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Strategies used by Street Traders' Organisations to Influence Trading Policy and Management in the City of Johannesburg

By

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A Research Report submitted to the Faculty of Engineering and the Built Environment, University of the Witwatersrand, Johannesburg. In fulfilment of the requirements for the MSc in Town and Regional Planning in the field of Urban Studies.

Johannesburg, 2013

Declaration

I declare that this research report is my own work. It is submitted for MSc in Town and Regional Planning (Urban Studies) to the University of the Witwatersrand, Johannesburg. It has not been submitted for any degree to any other university.

……

(Signature of candidate)

……day of……..year……

Dedications

To my late brother, Madiba and grandfather, Letiya La Matlala, they say time is a healer of all wounds but this one is going to take forever to heal…I miss you a lot.

To my family: my Mother Pheladi, Magriza, Karabo, Mogau, Molebogeng and Dimpho, I could not have asked for a better support system...Kea leboga.

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Abstract

Street trading is a highly contested economic activity in South African because of different interests held by government officials and other stakeholders. These interests are in most cases contradictory where this has resulted in disjuncture between initiatives of alleviating poverty which are encouraged by national government and management of street traders by local governments which tend to be restrictive. Street traders are seldom seen by government as political actors who can actively engage with different levels of government to influence policy outcomes that are meant to regulate their economic activity. In recent years however there has been a growth in the number of organisations which are aimed at influencing and resisting informal trading policy. These organisations which have emerged are in most cases challenging policies, claiming participation and recognition by government and fighting for their right to engage in their economic activity without harassment from government agents such as the Metro police (Johannesburg context). The increasing significance of informal traders' organisations has resulted in pressure being put on government at different levels to allow street traders to participate in planning and policy decision making processes. This research argues that street traders' organisations are a social movement which actively engages with different levels of government with the aim of wielding some influence on trading policy. The significance of street traders to form a social movement is so that they can collectively influence and resist policy which regulates their economic activity. The organisations adopt a multitude of strategies to influence policy and its implementation so that it is responsive to the context.

Key Words: Participation, Mobilisation, Invented spaces, Invited spaces, Social Movement, Street traders' organisations

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Acronyms

ACHIB-African Council of Hawkers and Informal Business

ANC-African National Congress

CBD-Central Business District

CoJ-City of Johannesburg

COSATU-Congress of South African Trade Unions

CUBES-Centre for Urbanism and Built Environment Studies

DA-Democratic Alliance

DED-Department of Economic Development

ESSET-Ecumenical Service for Socio Economic Transformation

FIFA-Fédération Internationale de Football Association

GDS-Growth and Development Strategy

GEGDS-Gauteng Employment, Growth and Development Strategy

GPLED-Gauteng Provincial Legislature Economic Development Portfolio Committee

JHB-Johannesburg

JMPD-Johannesburg Metro Police Department

JOBURG-Johannesburg

JPC-Johannesburg Property Company

MMC-Member of Mayoral Committee

MTC-Metro Trading Company

OVOAHA-One Voice of All Hawkers Association

RID-Retail Improvement District

SAITF-South African Informal Traders Forum

SALGA-South African Local Government Association

SAMWU-South African Municipal Workers Union

SANTRA-South African National Traders Retail Alliance

SAPS-South African Police Services

SMME-Small Medium and Micro Enterprise

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Chapter One: Introduction



Street traders in Marabastad Tshwane unite and protest to resist police harassment and forced removal without negotiation (Van der Walt, 2012)

1.1. Introduction

"Nothing for us without us"

The above slogan belongs to StreetNet International, an organisation of street traders launched in South Africa Durban in 2002, which seeks to ensure continued engagement between different government levels and street traders on policies that affect their operation (Streetnet, undated). In recent years there has been increased emphasis on community participation in urban governance generally, and more specifically of street traders in policy decisions, by-law enforcement and joint management that govern their economic activity in South African cities. Street trading according to the City of Johannesburg (2009) refers to the sale of legal goods and services in public spaces such as pavements which have been demarcated for such activities.

Economic transformations are in the form of liberalisation and the implementation of neo-liberal policies in many African cities which has resulted in the restructuring of state intervention towards empowering the market to regulate service, sometimes to manage the urban realm (Lindell, 2010). Globalisation together with neoliberalism have had pronounced impacts on cities in this context (*Ibid.*). These have led to a movement to beautify and clean inner cities as 'shop windows' for international investors which has resulted in increased repression of informality and street trading in particular. Privatisation of urban services does not necessarily lead to loss of formal jobs (except in the public sector); rather the opening of borders and free trade have led to increased competition and job losses in many sectors such as retail and manufacturing.

The informalisation of labour in African cities triggered an emergence of numerous organisations, especially those that represent the interests of urban informal workers (Lindell, 2010). Informal traders' mobilisation and their involvement in urban governance have increased as a way to ensure that their economic activity is taken into account and properly planned for. Involvement of informal traders in urban governance occurs through organisations which are formed to represent their

interests. The formation of these organisations can yield positive economic and social change which includes institutional reforms (Motala, 2002).

1.2. Problem Statement

Street trading is a highly contested informal economic activity in the South African context because of different interests held by government and other members of society such as business owners. These interests are in most cases contradictory, while some are appreciative of the effort made by traders to make a livelihood in these difficult economic times, others feel that street trading is not desirable because it has negative implications on the good management of cities and the image they want to give of modernity and efficiency. The state itself is caught between the imperative of alleviating poverty, encouraging informal initiatives and managing streets for cities to become 'global cities', an image which is unsympathetic to street traders. This has resulted in disjuncture between initiatives of alleviating poverty which can be said to be mostly encouraged at national level as a key national priority, and management of street traders by local governments, which tends to be restrictive (Van der Heijden, 2012).

