounting to 1211 street traders from various blocks in inner city Johannesburg with varying registration status. This
annexure is also made a public document, yet the street trade block leader has the list in his possession and was willing to show and explain it to me. Figure 7 below illustrates an excerpt from the annexure D, which is in the possession of the street trade block leader.

*Figure 13: An excerpt of the annexure D which is street trader court list compiled by the lawyer representatives.*

It is important to note that on the annexure A list compiled by the lawyer representatives had not taken into account the registration status of the street trader. They had taken the presence of them within a trading stall combined with a testimony from the block leader as verification of legal occupancy. This meaning that street trader can maintain their position on the list of traders.

Providing protection for all street traders was vital in the development of the court list, this is first seen in the inclusion of traders from a variety of trader organisations, yet this is extended to the inclusion of traders regardless of the registration status.

In the annexure D list, the registration status of each street trader had been documented. The registration status’ of the street traders is either ‘Yes’– street traders have a formal recognition from the City or ‘Verification deferred’ – which means that the street traders have attempted yet have not been given the formal recognition document from the City. Referring to the fact that annexure D is compiled by the SAITF–aligned street trader block leader, the fact that the list included all street traders whether they had attained verification or verification had been deferred shows the openness of the SAITF organisation to include all street traders in their fight against Operation clean sweep.

*“Rental” collection*
Unlike the registration forms, previously discussed, the lists do not operate with a “government managed” monthly rent basis in order to ensure you maintain your position on the database. The databases rely on either no rent payment or a once off payment by the street traders to the registering authority in order to be placed on the databases and be maintained on the databases.

Annexure A requires no rental payment or once-off payment to maintain the position on the list. Annexure A database is compiled by SERI clinic and the (South African informal Traders Forum v City of Johannesburg, 2013) states that:

“SERI Law Clinic does not accept payment for legal services from its clients” (Social law project, 2014)

Which indicates that no payment was made to be recorded in the database that was compiled by them in 2013.

Minor rental payment is evident for annexure D. The initial part which is a membership registration, requires monthly rent payment of R10 to the SAITF office. When the street trader block leader was asked on where the rent was paid he stated that payment is made at the SAITF offices, then when asked where the offices were located he continued to say there wasn’t any office. This raises the question on where the membership money ends up? or who it is given to?.

There is a fine line however between the payment of a membership fee (in recognition of the work done by street trader organisations in fighting the traders case in court), and the payment of the bribe. The informal status of organisations and the absence of an office for instance makes this fine line even blurrier – as it is unlikely that membership fees are properly recorded and accounted for in such informal organisations.

There is also a suspicion of informal rent / bribe paid to the block leader for a position within the street trader database. The bribe is paid to the block leader as he is in the position of confirming the street trader maintains their position unto the annexure D trader court list. This is suspicion raised by the findings from the (SERI, 2015) where one trader states that:

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10 Interview with Block leader, conducted by Nomamfengu Mbele 2017
“I am waiting to bribe a block leader, I feel like he is running things around here” (Street trader interview conducted by (SERI, 2015))

4.2.3 The Unregistered - Informal rent

Participant observation and document revision revealed the emergence of the strategy; informal rent that the traders who do not acquire the formal recognition from the existing registration system are subject to. The street traders face difficulties in the attaining the recognition and therefore depend on the informal rent as a way to gain legitimacy for trading.

“Unregistered traders like Joseph have approached MTC on a number of occasions to apply for a stand, only to be turned away and told that none are available. While he feels he makes as much money as registered traders, and in some cases more, Joseph is at the whim of the JMPD. Officers collect ‘informal rent’ from him in the form of bribes, and he says that he “sometimes give[s] those bribes before they even ask, because [he] know[s] they will want a bribe” “(SERI, 2015 p: 34)

The above quotes shows that the difficulties began with the application process where the street trader approached the institution (JPC) to apply for a trading stall, however the street trader was not put on a waiting list. The trader was turned away and told that there was no space to register for, despite the trader being a trader in operation prior to the attempt to register. The limitation on the space put on the waiting list can be described as the ‘manufactured public production of scarcity’.

This gap between the supply and demand is what causes the temptations for the JPC officials to then administer informal rent in order to give recognition to traders that have had difficulty in attaining it.

“What are we going to do to them? The officers ignore them and come and harass us.”(Street trader 1, 7 July 2017), when asked about why they don’t remove the traders who have not attained any formal registration.

The above quotes hints towards the purpose of traders participating in informal rent. It is a way to avoid the rent that is associated with having a lease agreement or avoiding the enforcement action that comes as result of not attaining a lease agreement or a smart card.
The limited spaces in the waiting list has given rise to the use of informal rent as a strategy for street traders to attain the rights which come from recognition and to avoid the responsibilities associated with having the registered in the municipal database.

The manufactured production of scarcity, seen through the limited space in waiting list, is hindering the transition of street trader management from being restrictive to a more developmental management approach. (Benit-Gbaffou, 2015) Argues that the street trader management does not transition to being more developmental because of three reasons. Firstly is the number demarcated spaces that the traders apply for in the waiting list is determined by the JPC without consultation with the street trader demands. Secondly is that the core role of the JPC becomes to police the traders that are trading without the attainment of formal recognition from the municipality and this takes it to the last point that the focus of the JPC on policing the street traders deters the resources away from the investment into development programmes.

This chapter provides the basis of the restrictive nature of the systems that street traders are exposed to. The poor implementation of developmental goals and poor cohesion between stakeholders are the basis of this restrictive approach.

Firstly is the different approaches to street trader management from each registration system. Municipal-administered registration with the initial purpose of aiding management and the supportive role, yet the street traders have experienced obscure rental collection, unilateral production of scarcity, poor infrastructural development and overall limited engagement with the city. This hinders the transition to a more developmental state role, outlined by the 2009 informal trading policy.

The failure of the civil-society-administered block leader list, which was developed to enhance the street traders access to management structures which maintained the poor influence that street traders have in management in street trading management initiated the development of the form of recognition that would serve as a street traders protection tool.

The fact that there is no one form of recognition developed by a cohesive street trader management framework for a cohesive goal indicates the fragmentation between the
stakeholders within the street trader management. This contributes to the poor transition to having the implementation of a developmental street trader management.

The unilateral and restrictive nature of the municipal- administered registration systems have been the evidence of a poor transition into a developmental street trader approach. These state practices which exclude the street traders has equated into the development of uncertainties of street trader management practices.
Chapter 5: Proof of registration, any proof: a recourse in times of present day street trader management uncertainties.