Policies and by-laws developed by local government on informal trading are indeed in most cases not responsive to what is happening on the ground but tend to be predominantly repressive to street trading activities. This argument is made by Lindell (2010: 3) who states that "[a]s the number of people in the informal economy swell, governments and political elites seldom remain indifferent. Some governments opt for restrictive and violent measures towards segments of the informal workforce, a hostility that appears to be intensifying". This is because street trading is not seen as a viable contributor to the economy and is rather seen as operating in parallel with the formal economy. This has resulted in government devising policies aimed at managing street trading activity which are repressive and restrict the way traders conduct their economic activity.

Street traders find it difficult to comply with the policies in place because of their restrictive nature, which is why unmanaged street trading characterizes most of the streets of major cities in the country (Pezzano, 2011). This is in line with Roy's (2009)definition of informality, which she sees merely as a creation of the state. The state, by defining regulations and bylaws that are disconnected from social realities

it aims at regulating; it creates illegality, pushes people to break the law, and defines the contours of informality. This Roy (2009:10) argues that "[i]nformality then is not a set of unregulated activities that lie beyond the reach of planning; rather it is planning that inscribes the informal by designating some activities as authorized and others as unauthorized…".

In Johannesburg for instance, there are areas which are termed non-trading zones but are economically viable for trading activities. This has resulted in street traders taking the opportunity to trade in these areas which are often threatened by eviction, harassment and impoundment of their goods. In most cases, when street trading policies are formulated there is little or no consultation with the street traders mainly because of their weak representative organization. Recently the Congress of the South African Trade Unions (COSATU), the biggest trade union federation in the country and some local leaders are attempting to organize street traders in Johannesburg so that they can have a say in policy that is meant to regulate their economic activity. However, some trading organisations are refusing to join COSATU, and it seems that some city officials are fuelling the divide (explored in detail in chapter 3).

1.3. Background

This research was inspired by the work on informal trading done through Yeoville Studio which is an initiative focused on research and learning driven by collaboration between the Wits University School of Architecture and Planning and the Yeoville Stakeholders Forum along with several other partners[1]. A variety of research initiatives were undertaken in the Yeoville neighbourhood on informal trading through Yeoville Studio which is a research and learning initiative between the Wits School of Architecture and Planning and other partners including community organisations in the area which includes perceptions of street trading; street traders' stories; models of management of informal trading and spaza shops. This research was conducted at the neighbourhood level and it was important for this research to emphasise the need to engage at other levels of government such as provincial government.

[1] http://www.wits.ac.za/academic/ebe/archplan/4876/yeoville_studio.html

The year 2012 has seen increased focus on street trading in Johannesburg in the media. There were a number of newspaper articles[2] talking about the issues that traders are faced with such as harassment and impoundment of goods by the Johannesburg Metro Police Department (JMPD). Television also broadcast through the news and other programmes, the harassment of street traders and other problems they are faced with when trying to make a living on the streets. The radio was also not left out of this as issues of street traders in Johannesburg were also debated in some programmes. The media has in most cases taken the view of and supported street trading because of their efforts to generate income and make a living in a country where formal employment opportunities are not enough to accommodate the increasing population. This research explores the current debates on street trading which has received ongoing attention.

1.4. Research Rationale

Street traders are seldom seen as political actors who can actively engage with government at different levels and scales to make an impact on policy outcomes that are meant to regulate their economic activity. One of the factors contributing to this dimension is the fragmentation that exists between street traders' organisations (Pezzano, 2011; Morange, 2012). The different organisations are not united resulting in each organisation formulating its own course of action which is not coordinated to the overall goals. There are internal conflicts within organisations and between different organisations making it difficult for street traders to constitute a united front. Morange (2012) writing in the context of the city of Cape Town also recognises the internal divisions within street traders' organisations coupled with the lack of accountable leadership and organizational capacity of street traders exacerbates their limited engagement with the state. In some cases these divisions are fuelled by city officials and this is reported by Pezzano (2011:6) who argues that "[i]nterviewed informal traders' leaders reported a deliberate practice of the

[2] Hawkers Clash with Cops,www.thenewage.co.za/59795-1009-53-Hawkers_clash_with_cops; Informal traders rubbish deal with Johannesburg. http://www.thenewage.co.za/printstroy.aspx?news_id=50962&mid=53; CBD Clean Sweep, http://www.iol.co.za/the-star/cbd-clean-sweep-1.1394105#.UMGuaGv9bcs; A confiscation of livelihood, http://witsvuvuzela.com/2012/10/01/a-confiscation-of-livelihood; National Traders' Alliance fight for street traders, http://www.looklocal.co.za/looklocal/content/en/north-east-joburg/north-east-joburg-news-municipal?oid=4789923&sn=Detail&pid=490269&National-Traders--Alliance-fight-for-street-traders-; Hawkers easily outrun unfit metro police, http://www.thenewage.co.za/60614-1009-53-Hawkers_easily_outrun_unfit_metro_police.

Department of some Economic Development (DED) managers to prevent some organizations to call for regular meetings". Wafer (2011) argues that partnerships between different informal traders' organisations are difficult to achieve especially in cases where people are vulnerable and marginalized such as is the case in the inner city of Johannesburg. Marginality is caused by the traders organising themselves according to their nationality through by territorialisation of space. Nationality then becomes a dividing line between 'local' and 'foreign' traders.

In recent years however there has been a growth in the number of organisations which are aimed at influencing policy on informal trading. "The growing diversity of organizing initiatives in the informal economy makes it pertinent to consider relations between different organized actors, and the tensions and alliances that emerge" (Lindell, 2010:3). These organisations that have emerged are in most cases challenging policies, demanding participation and recognition by government and fighting for their right to engage in their economic activity without harassment from municipal agents such as the Metro police in the Johannesburg context. Lindell (2010:8) emphasises this point by stating that "[w]e witness today [in African cities]...the emergence of collective initiatives articulating a concern for vulnerable groups in the informal economy, engaging with key centres of power and contesting unfavourable policies and regulations in visible ways".

The increasing significance of informal traders' organisations has resulted in pressure being put on the government at different levels to allow street traders to participate in planning and policy decision making processes (Lindell, 2010). Governments are also under pressure to decriminalise street trading activity because actors within this sector have developed a political voice to wield some influence on public decision making especially that of informal trading policies. This is the case in Johannesburg where a range of street traders' organisations are engaging with the officials in the City of Johannesburg to try and influence policy that is aimed at the management and regulation of their economic activity.

Most research on informal traders has focused on single organisations of street traders which operate only to offer benefits to its members but not engage with government, or seek to really influence policy. In such literature, street traders'

organisations are mainly seen as providing coping strategies to their members with limited engagement with authorities, or, at least, limited engagement on policy. This research will not look at a single organisation's strategies to provide relief to its members, but a number of street traders' organisations which are actively engaging with different levels of government with the aim of wielding some influence on trading policy that decriminalises their trading activity. CUBES[3] and my long term engagements with informal trading issues have helped me to identify actively engaging organisations through regular observation of public arenas of engagement between the street traders' organisations and the state. Actively engaging street traders' organisations according to the researcher are those whose leaders attend meetings regularly are the most vocal in meetings. Street traders will be looked at as a social movement which is aimed at challenging informal trading policy and its implementation.

1.5. Objectives of Research

Mobilisation of street traders is not viewed as sustainable and many people have argued that organisations only emerge when there are problems such as the continued pitiless confiscation of traders' goods or political backlash against street traders, only to vanish the moment after (Lindell, 2010). The emergence of these organisations in times of problems is often criticised as a strategy by the leaders to extract money from the traders. Bayat (1997) argues that informal people generally use "passive networks" where people who share similar concerns, such as street traders in this case, are visible to each other but do not mobilise and form collective organizations that are intended to voice out their interests. The use of passive networks is defined by Bayat (1997) as 'silent and free-form mobilisation' which is undertaken by simply not complying with the regulations governing their activities, not through mobilisation.

This research seeks to investigate claims that mobilisation of street traders is not sustainable by observing the engagement between street traders' organisations and government officials at different levels. Recent attempts to mobilise and to organise street traders will be investigated in this research on how sustainable and viable they are. This will be done through the analysing of street traders as a social

[3] http://www.wits.ac.za/cubes/4881/cubes.html

movement with possible influence on trading policy and/or its implementation in inner city Johannesburg.

The research presents one side view from street traders' organisation leaders. It is about understanding policy making from street traders' leaders point of view and the processes that traders have a say in. It is not about finding out challenges of policy makers or officials in the City working with street traders. This is acknowledged to be a challenging job but it is not looked at in this research. It is not the researcher's objective to personalise the policy making or implementation process or instigate individuals attacks but about understanding how agents in the City drive policy and its implementation through interacting with the traders' leaders in various ways.

1.6. Research Question

The study will investigate the following research question: **What are the strategies used by Johannesburg street traders' organisations to influence policy towards street trading at different levels of government?**

The study will be guided by the following sub-questions:

- What are the negotiation tactics and strategies used by street traders' organisations to influence policy and bylaws?
- What is the mix between cooperation and confrontation in these negotiations?
- What forms of pressure can street traders exert, if any, on municipal policies and practices?
- What are the existing different platforms and networks of engagement with the state, and at what scale or level of government do they locate themselves?
- How efficient are these different platforms and networks of engagement with the state in influencing municipal policy and practice regarding street trading in Johannesburg?
- To what extend are existing platforms and networks of engagement with the state constructing a social movement or destroying it?

1.7. Expected findings

I am working along the following hypothesis:

Street trading organisations go to the higher level of government in order to influence the lower level so that it acts in regards to finding better solutions for street trading that are agreed upon by all stakeholders involved. The municipality is mandated to manage street trading but it is not responsive because it has set its own agendas of being proclaimed a 'World Class African City' with policies that are in par with international standards.

The existing modes of engagement with the state and other organisations at different levels act as a platform where street traders are able to voice out their interests with regards to the issues they are faced with such as by law enforcement and management. The provincial level of government offers a sympathetic ear and street traders are able to voice out their needs and have some level of influence. This level of government is encouraging the construction of a social movement of traders.

The local level of government is destroying this street traders' organisation social movement by fuelling fragmentation and divisions between them organisations. This is contrasted with the usual views on decentralisation which argues the local government is closer to the people, strengthening civil society voice in decision making processes through participation, more responsive, accountable and more pragmatic towards urban realities (Devas, 2004).

1.8. Methodology

The research relied on qualitative interviews and observation in meetings held between the different levels of government and the street traders. These are explored below.

Qualitative interviewing

A number of stakeholders were engaged with in order to understand the dynamics of engagement with the state. The Economic Development specialist at the South African Local Government Association (SALGA); the campaigns officer at COSATU; the international coordinator at StreetNet International and leaders of three street trader organisations in the inner city of Johannesburg. These interviewees were

chosen because they are involved in the issue of street trading and are engaging with the traders in the given platforms of engagement.