The following section analyses the way in which street traders utilise the registration systems discussed above, the analysis provides three points. Firstly it unpacks the role of the poorly transitioned municipal registration system in the development of the uncertainty that had led to initiation of the OCS. Secondly the section will unpack the manner in which street traders utilised recognition from the fragmented registration systems to manoeuvre around the street trader management spheres that had been left in limbo, post-operation clean sweep. The section will end with the use of a case study to look into the tensions between the private sector and the street traders and how traders used the registration systems to legitimise their actions in the tensions.

5.1 Operation Clean sweep: Recognition uncertainties emanating from fragmented registration systems.

The event of OCS caused two major uncertainties in street trader management. Firstly is the uncertainty as experienced by street traders, the removal of traders who had retrieved recognition to trade or had prior engagement with authority as proof of their recognition as recognized legal traders within a space, left a feeling of great insecurity. Secondly the aftermath of the Operation brought upon uncertainty experienced by the administrators of the existing street trader management. These following sections reveal how street traders maneuvered around these uncertainties.

5.1.1 Initiation

"A meeting was held on the 30th of September, the meeting was aimed at telling all block leaders about the operation and to designate their role in the operation as the individuals that would tell JMPD officers who are the legal and the illegal traders “An interview of Phumulani Ndlovu conducted in (Benit-Gbaffou, 2014 )

The quote above indicates the discussions prior to OCS, prioritised the recognition established from the municipal systems i.e. the smart card and lease agreements systems. These systems and their databases were to be the determinant factor of legal status.
The rationality behind the OCS shows the City had used registration as a differentiating tool. This is due to the fact that the attainment of recognition from such registration systems established the division between the “legal” and “illegal” traders that the City and the registered street traders wanted to outright separate. As seen in the participation in the meeting on the 30\textsuperscript{th} of September, the recognition attained from the systems gave the registered street traders an opportunity to establish a platform to impact decision which will serve as a way their desires of street trader management manifest. Their desires of the removing the registered was an attempt to address the corruption in management; referring to the street traders who pay informal rent in order have the rights and protection which come from municipal administered systems, as well the desires to address the cleanliness of their trading space that they accounted to be caused by the unregistered; because they were not in any contract that stipulated that they are to maintain their trading space in a certain condition.

“Because not all areas of trade are demarcated, it has become difficult to distinguish on the streets between an illegal trader and an authorised trader. Now, because of this challenge of managing us, they want to remove all of us. They have decided on removing all informal traders from their current location and to later re-allocate recognised traders into markets and linear markets in designated spaces” (Ndlovu 2014).

The above quote shows the first area of uncertainty that is a result of the fragmented and inconsistent municipal registration system. The uncertainty makes it difficult to differentiate between the legal and the illegal street trader. This challenge of establishing the traders’ legal status can be attributed to the fragmentation of recognition avenues that emanate from the interaction with the City, explained in chapter 4.

5.1.2 Implementation
The City had then taken the matters of distinguishing between the ‘legal’ and ‘illegal’ traders in their own hands. The City consolidated their database (JPC database- which is a record of traders who have the access to the rights of the smart card and are accountable to the responsibilities of the smart card).
This strategy is criticized by the street trader organisation leaders as the database the city was using was inaccurate from the beginning because it only included 3000 traders whilst there had been 7000-10 000 informal traders operating in the stalls in the city, this, mentioned by Benit-Gbaffou (2014). The poor applicability of the database to the reality of street traders leads to the mismanagement of traders. The eviction of all traders is a sign of mismanagement of street traders, this is an opinion by the documented in the Benit-Gbaffou (2014).

“The City is failing because it is doing things for traders without the traders, and they should understand that a trader is a survivalist, he or she lives on a hand to mouth basis and it functions as a day to day system. The City needs to understand traders and the people who buy from traders. We have been able to study what the customers need and that is why we are located where we are located.” (Interview with Ndlovu) (Benit-Gbaffou, 2014)

The above quote indicates that the failed registration system resulted in the mismanagement by the City and there is a need for inclusion of street trader representatives in street trader management, as the street trader organisation acquire more knowledge pertaining the needs of the street traders. The increased inclusion of the street trader organisations in street trader management will result in the more effective management of the street traders.

The failure of implementing the desires of the registered street traders by removing all street traders during OCS is a sign of modernist principles in the present day street trader management. This is an argument that Benit-Gbaffou (2015) alludes to, the progressive direction of the informal trading policy is not manifested due to the power and the mismanagement of the state entities. The implementation of OCS shows that the mismanagement and the power of state entities left all street traders vulnerable and insecure, which is a common critique of modernist practices in the third world contexts.

The uncertainty of the street traders’ security of tenure, which resulted from the OCS initiated the development of the street trader court list registration system (refer to 4.2.2).
Street traders successfully contested the city actions portrayed in the OCS. The City had found the city actions unlawful on the basis of the Business Act therefore the street traders had been permitted to continue trading within their original trading spaces and the registration system had been suspended. The street traders’ victory against their management led to the formation of the third source of uncertainty.

“Uncertainty is also prevalent in its aftermath. After OCS and the court victory, the traders came back to their stall but they were in a kind of limbo. Trader associations asked traders to stop paying their trading rental to JPC, resulting in massive arrears reflected on traders’ invoices. JPC and DED suspended most of their operations, and were also in limbo. They could not ‘touch’ the traders mentioned on the list as they were protected by the court order. They were busy revising policy as requested by the court order. They also possibly left things ‘rot’ with no management, in order to prepare the ground for implementing law and order. At least that is my interpretation. Then there was the change of party in power which seems to have suspended the policy and street trading plans reform. Although many traders seem to have resumed paying their rental to JPC now.” (Benit-Gbaffou, 13 October 2017)

The above quote alludes to the next form of uncertainty arising from OCS. This is uncertainty on how the stakeholders were now to go about the street trader management. This is uncertainty that has come about because the court judgement had left the street traders as untouchable so street traders were unclear on the manner to formulate the strategies that support and regulate the street traders that were still prevalent in the City.

5.2 Recourse in the uncertainties of the municipal management spheres: Post-Operation Clean sweep

The uncertainties that the management stakeholders experience regarding what the approach to street trader should be after the operation clean sweep has manifested through two major spheres of management. The spheres of management comprising of the infrastructural development and street trader regulation. After OCS there is recollection of street trader experiences which described the uncertainty seen in the management requirements. The research interest is not on how the management structures addressed these uncertainties, but on rather how the uncertainties were experienced by the street trader and how the registration systems were utilised as recourse in these uncertainties.
The dominant registration systems coming into play being the smart cards, written engagement with the City and informal rent.

5.2.1 Infrastructure development: Revamped street trading stalls.

The City set to renovate the trading stalls in their 2014 long term development strategy. Before OCS, the municipal registration systems were the tools with the purpose of facilitating the distribution of infrastructure and services to street traders. After OCS there is uncertainty with how this infrastructure process will be facilitated. The fieldwork picked up on three experiences regarding infrastructure access after OCS. The experiences recollected from traders with Smart cards, traders with good relation with block leaders and the experience of the unregistered street trader.