The South African Local Government Association (SALGA)'s Economic development specialist was engaged with regards to the 2012 informal economy workshop which was convened in March to develop a national informal economy policy with input from various informal economy actors including street traders. The questions addressed to this stakeholder were centred on this engagement process and the results it yielded. The challenge here is how one analyse complex forms of engagement with the state.

At COSATU, the campaigns officer was interviewed. COSATU was chosen to be part of this research because of its noted recent efforts of organising workers in the informal economy, on a national but also on a local basis. COSATU attends Johannesburg informal traders meeting and was involved in helping coordinate a Johannesburg street traders' position for the Johannesburg participatory Growth and Development Strategy process in 2011. Questions to this respondent largely focused on the vision that the federation has for the informal economy, the role that it plays to unite street traders and the challenges it faces in this regard. The international coordinator of StreetNet International, an organisation aimed at organising informal economy workers to ensure that they raise their issues with one voice was also engaged with in an effort to familiarise the researcher with the type of work the organisation does. It was chosen because it has been working with COSATU as its social partner to convene workshops that are aimed at uniting informal economy workers including street traders.

Three street traders' organisations operating in the inner city were chosen and their leaders engaged with. These organisations are the South African National Traders and Retail Association (SANTRA); the South African Informal Traders' Forum (SAITF) and One Voice of All Hawkers Association (OVOAHA). These organisations were chosen because their leaders are the most consistently present and vocal in the engagement platforms in place by the state. The leaders also use different strategies and tactics to influence policy and bylaws that regulate street trading. Obviously they are also competing for legitimacy and representation of the sector.

From SANTRA, Edmund Elias (spokesperson) and Geoffrey Nemakonde were interviewed; the Leaders from SAITF interviewed are Samuel Khasibe (chairperson), Samuel Ndlovu (treasurer) and Brian Phaaloh (secretary) and from OVOAHA, Zachariah Ramutula (president) and the John Ratau (director). These street traders' organisation leaders were identified from the informal trading forum meetings that I had the opportunity of attending at the City of Johannesburg throughout the course of the research.

I managed to build a good rapport with SANTRA's leadership which is why I was able to identify the many strategies that they use to influence policy. Whenever the government called meetings with street traders, the leadership of this organisation would always make sure I am aware of that and encourage that I attend. I was always in touch with this organisation to find out the latest development with regards to street trading. As such I am fully aware of the strategies that this organisation utilises to influence policy and its implementation. I was introduced to other street traders' organisations through the leadership of SANTRA and I decided to look SAITF and OVOAHA because of the reasons stated above. I did not have such a close relationship with the other two organisations and its leadership as with SANTRA.

Some of the work by third year Politics, Governance and the City (University of the Witwatersrand) students on the inner city Retail Improvement District (RID) was used because of its relevance to this research. The research I drew largely from is titled "Unpacking Informal Trading Management" by Malemagoba, Sibiya, Motaung, Munzhelele and Manganya (2012). The students conducted interviews with a range of stakeholders including some city officials on a number of issues such as the management of informal trading in the RID and some of the interventions put in place.

Meeting Observations

Meeting observation was included in this research as a method of data collection where I attended some of the meetings held by street traders' organisations and engagement platforms that traders got invited to by different levels of government. Five sites of observation were identified and these are:

- the informal trading forum which is a platform of engagement between street traders' organisation leaders and DED officials;

- Informal trading forum task teams which are advisory teams consisting of street traders' organisation leaders that guide City officials on the implementation of informal trading policy including management and allocation of trading spaces taking into consideration the context within which these are being applied (City of Johannesburg, 2010);
- the Growth and Development Strategy (GDS) engagement;
- the Gauteng Provincial Legislature Economic Development Portfolio (GLPED) [with a range of meetings attended such as the economic development summit, 2012 budget speech, feedback session from the summit, presentation of concept document for stakeholder workshop with informal traders, annual report analysis for the 2011/2012 financial year]
- and SALGA workshop.

I only managed to observe four of these identified platforms: the informal trading forum, the GDS engagement, GPLED and SALGA workshop. With regards to the informal trading task teams, I did not get the opportunity to observe the type of work that street traders do because their meetings were not frequent during the course of this research. These five sites of observation are shown in the diagram below.