Use of smart cards

“The city removed more than 200 informal traders from a newly revamped section of Noord Street in the CBD on Friday, saying they should follow proper procedures to apply for the right to sell their wares there” (Motau, 2017)

The above quote indicates the municipality has still given their City database (smart card) validity and deem it as being the ‘proper procedure’ in their post- OCS practices. They have still utilized it as a management tool and they remove street traders that do not have the smart cards. This practice poorly justified as there has been no ‘formal procedure’ put in place the suspension of all registration in 2013. This unclear instruction is a sign of two things, firstly is the uncertainties that the street trader managers are experiencing and the actions of city officials deviating from the decisions made on the higher management sphere (decision to suspend registration).

“We have to keep them, just as proof. The last time when they came to re-do this place and they didn’t want to let us use, the smart cards we showed them are what let us in back to our place” (Street trader 2, 17 July 2017)

The above quote shows that the registered street traders still utilise the recognition that the smart card provides them with, as recourse strategy, in situation described above. This is a strong recourse strategy because it allowed for immediate re-entry into the trading stalls.
Use of relation with block leader- not a registration system

“They fenced this area after they were done renovating and opened it for other traders and not us, we gave them a notice that we will be coming back in 5 days because outside there isn't any business the business is here (block 4). They got back to us a day before we planned to resume trading in that location. On the morning of the 14 February we all met in this location and the block leaders assigned spaces for trade and we resumed trading. In four days, city council came and said we must re-evacuate the place and they gave us a 48 hour notice, we disputed it and sent in a review. Till this day we have not had any feedback.” (Street trader block 4 leader, 17 July 2017)

The experience described shows a second example of the street traders having difficulties regarding redistribution of revamped trading stalls. Secondly it illustrates the influence that the block leader has with regards to opposing the actions by authority. What is important to note is that the traders due to the affiliation with the block leader have been granted their trading space back. This process has been led by the block leader so it is imperative to have been recognised by him in order to be involved in his plans of action. What is also important to note is that regardless of the fact the block 4 street traders’ regained access to the stalls they still received a notice implemented for their removal. This serves as the limitation on the influence of the block leader

The affiliation with the block leader is not considered to be registration system. However the influence that it has on street trader livelihoods serves as the further critique of the municipality failing to endorse the block leader database as discussed by Khwashaba (2016). There is a need to recognize the potential of the block leaders as more than a group which aids in the policing of street traders as they are vital actors that the city can include to manifest they’re developmental goals.

The Unregistered

Participant observation revealed that the unregistered have no access to the new or old traders’ stalls due to the lack of both the formal recognition and recognition through social relations with the street trader leadership. This results in the traders operating on the pavements as shown in the image below.
Figure 14: Image displaying discomfort spaces expression in which the unregistered trader utilizes sentence to trade and yet may easily avoid authority.

Seri (2015) outlines the benefit in trading on the pavement as opposed to the trading stall. In the incidence of being confronted by enforcement authorities, trader operating on the pavement are better equipped to gather their goods and go whereas the stall traders are not as able to quickly gather their belongings.

There is uncertainty regarding the process of infrastructure distribution (allocating a trading stall) to trader’s post-OCS. The smart card and the relation with the block leaders have been used by the street traders to work against this uncertainty. The municipality has still prioritised their database as we see between the experiences of block 4 street trader and street trader 2. The street trader management has still not pursued to make the necessary efforts to display a transition into being more progressive as opposed to unilateral and restrictive.

5.2.2 Regulatory Engagements

The common interaction between street traders and the authority is of a regulatory nature. This is done by the enforcement authority who have maintained their roles within the registration systems and are still approaching street traders to reassure obedience with the agreement, it is however uncertain which agreement they have been guided by. The negative perceptions are developed due to the restrictive nature of the engagement and the

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11 Interview conducted 17 July 2017
traders are unaware when these engagements will take place. The common regulatory engagements include impoundment and daily harassment.

**Impoundment**

The incident of impoundment involves the JMPD officials approaching the street trader assessing two characteristics.

- The size of the space used, is the size they have been demarcated when given the trading space through registration.
- The status of the rent payments, possession of a proof of payment.

In the incidence that the trader does not fulfil the expectations of the official, results in an impoundment. Impoundment includes the confiscation of the traders goods and an issue of an impoundment notice where an amount of **R1 340** is payable by the street trader, to attain their confiscated goods. The process was exactly the same between all street traders regardless of their particular registration system.

The incidence, explained above, refers to JMPD representative assessing that the traders have adhered to their responsibilities that come with being given the entitlement to trade in that location. Yet not all traders recollect establishing an agreement with the registration authority. i.e. the lease agreements, yet all traders with a stall are subject to the check-ups from the authority. Suspension of street trader registration has also made the purpose of authority examination uncertain to street traders and to myself.

“We have stopped registering, but they still bring their papers here for us to pay”

“This does not do anything, all it does is call them to come and demand us to pay rent” (Street trader 1, interviewed 17 July 2017)

The above quotes raise the first uncertainty within the regulatory engagements with the authority. The uncertainty of the purpose of the continual of rental collection process which is to maintain the smart card registration despite its official suspension in 2013, which has expired all smart cards. There is uncertainty observed also with occurrence of daily harassment’s that the street traders have still been exposed to.

**Daily Harassment**
The uncertainty regarding how to approach the street traders, as suggested by Benit-Gbaffou (2017) as not led to the alterations of the regulation engagement. The traders still experience regulation based on the conditions associated with registration system. Harassment from management authorities is common negative experiences.

“Most common problems currently, it would be harassment from the city official or from the JMPD... This is for everyone since the smart cards had expired and still not everyone has a smart card that was used to protect them”(Street trader organization leader, 7 July 2017)

There is consistency with how the traders experience their harassment, related to the registration system they are affiliated with.

Registration uses

Street traders were asked what the officials, who come and check their trading stalls check for, when examination does happen. The answers include:

“You have to show them the smart card, when anyone comes to check... They haven’t come to check since the court case in 2013” (Street trader 2, 17 July 2017)

“I keep all my proof of payments for when they come to check us, even the one I made today I have it with me”(Street trader 3, interviewed on 17 July 2017)

“She tells of officials chasing people away from their stalls, taking bribes from traders desperate to hold on to their stock” (SERI, 2015 p:14)

The above quotes show that there has been a use of various recognition strategies used to be proof to the enforcement authority that the street traders rely on when regulation engagement between them and the city officials occurs. The fact that all registration systems have come into play (aside from the civil society –administered system). The registration documents utilised including the smart card, lease agreement and informal rent respectively. The purpose of showing this variation of systems in the engagement illustrates that the street trader management are uncertain of the direction to take, which recognition is to be considered and what rights and responsibilities are street traders subject to.