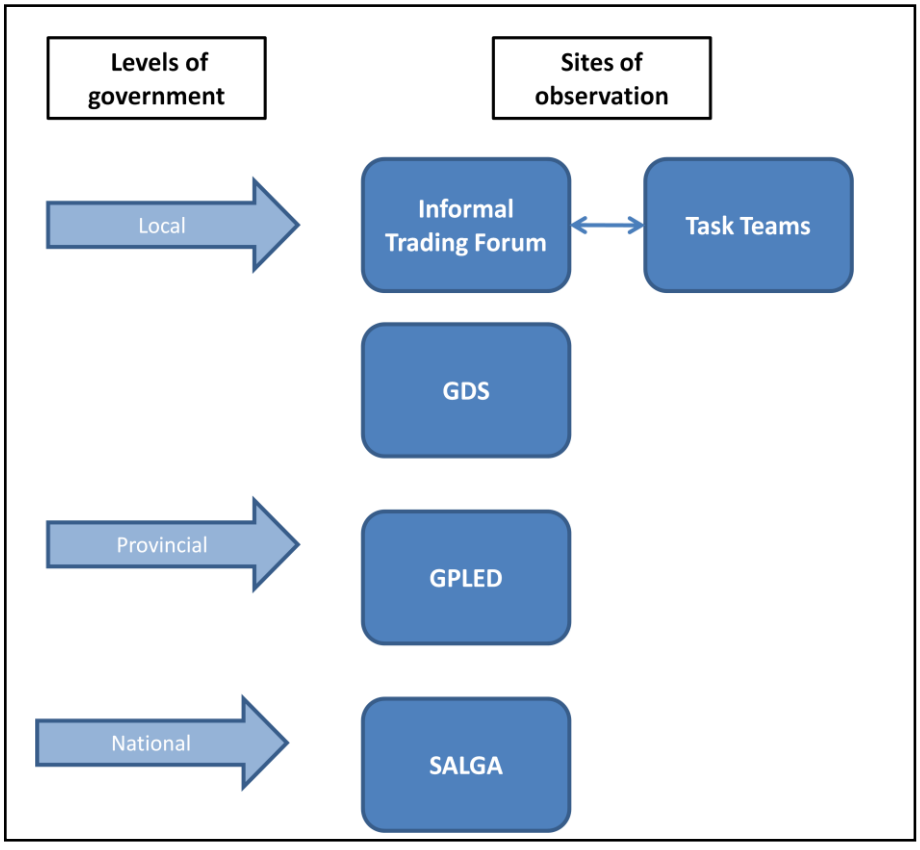


Figure 1.1: Sites of observation

Each site of observation had distinctive thematic interest within my broader research question.

For the informal trading forum, observation focused on power dynamics between the city officials present in meetings and the street trader organisation leaders. There was investigation on whether this relationship between these stakeholders encourages or fragments further the social movement of street traders. The mix between cooperation and confrontation in the negotiations between the stakeholders was also a key theme to observe and analyse.

The informal trading forum task teams were identified as a site of observation with a particular interest on the practical side of things: how participatory management of street trading was being implemented. The objective here was to identify the different task teams in place and follow them around to see what their role is and what they do when undertaking their roles in the streets. I wanted to see what is happening with the different task teams and whether they have been initiated by the city forum to open space for street traders or restrict and control them. An enquiry was made on whether they are about divide and rule or street traders finding solutions to the issues they are faced with. Are they a co-management strategy between street traders and the city or are the street traders 'puppets' of the city. As mentioned earlier, I did not get an opportunity to follow the different task teams in their operation because their meetings were irregular and closed off to the general public. I tried getting permission from the DED forum chairperson but was denied access as meetings are to be attended strictly by task team members and concerned city officials only.

On the engagement of street traders with the provincial (GPLED) and national (SALGA) levels, I focused mostly on the relations between the officials and the street traders' organisation leaders The strategies of street traders were observed, whether they rely on confrontation or cooperation when engaging at these levels of government which was useful also to analyse which level of government has a sympathetic ear towards issues faced by the street traders.

The street trader organisations were chosen through the criteria identified above. This was so the tactics and strategies that each organisation or leader uses could be analysed on their effectiveness to influence policy and bylaw decisions. Shifting

dynamics of coalitions and competitions between the three organisations were also observed and analysed.

Knowledge of the existence of these different sites of observation was though word of mouth from some of the street traders' organisation leaders that I got to know through the research. Some of the leaders introduced me to these platforms and even invited me to attend. In order to get access to the informal trading forum, I had to ask permission to the chairperson of the forum who is a city official from the DED. After he granted the permission I was able to attend because this forum is strictly meant for informal trading organisation leaders. The other meetings convened by the provincial legislature and SALGA, I got informed by the street trader leaders that I have contact with and they invited me to attend.

Meetings of engagement with street traders at different levels of government, especially at the provincial level took place throughout the year. There were instances where I was not able to attend because of other commitments such as having to attend class. There were also instances where meetings at one level of government would clash with another one at another level of government. Such an instance was when the GPLED was convening a summit of economic development and the local municipality also held a forum meeting with some of the traders that did not go to the provincial summit.

The informal trading forum meetings were not frequently held throughout the year which means that I did not have enough opportunity to follow up the issues mentioned above. The irregularity of meetings also shows the inadequacy of the forum in addressing the needs of the traders which is discussed in greater detail in chapter 5. I only managed to attend three meetings of the forum this year where I was invited by the street trading organisation leaders I engaged with.