“No they know not to come, they don’t come to this block” (Block 4 street trader leader, 17 July 2017)

The above quote indicates to certain situations where the city officials (JMPD) have had a reduction of power use as they do not have any valid document to justify any regulatory action, yet this is only experienced by the street traders in block 4. It is unclear if this is due
to tension between the officials and the block 4 or whether this is due to the block leaders’ awareness that the officials have lost their rights in enforcing regulation of street trader.

“And when they come and ask for the money, a miracle happens where I pay but the person next to me does not pay but we working in the same space” (Street trader 1, 7 July 2017)

The above quote alludes to the concerns around the informal rent, expressed by the “registered” street trader. The traders are not aware why some street traders are subjected to examination while some avoid if all systems have been suspended alongside their associated right and responsibilities. These concerns developing a division between the traders.
5.3 Recognition as recourse in the private sector tensions

**Box 5.3.1** the story of Block 4 Street traders.

On the 17 July an appointment set between the street trader and the Block leader was set up in Noord Street. Upon introduction the Block leader began the discussion by disclosing the experience of the block 4 street traders. Block 4 is the division indicated in the figure 8. The story described by the block traced the tensions that the street traders had encountered in light of being traders who engaged with a private business, Park central mall. These are tensions that are not common as the street traders within their surroundings encounter tensions with the City council.

Figure 15 the location of the block 4 street traders opposite park central mall
Block 4 street trader leaders described the history of the street traders operating in that block. The story is shown below:

“We were not under the management of the city council, we were still under the management of the mall owners (Park central mall). The mall had leased this space for 100 years and we were using their space so we had to pay rent of R 5 a day from 160 street trader equating to R24 000 a month. We paid this for 4 months until we disputed the payment and stopped paying, the mall threatened us with legal action, yet the argument was not strong enough to warrant support from city council and the JMPD. We began trading for free from 2005, until the mall came under new management in 2006 when the new manager requested that begin paying the rent again and a stakeholder meeting was held. We attended the meeting and made a request to see the agreement which are said to be stakeholders in order to know what it is we are paying for, they denied our request so we denied to pay. We traded freely from that point until to 2 October 2013 due to Operation Clean sweep. Contestation of Operation was carried out and we were allowed back, until we were removed again June 2016 as the city wanted to renovate the space. We abided until they were done in February 2017” (Street trader block leader, 17 July 2017)

The key finding in the story stipulated regarding the street traders within the block 4, is the numerous tensions which have been developed on the basis of the rental payments that the Private business (Park central mall) have requested from the street traders and the fact that the street traders have continuously disputed the requirement for the pay rent. The common narrative on private sector involvement in street trader management is that their profit-orientation leads to the mismanagement of street traders, however the research is interested in how the street traders within this block had made use of the certain elements encompassed in registration systems to come out as the winner in the tensions between the two entities.

**Registration Use**

The first strategy implemented by the street traders had been to utilise the lease fact that their trading space had been leased by the private mall, which means that private mall would then be responsible for management of the street traders, to evade the rental payments.

The fact that the traders in block 4 were not under the city council database had been beneficial as it allowed for them to evade the enforcement that the City would implement on street traders who avoid the rental payment process. This strategy weakened the threat
by the private business to request legal action from City council. SERI (2017) states that all JMPD actions are to be reasonable, which means that they are to be supported by the law. The conditions of the lease are still unclear to the research however the fact that the mall had signed a lease with the City prevented the city officials from interfering with the management of the traders within their leased space.

The second strategy had been the use of the recognition as stakeholders. Park central mall had labelled them as stakeholders, to justify their call for them to pay rent to use the space. The street traders utilised this label to demand the access to view the conditions of the lease before any payment can be made. Cuvi (2014) argues that the street traders are vulnerable when the rights which come with the licensing system do not assign them with power to be involved in decision-making. This is not the case for the block 4 street traders as they’re registration under a database administered by the park central mall made them stakeholders, this then gave them the power to enquire on the rights and the responsibilities which are seen in the lease. The failure to be given access to the details of the lease, as the mall management denied access justified their decision to be exempt from abiding with the rental payments. Both uses of registration against the park central mall gave the street traders are associated with their knowledge of rights and responsibilities which come from each system. This knowledge strengthened their argument in the tensions with the park central mall.

**Reflections**

The fragmentation of street trader management, highlighted through the fragmentation of the registration systems has resulted in the uncertainty of street trader management. The uncertainty emerging in the initiation and implementation of OCS lead towards the uncertainty seen in the street trader management post- OCS as the purpose of existing registration documents became unclear, yet more importantly the associated rights and responsibilities. These uncertainties manifesting through the inconsistent developmental and regulatory street trader management practices. Essential to the research is how the municipal city database still holds some power as a responsive recourse in these uncertainties, however there is also the use of informal rent and proof of payment as a
strategy that the street traders have utilized to assure their recognition when engaging the city. Yet these strategies do not provide a permanent strategy.

Regardless of the sustainability of their strategies, the street traders have portrayed strategic and pragmatic thinking by assessing each situation and the elements of the registration systems to aid with the uncertainty presented by the authority they engage with to this day.

It is important to note that the civil-society administered registration systems have not been used in as recourse response strategies in the everyday situations of the street trader management practices. Despite their imperative role in the contestation of OCS.

The third section will be conclusion of the research, where the research question will be addressed. Looking at how the fragmented registration system with the uses by the street traders have an impact on the empowerment as experienced by the street trader.
Chapter 6: Regaining empowerment in a disempowering management framework

Within the South African developmental context, Rowland (1995) extends the idea of empowerment to be more comprehensive highlighting skill development, consciousness of society power dynamics and the freedom to exercise control over one’s life. This is accomplished by the access to social, political and economic resources that would increase one’s ability to rely less on external actors i.e.: private sector and the government. These are the measures which will be used to assess on how the registration landscape and the uses of proof of registration by street traders have had an impact on their own empowerment.

This chapter will look into the how disempowerment experienced through the reality of the fragmented municipal registration systems has developed the uncertainties in street trader management peaking in the practice of Operation clean sweep. The chapter will also reveal how the street trader have reacted to the uncertainties by strategically using the registration system and the idea of recognition as recourse strategies. Despite the strategic utilization of the registration system, the chapter will show how the traders still display a need for a more comprehensive empowerment experiences within the street trader management framework they are exposed to.

6.1 Disempowering Municipal registration systems.

The findings chapter revealed the complexity and fragmentation in the existing City registration system landscape that the traders are exposed to. The findings on the landscape include the diversity of recognition that is available to traders by the variety of documents. Within the registration systems there has been differentiation in experiences reflecting the inconsistency of the City registration systems. The key finding lies with the obscure and modernist nature of the municipal registration system which has influenced the development of the other registration systems.