1.9. Conceptual Framework

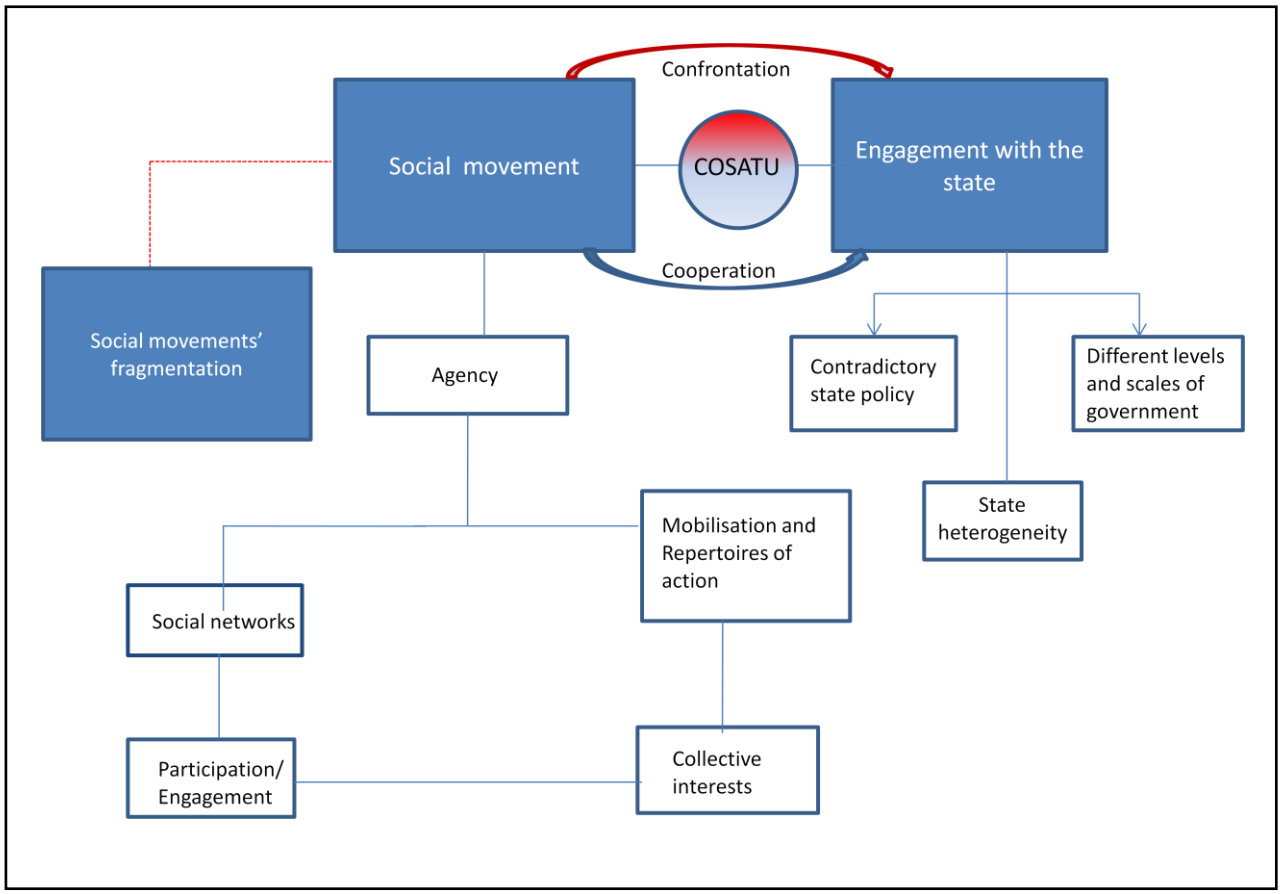


Figure 1.2: Relationship between the street traders' organisation social movement and the state

The conceptual framework depicts how individual street traders mobilise their social networks to identify their collective interests so that they can engage with the state. The street traders use these social networks to construct a social movement that is able to use agency and participate in policy negotiations that affect their sector. There are also different forms of mobilisation and repertoires of action that this social movement uses based on the outcome envisaged for the actions taken. The type of mobilisation and repertoires adopted depend on the kind of outcomes street traders want to achieve.

Engagement with the state is not straight forward and a smooth process as the state has different levels each with its functions and mandates. For instance the national level of government emphasises policies that are aimed at poverty alleviation while the local level emphasises the management of street trading in order to attract private investment. This state heterogeneity has resulted in contradictory policies

between the different levels. State heterogeneity means that at a given level of government, there are different departments and agencies that in most cases have contradictory or uncoordinated policies, visions and implementation strategies.

Different tactics and strategies are employed at different times by street traders when engaging with the different levels of the state to achieve certain outcomes. This part looks into the repertoires of actions employed by street traders in their quest to influence policy outcomes. There are cases where cooperation is used while in other cases confrontation is supported to yield envisaged outcomes. An inquiry is made in this research on whether engagement with the state leads to a social movement fragmentation or if it is opening a space for the social movement to have influence on policy. Is it about divide and rule or about traders finding solutions to the problems they face?

The main concepts that will be looked at include social movements, engagement with the state and fragmentation of social movements, whether a social movement of street traders is exiting, a risk or possibly aggravated by encounters with the state. The above theoretical framework depicts the key concepts which will be used to understand the dynamics of street trading and answer the research question.

1.10. Chapter Outline

Chapter two will attempts to put CoJ policy on informal trading in a historical perspective, and look at how the policy is framed (in its contradictions) at the municipal level. It evaluates different policies and by-laws put in place by the City of Johannesburg to regulate this economic activity. This helps in setting the bases on which street trading organisations will engage with the state.

Chapter three focuses on participatory governance and 'invited' spaces of participation and what this means for street traders. The strategies traders use to influence policy will be analysed by looking at the different engagement platforms available for street traders afforded by the different levels of government. These engagement platforms include the Johannesburg DED informal trading forum; the GDS process; the GPLED meetings and SALGA engagement. Analysis of the different engagement platforms and the level of efficiency each has will be investigated in this chapter. Investigation into whether these platforms lead to a social movement fragmentation or enhance it will be analysed.

Chapter four introduces the three street traders' organisations chosen and the strategies each organisation uses to influence policy and implementation of informal trading policy. Similarities and differences in the strategies used by the different organisations are explored and their effectiveness in achieving desired outcomes.

Chapter five investigates whether street traders in Johannesburg constitute a social movement which has influence over the implementation of government policy and street trading regulations. This chapter will look at the mobilisation of street traders through COSATU, StreetNet and Wits street trading coalition to a certain extend and three informal trading organisations; SANTRA, SAITF and OVOAHA. The barriers to mobilisation are also analysed. Confrontations, pressures, media campaigns and other strategies employed by street traders' organizations are also investigated.

Chapter six is the conclusion and the contribution of this research to theory and practice. The chapter also looks at whether the street traders are managing to influence policy and practice and to what extent. The lessons I learned by studying this social movement of street traders are also explored.

Chapter Two: Street Trading in Johannesburg and the Current Policy Context



Street traders running away as metro police officers approach (Matimba, 2012)

2.1. Introduction

Informal trading characterises many cities around the world and Johannesburg is no exception. This economic activity has been on the rise mainly because it accommodates people who are not able to enter or to remain in the formal sector. The unskilled, semi skilled, unemployed, low paid workers, those who lack a proper network, grounding or documentation to immediately enter into the formal sector have ventured into this avenue as a way to sustain their livelihoods (Bromley, 2000).

In the South African context especially in big cities such as Johannesburg, street trading is a form of informal trading which characterises the urban landscape. According to City of Johannesburg (2009), street trading refers to the sale of legal goods and services in public spaces such as pavements, public squares and parks. This definition excludes any criminal or illegal goods and services such as counterfeit items.

In a globalising Johannesburg, street trading has been growing and this is attributed to high urbanisation rates (Naidoo, Van Aartdt and Ligthelm, 2004; Pezzano, 2011). The South African Cities Network (2012) states that "[c]ities like Johannesburg remain a magnet for migrants from inside and outside the country (and) the city is growing at an estimated 1.9 percent per annum, twice the national rate". Due to these high rates of urbanisation, more and more people are coming from other parts of the country and abroad to seek employment opportunities and better lives in Johannesburg.

Street trading in Johannesburg is a contested activity and this is largely influenced by the contradictory interests that city governments have which Pezzano (2011) calls the 'municipality's double agenda'. This is a case where the city is faced with the challenge of promoting street trading for the sake of poverty alleviation while at the same time promoting street 'cleanliness' and the city image. In trying to balance the two, the City of Johannesburg formalises a limited number of street traders terming those left out as 'illegal' traders[4]. The limitation of the number of formalised street

[4] Illegal traders in this research refer to traders who do not have trading licenses or those traders that operate in areas where trading is prohibited.

traders is a way of ensuring that the streets portray a standard fit for a 'world class African city'.

Exploring literature on street trading current policy context is important for this research because it gives a sense of why street traders are currently mobilising in an attempt to influence policy so that it responds to their needs on the ground. It is imperative to understand the evolution of street trading policy to understand why street traders feel that policy regulating their economic activity is still a continuation of apartheid style planning. As it will be discussed in detail below, street trading policy particularly the bylaws are restrictive in a globalising Johannesburg giving a platform for traders to mobilise and contest it.

This chapter starts by exploring the history of street trading in South Africa and Johannesburg in particular from the period of colonialism to the contemporary globalising context. This is followed by a discussion on repressive versus developmental approaches to informal trading comparing the eThekwini municipality with the City of Johannesburg. The policy climate in Johannesburg continues to be restricted in the globalising context where the City of Johannesburg is concerned with becoming a 'world class city' given its context in the African continent while the eThekwini municipality is an example of best practice model of developmental approach to informal trading. The fragmentation of governance in Johannesburg is explored showing how the City has put in place contradictory documents to serve its 'double agenda'. The policy documents to be explored include the the Joburg 2030, the Joburg 2040 GDS, City of Johannesburg informal trading policy of 2009 and the informal trading bylaws of 2009.

2.2. From Colonial to Globalising context: History of Street Trading in Johannesburg

Street trading has a long standing history in the country dating back to the colonial era (Rogerson, 1988). During this time, in major cities like Johannesburg, street trading was repressed and highly controlled by authorities through the issuing of a limited number of trading licenses. This was a mechanism to ensure that only a limited number of people could undertake this economic activity. The limitation of licenses issued did not however stop people from trading; unlicensed traders grew in numbers but faced persecution and impoundment of their goods.

This repression continued well into the apartheid era (Rogerson, 1988). The number of licenses issued to street traders dropped significantly in order to curb its growth. A variety of justifications were used as to why street trading was repressed and prevented from growing in the City of Johannesburg. This included town planning justifications which focused on maintaining order and control to ensure a healthy and safe city as this activity was associated with chaos, crime and grime (Rogerson, 1988). The apartheid government also introduced restricted areas where informal trading was not allowed. These restricted areas were mainly those inhabited by whites and the government developed them as a strategy to curb street trading through zoning. The boundaries of these 'trade free' areas kept on expanding to ensure limited space available for street trading. Even though these spaces were delineated, people invaded them and traded, going against the regulations set forth.

Street trading as an economic activity during this time was therefore limited (Rogerson, 1988; Skinner, 2007). This is emphasised by Skinner (2008:14) who states that "[i]n South Africa the apartheid state's complex web of national and local laws effectively banned street trading". Policies and bylaws in place restricted the proliferation of street trading in cities and whoever undertook such activities on the streets was seen as doing so illegally and as a result was subject to harassment, fines and in some cases imprisonment.

In the early 1980s when apartheid rule was crumbling and street trading was on the rise, 'move on' regulations were passed which required traders to trade in one location for 20 minutes and after this time should move on to another site (Rogerson, 1988). This regulation was enforced so that it could discourage street traders from conducting their business because it became difficult to carry goods around. This regulation was formulated in order to shield white owned businesses from 'unfair' competition from street traders.

From the 1980s onwards, attitudes and policies towards this economic activity were slowly shifting in some levels of government (Beavon and Rogerson, 1986; Rogerson, 1988). Beavon and Rogerson (1986:14) argue that "[i]t would be naive to anticipate that the long-established tradition of municipal repression of hawking will be transformed in a sudden about face to one of benevolence and the promotion of

such activities". Rogerson (1988:555) also argues that this is "more apparent at a rhetorical level rather than at the level of policy implementation". There was at least tolerance of some forms of informal trading activities even though not all and generally there were no plans to formalise this tolerance.

Throughout the periods discussed above, street traders were not passive recipients of regulations; they used and still continue to use their agency to trade despite harassment and impoundment (Rogerson, 1988; Brown, Lyons and Dankaco, 2010). Their increase in numbers did not however improve their status or change the restrictive regulations that govern their economic activity.