The initial experience that traders have with the existing City- administered registration systems may be deemed as disempowering. The disempowerment emerging through the unilateral decisions made regarding the rights and responsibilities that a street trader has
access to and the failure to have street trader’s included in the decision making process. This in combination with the fact that the registration details are not carefully explained to the street traders develops a disempowering environment.

Bacque (2012) presents an argument on the manner that third world countries have reshaped the use of empowerment. Bacque (2012) states that the in third world countries it is essential for the most vulnerable to have less reliance on big institutions and this will result in vulnerable experiencing empowerment. This empowerment is established as the reduced reliance on third world countries will give the vulnerable the freedom to foster self-skills and work towards self-governing. The municipal registration systems have worked against this idea of how to bring about empowerment in third world countries.

The experiences show that street traders have participated in the registration by applying for obtaining smart cards and lease agreement, to have the city provide them with the entitlement to occupy stalls and the entitlement to trade in their trading stalls, respectively. The reliance on the institutions to recognise you and to provide you with rights minimizes the potential of street traders to develop self-governing tools and regain control over their livelihood.

“We want to be left alone, we just want to trade the way we know how” (Street trader 2, 17 July 2017)

When asked what the street trader would like from the state in the future one of the responses, documented above, signals towards the wish that traders have to eradicate the reliance on external actors, supporting the argument made by Bacque (2012). It is not only the overall reliance on big institutions which is disempowering it is also the elements within the systems that make for a disempowering environment. The elements included the focus on economic infrastructure and the opacity seen in the registration system making for a disempowering experience.

The City requires the traders to gain the recognition in order to gain access to legal status as well as gain access to trading stall. The access to legal status does give the trader’s legitimacy to exercise citizenship rights, yet the tool has been more used for the trading stall distribution. The focus on recognition for trading stall distribution displays how the City has prioritised the use of registration to aid the process of economic infrastructure.
development. This focus on economic infrastructure is only meeting one of the conditions of empowerment.

Economic infrastructure refers to a physical structure that is necessary for the economic livelihood of an individual or the greater society, trading stalls are considered to be economic infrastructure. The focus that the system places on the recognition to facilitate the distribution of economic infrastructure is not effective for the development of an empowering environment, this is an argument supported by Daniel (2017)'s critiques. The basis of the critique is on management models that have prioritised access to economic infrastructure for not being effective enough to equate to the empowerment experienced by street trader as the traders require access to skills and political legitimacy to strengthen their voices in society.

The obscurity of the municipal registration systems is what also contributes to the disempowerment experienced by street traders. Rental collection procedure is the main area where there the lack of transparency is evident. The opacity refers to the amount paid and the purposes of the payment are not made clear to the traders. (Torres, 2010) Argues that when there is a dialogue between authority and the client, the client (who will be affected by the public action) is empowered by the access to information. The failure of the City to have a dialogue with the street traders pertaining the rent, has limited the empowerment to be experienced through the registration system.

The poor engagement between the City and the trader is not only harmful to the street trader it is also has the potential of weakening the management as practiced by the City. An argument presented by Breckenridge (2014) states that registration is successful when both the client and the administrator see a benefit, the opacity of the system is not seen beneficial to the trader which then limits their participation in the system so the City cannot exercise management. This makes the city registration more ineffective with the purpose of managing street traders.

6.2 Ineffective city registration – Empowering responses by Street traders

Operation clean sweep marks the peak of ineffective street trader management practices, where the inconsistencies and fragmentation in the city-based registration developed an
uncertain criteria of determining legal status of the traders, causing the existence of street traders with an unclear legal status. This confusion led to action of removal of all street traders. This left the street traders uncertain on their rights as they had attained a proof of recognition prior to OCS. The process of contestation of OCS by the traders reflect a highly empowering experience. The street traders’ response to OCS however established a strategy that would allow for a reclaim over some power.

Street trader leaders’ response to OCS represents an empowering use of recognition as policy instrument. Beginning with the development of the street trader court lists the street traders, with the aid of SERI lawyers the street traders took the initiative to produce the new list, referred to as the street trader court lists. The development of the street traders show that the street trader representatives realise the power of the collective to establishing an empowering experience, shown through the involvement of levels of registration and traders within the various trader groups.

The compilation of the street trader court lists displays not only the street traders taking control over their lives it also presents the street traders awareness of collective action. The street trader court list’s developed by the lawyers and the block leaders encompassed all traders regardless of their registration status. The successful judgement in favour of the street traders, shows the influence that was made when street traders raised a collective contestation against the City.

Sadan (1997) argues that the presence of unions for the vulnerable groups will be an indication of collective empowerment. This is clearly observed in the development of the street trader court lists which were used to bring the city under judgement. Lawyer representatives and the street trader leaders from the street trader group (SAITF, ATO, NUT and SANTRA) broadened the spheres of recognition to ensure that all traders were protected from the actions of Operation clean sweep. The judgement, which was in the favour of the street traders, is the result of the collective action that traders had taken against the City. The Street traders were able to regain an element of control over their livelihoods that was taken away, highlighting the use of collective action in contributing to the experience of collective empowerment.
The fact that the street traders’ successfully contested the actions taken by the City and were given rights to their trading stalls back, shows how the recognition in the street trader list presented an opportunity for political and economic empowerment, respectively.

The block leader list is not used anymore due to the collapse of the Informal trading forum, however the block leader list had been beneficial in opening the lines communication between the street traders and the City. Traders were able to have their grievances heard signifying the access to political infrastructure which is highly beneficial to the experience of empowerment.

“The traders are protected by the court lists” (Street trader organization leader, 7 July 2017)

The above quote shows the current effectivity of the street trader court list against the potential of restrictive state practices. Yet there is no experience noted in how the street trader court lists were used in the current registration, despite the empowering experience it displayed in the contestation of the OCS.

The court lists had utilised the block leader as a crucial actor for them to provide the information on the street traders, such as information on the forms of engagement that street traders have had with the City, that serve as proof of recognition. The block leader list also gave the street traders the right to access the management, resulting in the needs of the street trader being met. This shows that in order for registration to be used as a tool for empowerment, there needs to be a decentralisation of power to the street traders in the policy-making process to have their needs be addressed as well as there is a need to have a process which ensure collective action to accommodate the potential diversity the needs.

In 2013, the street traders successfully contested OCS, and municipal registration was suspended and the City was develop a new system to facilitate registration. This shows the empowering potential of having a registration system administered by the street trader.

The suspension of registration left the street trader practices uncertain on how to portray management practices as it left the traders untouchable, however there was a still a need to regulate and manage street traders. Present day we still observe the use of the carried on municipal registration system that is still used for proof of recognition, as a recourse strategy in current street trader management practices.
6.3 The uncertainties of street trader management. – Reactive use of municipal registration

The event of the OCS, with the suspension left the street trading management practices without direction as it was not clear on what criteria would be used to guide their practices. The main practices being of the redistribution of renovated trading stalls, the harassment that traders had been exposed to and the impoundment of street trader goods. Street traders had been uncertain with the procedures that the City had put in place regarding these practices, specifically the time or frequency they occur yet more importantly the criteria of the procedures. In the context of uncertain street trader management, street traders had carried on the suspended municipal registration systems against the uncertainties seen in management.

*Regaining empowerment: Recognition as a manoeuvre in street trader uncertainties.*

Street traders had to utilize the carried over municipal registration systems to minimise the impact that the practices had on their livelihoods and to establish some control over their life. This characterises the reactive nature of the municipal registration system.

The possession of City recognition is still deemed as the most valid source of recognition, as the management practices still use the smart cards to aid their practices this is despite the suspension of smart cards in 2013. Street traders with this city registration were recognised as the beneficiaries of the economic infrastructure. The municipal registration had however not been of use in the regulatory incidences that the traders were exposed to, they were still treated as the passive client in street trader management.

Informal rent strategy is another common reaction to the uncertainties in what criteria should now guide the management practices. Informal rent is a strategy which the unregistered rely on in order to protect from the restrictive regulatory engagement with city. The city officials impose an informal rent, which the street traders will then be subject to in order to evade the actions by the city officials which impose on the livelihoods. This shows empowerment as the traders’ are then free to operate as they see fit, they are not accountable to the rights and responsibilities determined by the City however the empowerment comes at a cost that the city officials imposes, reducing their empowering experience.
The fact that the municipal registration system had still been used to successfully gain access to economic infrastructure (trading stalls), yet it’s failure to make the traders proactive street trader management stakeholders and to ensure protection from the City’s actions show its limitation in providing a comprehensively empowering experience as the trader have only been given the access to economic empowerment and lack the social and political empowerment.

*Reflection – leading to the call for comprehensive empowerment.*

Crucial findings on the registration system impact on the contribution to empowerment is regarding to the varying empowerment experienced between the municipal and the street trader-administered registration systems. The municipal systems presenting a less empowering experience than the street trader registration system. This is concluded based on the formulation of both registration systems and the outcome of both registration systems.

Traders have used both registration systems as recourse strategies. In the study on how street traders use each system, we see how the use of municipal system is more reactive whilst the use of street trader court list is a proactive action. Street trader court list had given the street traders more control over their life because the registration of the street traders unto a court list was a proactive action because the court list was taken to place a court case against the City. Whereas the registration unto the municipal databases was used as a reaction to the City’s actions.

The outcome of each registration system is also what has caused the varying degrees of empowerment experienced. The street trader court list contested the power of decision-making whilst providing access to economic infrastructure. Whilst the municipal registration systems being used only for the access to economic infrastructure, their power in street trader management not truly attained.

6. 4 The call for comprehensive empowerment

“SANTRA and SAITF won the court case and all street traders were back on the streets. Although traders are back on the streets there is still a level of uncertainty, insecurity and fear amongst traders.” (Benit-Gbaffou, 2014 p 194) – THERE SHOULDN’T BE A NEED FOR RE COURSE STRATEGIES
Extend the effect of the street trader lists in the everyday management practices.

Despite the empowering use of registration by the street traders against the uncertain and disempowering management framework, street traders have called for an intervention by the state which would ensure the increased empowerment that the street traders experience.

The use of the registration systems explained prior only satisfy the one of the three conditions of empowerment, that had been discussed by Rowland (1995). There has not been the high skill development and the raise of consciousness and the deconstruction of the power dynamics within the society. All uses explained were to regain some control over their livelihood and to protect from the uncertainties of the street trader management specifically the uncertainties of trading stall distribution, yet this does not mean that comprehensive empowerment has been experienced. The experience is far from it.

“If they can take us serious, I want to see where I’m going, I want to grow. They want our money but they do not do anything” (Street trader 2, 17 July 2017)

The above quotes illustrate the street traders’ call for a more comprehensive experience of empowerment. The first quote indicates the dissatisfaction with the current engagement between street trader and authority. Street traders are always reacting to the decisions made by the City. We see this clearly with the pragmatic use of registration system by the street traders, street traders look at the details within the registration system which may be used for their benefit. The strategies include firstly the assessment of the ownership of the land they are occupying, this would educate them on the possible consequences of their actions. This is shown in the case of block 4 street traders who defeated the private mall as they continued to not pay rent knowing that the City rights were limited in their area.

Secondly is the strategy of educating oneself on the rights and responsibilities associated with each registration system. Block 4 street traders exercised their right, as stakeholders, to request to view the condition of the lease agreement. Knowing that the mall would disagree educating them on their rights, they then were justified to not abide by the responsibility of rental payments.
Lastly is the strategy of the informal rent. Street traders have exploited the fragmentation of stakeholders in street trader management, which manifests in the fragmentation of the city official practices, to establish a system where they may have access to the rights of the registered street trader yet still evade the restrictive practices of the City officials.

“The major problem is finding growth within the informal sector, finding growth and finding financial assistance. That is the biggest problem that is faced by the informal trader” (Street trader organization leader, 7 July 2017)

The second quote from the organization leader indicates the desire for the street traders to gain more meaningful support from the City. The street traders are requesting support in the form of business loans or skill development that would support the growth of the informal sector. These demands resemble the conditions of comprehensive empowerment as defined by Rowland (1995) specifically the high skill development and the encouragement of the sector to be participants in the overall economy. This shows that the street traders have the desire to experience a more comprehensive form of empowerment.

Post-apartheid municipal registration is plagued with elements of ineffectiveness and disempowerment manifested into restrictive management practices, which had been highlighted in the event of the OCS. Street traders’ reaction to the City practices reflect an attempt to reclaim an element of control over their livelihoods and breakthrough the role of being passive actors in their own management. Street traders utilised decentralised power and collective action as elements that guided their registration systems and responses to the ineffective OCS and the present day management practices.

Despite the pursuit of strategies that aid the street trader to reclaim power over their lives, the street traders are still in pursuit of actions that would give them freedom and growth in their informal sector. It is these desires that would then deconstruct the existing power relations in the society, making the street trader a proactive stakeholder in street trader management.

6.5. Recommendations - Call for Comprehensive Empowerment
The findings chapters revealed the specifics that made the municipal registrations systems ineffective and left the street traders disempowered, whilst the civil-society registration systems revealed the specific characteristics which made the registration system effective and contributed to development of an environment where street traders would experience empowerment.

However all registration systems, used as recourse strategies, which engage with the street traders have not developed a framework where the street traders would experience the comprehensive empowerment that would be useful in the attempt to deconstruct the power relations and eradicate their overall environment.

The recommendations will be separated into two sections, firstly it will bring forward strategies that the municipality can adopt in order to formulate more effective and empowering systems that can be used by both traders and the management sphere. Secondly, recommendations will be made on how street traders can improve their recourse strategy that has been based on the inclusive and transparent registration systems.

**6.5.1 Improve the municipal effectiveness: lessons from street trader registration**

Arguably, however, building capacitated and visionary street trading organisations and leadership would help find joint solutions and compromises, whereas fragmented, weak and patronage ridden street trading organisations make street trading governance far more challenging, less effective and less sustainable. - the danger of fragmentation (Benit-Gbaffou, 2015 p:18)

The above quote shows hints towards the improvement of management models based on the inclusion of street trading organisations in the system. This supports the pursuit of taking lessons from the civil-society registration systems to make for a more empowering and effective overall street trader management model. The elements which are seen in the civil-society registrations which are to be adopted include:

1. The decentering of leadership roles to the street traders themselves
2. The power of a collective decision which manifests into collective actions.
3. Increase the participation in the registration system by ensuring that the benefits which come with participation are apparent to all the stakeholders.
4. Increase in transparency regarding all phases and purposes of registration.
5. The involvement of varying stakeholders who all have something to offer.

6. Voluntary nature of registration

These are elements that should guide the formulation of the municipal registration systems, these interventions will allow for the policy making to be for the street traders, from the beginning to the final outcome. The increased transparency, inclusion and street trader representation in the discussions around registration will allow for the development of a policy where street traders have agreed on the process of registration and agreed for the purpose of registration.

1. The decentering of power to the street traders is a crucial element for more effective management models. This is be achieved by firstly increasing the representation of street traders in the management discussions. It is not as simple as increasing the numbers, there is a need for the City to redistribute their financial resources (which are currently directed towards the policing of street traders) to capacity building projects, this will ensure that the street traders involved in the management structures are equipped with the organizational and leadership skills required to implement effective street trader management.

2. The decentering of the management models goes beyond the decentering of power between stakeholders in the management structure, there is a need for there to be decentralization of the context where street traders are governed. The complexities which exist between individual street traders (between city blocks and between traders with varying nationalities ) requires a body of management closer to the ground in order to be knowledgeable of the real situations and develop a registration system applicable to that.

3. Discussions between all stakeholders affected by the street trader management are to be held between at every stage of the policy formulation process from who gains recognition in the policy (registration process) to the final outcome of the policies required ( what the recognition is giving access to). This is common response for ineffective policies, yet it is critiqued as the discussions do not ensure that all voices are heard as there are voices some opinions are considered above others. This is where the role of the planner is crucial. (Balestrieri, 2014) States the planner, due to
their understanding on the greater integrated system, should play the role of mediator between the stakeholders with different interests i.e.: private sector and the street trader. The role of the mediator will ensure that discussions made regarding policy-making are what is beneficial for the economy, environmental, social and political well-being of the urban space. Urban planners are to be incorporated in these management discussions.

6.5.2 Increasing the empowerment of street trader recourse strategy

However the recommendations, mentioned above, intervene at the management level of street trader management, which was firstly not the focus of the research but there are complexities, fragmentation and resource challenges within the management structure which will limit the feasibility of these recommendations. It is imperative to begin assess the possible interventions on the street trader level which would make their experience of the existing context more empowering for them. Essentially how to make their recourse strategies more empowering for them as street traders.

Keeping in mind the current power relations where the City holds the majority of the resources, the street traders’ role should be focused on how to influence the decisions that the City makes regarding how to utilise these resources. The suggestions to make the street trader more influential on decisions that are made by the City include:

1. Go beyond protest action and align themselves with special interest groups. Such as SERI, which have their interests and the resources required to address the City.
2. Deepen the purpose of the street trader union or organization, by placing a more proactive role as opposed to solely a reactive stakeholder (reactive to the actions of the City). Formulate departments which engage with the media and NGO’s. This will firstly give the street traders’ a role in formulating public opinion that will pressure the City and secondly meet the social needs of the trader.

These suggestions are not essentially around the registration system that is implemented, yet it is more around the management model that the street traders implement where documentation of street traders becomes imperatives to notify the departments that they will align with.
Reference List


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Cuvi, Z., n.d. The politics of field destruction: Circuits, Court Orders and the collective survival of street vendors in Sao Paulo, Sao Paulo: s.n.


Mail&Guardian, 2009. Unemployment forces many to street trading, Johannesburg: s.n.


Annexure
Annexure A: Interview Guidelines

Street trader interview guidelines

PROPOSED LIST OF QUESTIONS: INTERVIEW GUIDE
Flash interviews: choose one theme a day and come back day after day
Semi-structured interviews

Theme 1- Use of registration
1. How long have you been trading in the City of Johannesburg?
2. Have you always traded from this location?
3. Have you ever used any of these documents?
   • Business permits
   • Lease agreements
   • MTC/ JPC invoice
   • Smart cards
   • Waiting list position
4. Can I have a look at it?
4.1. If not may you tell what is it on it? The location? Expiration date? Your personal information? The goods you sell?
5. Why or why not?
6. When do you use it?
7. Do you always have it with you?
8. Why or why not?
9. Would you say the permit you have is useful or not?

Theme 2- Registration application
10. If I wanted to apply to register, where would I have to go?
11. Is there a waiting list?
12. Do I approach the street trade block leader? Or do I have to go to JPC offices?
13. Where would I find the people to talk to?
14. Do other traders who do not have [this permit/ licence] have issues like what? What do they do?

Can you tell me about your application of the registration document?

15. Are you applied / have you applied to any other type of permit? Why? What happened?
16. Can you tell me how you got ahead of this document?
17. When did you apply for it?
18. Where did you apply?
19. When did it get back to you, after registration?
20. Did you have to wait to get it?

Theme 3- State – trader engagement
21. Is there anybody who comes to regularly check on the permits?
22. Who does come and check?
23. When do they come and check?
24. What do they do, when they do come check?, What do you do?
25. Do you know when they are coming?
26. Do you get anything from state or JPC by being registered, or not?
27. Is there anything you would want, to make your business easier and better, from state or business people? What would you want?
28. Can you use your registration document to obtain credit? From whom?, can you tell me about it?
Street trader organisation interview guidelines

The initial interest of the research was to look into the whole process and outcome of registration of street traders and to assess how it is empowering or disempowering to the street traders. However, the research has turned to fully understanding and exploring the whole registration process looking into the various forms available to street traders, the process of application and how the documents are used by street traders. It is through the understanding of the whole process that I want to analyse how it is empowering to the street traders.

I wanted to discuss with you, as a street trader Leader, how your organization or you personally deal with the various forms of registration, despite it being put on hold currently. How do you attain registration for the traders within your organization? Or just general how do you approach the issues which face the registered and unregistered street traders?

Questions

1. What is your position in XXX, and how long have you been in this position?
2. Can you tell me about how registration has taken place prior, how do street traders in your group attain the registration?
3. Is there any registration document, emerged at any point in time, that you thought was particularly helpful or particularly harmful, why?
4. As an organization, were you involved in the policy-making (i.e. the 2009 informal trading policy) process which initiated the specific registration document to be implemented? Why or why not? What would you have contributed to the policy formulated?
5. Do street traders come to you to assist with their registration?
6. How do you help them attain registration?
7. How do they get ahead of you?
8. Does your organization represent only registered traders or also unregistered ones? Why, how come?
9. Currently what type of papers / registration documents do traders use, or still have in their possession?
10. Do you know why they still keep these documents in their possession?
11. What are the registration issues for your constituents? Do traders come because of registration issues, which ones, how do you assist? What has it changed? What type of registration do you deal with through your traders?
12. What happened with the implementation of smart cards?
13. As an organization do you see any value with the attainment of registration for the street traders? What is the value? How would you wish for it to function?
14. To what extent are you/your organization taking the issue of registration to the City?
15. Could my research assist in any way? How can I frame it so that it is useful to you, would there be any result from the research that you would like me to inform you on?

16. Can you introduce me to a variety of traders with different registration status/documents? The registration documents I am currently aware of include:
   - Lease agreements
   - Smart cards
   - Business permits
   - MTC database
   - CP database

*Is there any other registration document that I am unaware of?
PARTICIPANT INFORMATION SHEET

Good Day

My name is Nomamfengu Mbele and I am part of the BSc (Hons) Urban Planning student group in the School of Architecture and Planning (SOAP) at the University of Witwatersrand. I am researching the process of street trader registration of street traders within the City of Johannesburg and the impact that the entire process has on the street traders. This research aims to contribute to the knowledge on state interaction with the street traders in Johannesburg through the objective of registration.

I am inviting you to be part in an interview. You have been selected to participate in this study due to your position as leadership within an organisation for street traders, trading in Johannesburg. The selection was done by myself with assistance from supervisor Claire Benit-Gbaffou. The interview will take approximately 15 to 20 minutes, in the place preferred by you in Johannesburg. The interview will involve asking you a few questions about the history of street trader registration, how the process of registration takes place for your organisation and what you observe to be the uses and the impacts of registration. The interview will also be audio-recorded, unless you choose to not be recorded.

Your participation in this interview is of a voluntary nature. Refusal to answer any questions that make you uncomfortable is permitted, and withdrawal from the interview may be taken without penalty or loss. You will receive no payment or other incentives for your participation.

Your participation will be completely anonymous, your name will not be reported in the report and no pictures of you will be taken. Further, any information that you share will be kept confidential and can only be accessed by myself; further confidentiality is ensured in the additional consent form. The results of this interview will be presented in a research report compared with other interview findings and your identity or views will not be linked to you in the final report. There are also no potential risks or discomforts associated with your participation. The results of this study will be made available, through a research report to other academics, street trader leaders and street traders.

If you have any questions, concerns, or comments or if you would like a copy of the final report or an executive summary with the information which will be useful to your organisation, please feel free to contact me at 888966@students.wits.ac.za or Associate Professor Claire Benit-Gbaffou at Claire.benit-gbaffou@wits.ac.za or 011 717 7718. Thank you for your time and your interest in the research.
PARTICIPANT INFORMATION SHEET

Good Day

My name is Nomamfengu Mbele (Fefe) and I am part of the BSc (Hons) Urban Planning student group in the School of Architecture and Planning (SOAP) at the University of Witwatersrand. I am researching the process of street trader registration of street traders within the City of Johannesburg and the impact that the entire process has on the street traders. This research aims to contribute to the knowledge on state interaction with the street traders in Johannesburg through the objective of registration.

I am inviting you to be part in an interview. You have been selected by myself with assistance from your block leader as a street trader trading in Johannesburg, who will be open to the research participation, trading in Johannesburg. The interview will take approximately 15 to 20 minutes, in the place preferred by you in Johannesburg. The interview will involve asking you a few questions about how the registration process takes place, your interaction with the authorities who aid the registration process and what you observe to be the uses and the impacts of registration. The interview will also be audio-recorded, unless you choose to not be recorded.

Your participation in this interview is of a voluntary nature. Refusal to answer any questions that make you uncomfortable is permitted, and withdrawal from the interview may be taken without penalty or loss. You will receive no payment or other incentives for your participation.

Your participation will be completely anonymous, your name will not be reported in the report and no pictures of you will be taken. Further, any information that you share will be kept confidential and can only be accessed by myself. The results of this interview will be presented in a research report compared with other interview findings and your identity or views will not be linked to you in the final report. There are also no potential risks or discomforts associated with your participation. The results of this study will be made available, through a research report to other academics, street trader leaders and street traders.

If you have any questions, concerns, or comments or if you would like a copy of the final report or an executive summary with the information which will be useful to your organisation, please feel free to contact me at 888966@students.wits.ac.za or Associate Professor Claire Benit-Gbaffou at Claire.benit-gbaffou@wits.ac.za or 011 717 7718. Thank you for your time and your interest in the research.
Annexure C: Consent forms

Signed street trader leader consent form

STREET TRADER REGISTRATION
FORMAL (SIGNED) CONSENT FORM

I hereby confirm that I have been informed by the student researcher of the purpose and procedures of the research, and my rights as a participant. I have received, read and understand the written Participant Information Sheet. I have also been informed of:

☐ the nature of my participation in the form of an interview
☐ the place and duration of the study
☐ the reasons for why I was selected to participate in the study
☐ the voluntary nature, refusal to answer, and withdrawing from the study
☐ no payment or incentives
☐ no loss of benefits or risks
☐ anonymity
☐ confidentiality
☐ how the research findings will be disseminated

I therefore agree to participate in this study by partaking in the interview.

I AGREE / DO NOT AGREE to audio-recording during interviews.

PARTICIPANT:

[Signature]

[Date]
The membership form for SAITF

APPLICATION/REGISTRATION FORM

Surname.............................................First Name(s)..................................................
ID Number...........................................
Organization..................................................
Branch............................................Region..................................................
Province..................................................
Residential address..................................................
....................................................Postal Code..................................................
Cell.............................................Tel No..................................................
E-mail address..................................................
Registration Fee...R..................00
Signature..................................................
Date........................................Month..........................Year........................................

"NOTHING FOR US WITHOUT US"