During the last years of apartheid, the government started recognising what was happening on the ground and allowed a limited number of street traders to operate subject to heavy regulations (Rogerson, 1988; Skinner, 2007; Van der Heijden, 2012). This resulted in a change of attitude towards informal trading by national government in the early 1990s through the enactment of the 1991 Business Act which is national legislation. This Act was a key law which ensured the removal of barriers to the operation of informal activities because street traders were starting to be regarded as business people. The Act allowed municipalities to develop bylaws to regulate street trading activities, gave recommendations as to how to regulate informal trading and also put restrictions on how cities could restrict informal trading in their areas of jurisdiction through delineating some areas as trade free zones. The relaxation of the restriction on street trading and the enactment of this Act in this decade led to an increase in informal economic activities in the country's major cities and towns.

The dramatic increase in informal economic activities led to the Business Act being amended in 1993 (Skinner, 2007; Van der Heijden, 2012). The amended Act gives local authorities the power to fine and confiscate goods of what are perceived as 'illegal' traders. Van der Heijden (2012:21) argues that "[t]his Act allowed local authorities to formulate street trading by-laws outlining what they would and would not allow in their municipality, and to declare restricted and prohibited trade zones". This Act gives local governments the power to determine where street trading is allowed and where it is not which can be seen as a continuation from colonial and apartheid regulations.

In the year 1994 the Johannesburg council kept its informal trading regulations in place but without enforcement (Fraser in Malemagoba *et al*, 2012). During this period, formal business owners who were against informal trading in front of their properties were obliged by council to find alternative trading spaces for informal traders (*ibid.)*. In 1999, the City of Johannesburg was the only municipality in the entire country to have an informal trading policy which ensured the move from a merely regulatory to a more developmental role of the council (*ibid.*).

During the early 2000s there was the establishment of a number of municipal owned entities such as the Metro Trading Company (MTC) which was mandated to manage informal trading (Fraser in Malemagoba *et al*, 2012). Even with the development of these municipal owned entities, the Department of Economic Development (DED) maintained its overseer role. Through this increased partnership, in 2002 the Informal Trading Development Programme was put in place and it focused attention on markets creation and bylaw enforcement on informal traders who were contravening the guidelines of informal trading set by the municipality (*ibid.*). During the same time strategic visions such as the Inner City Strategy Management was advocating for limitation and at worst eradication of street trading viewing it as a negative aspect of development in the city (*ibid.*).

In 2004 through to 2005, the DED provided registered and licensed street traders with wire cage stalls that they could operate from (Fraser in Malemagoba *et al*, 2012). The DED mandated MTC to carry out both the licensing of street traders and the allocation of the wire cages. These cages provided street traders with a selling space but did not address the needs of the traders and created problems rather than solving them ((*ibid.*). For instance, the wire cages design did not allow for easy pedestrian movement on the pavement and they were blocking formal and informal traders from the view of the streets. During this time linear markets were also developed and street traders allocated stalls within the markets.

In 2007 the Johannesburg Metropolitan municipality informal trading policy was approved and eventually promulgated in 2009 (City of Johannesburg, 2009). The policy takes a progressive approach because it acknowledges that "informal trading is as much a part of the past, present and future of the City of Johannesburg as are other parts of economic activities" (City of Johannesburg. 2009:5). This illustrates that the Johannesburg council acknowledges the positive role played by

informal trading in the overall economy. The legislative background that the policy draws from is the 1996 Constitution of the Republic of South Africa which is the supreme law of the country. Section 22 of the Constitution states that "[e]very citizen has the right to choose their trade, occupation or profession freely. The practice of a trade, occupation or profession may be regulated by law". With this said, the right for an individual to choose is limited and this right must be considered and interpreted while taking into account other competing rights and obligations at the same time. For instance, when someone wants to engage in informal trade in a certain location, certain aspects have to be taken into account such as the permitted land use and zoning rights.

The informal trading policy states that spatial development plans should incorporate informal trading and efforts be made to accommodate this economic activity in well located and viable business sites (City of Johannesburg, 2009). This illustrates a shift from the apartheid era because there are efforts in the policy document to accommodate informal trading in envisaged new development. The policy also encourages informal traders to register with council so that they are recognised as legal traders but the application process is cumbersome especially for people who are not educated. For instance, the application process requires traders to complete comprehensive application forms which require a lot of information.

When the informal trading policy was promulgated, the informal trading forum was also established which is a structure where informal trader representatives meet with DED officials to discuss issues related to informal trading and try to come up with solutions relevant to the problems faced by the traders (City of Johannesburg, 2009). The structure is open to informal trader representatives from all registered traders organisations in the City of Johannesburg. This can be seen as a big shift from colonial and apartheid top down technocratic planning where council was the only decision making body to involvement of stakeholders in decision making processes where they have the opportunity to influence decisions.

During the same year the council developed the Johannesburg informal trading bylaws which set out what the behaviour of informal traders and council ought to be (City of Johannesburg, 2009). The bylaws recognise the need to strengthen the relationship between informal and formal businesses because this relationship is historically tense. Formal traders are wary of informal traders taking business away

from them because they sell goods at a cheaper price and they are able to catch passing traffic (Fraser in Malemagoba *et al*, 2012). The bylaws as with the policy also set out that people have the freedom to engage in informal trading for as long as they abide by the rules and regulations set forth (City of Johannesburg, 2009). This is a progressive step in that during apartheid people were not free to engage in informal trading, the activity was highly restricted and only few people were allowed to trade through limiting the number of informal trading licenses. From the statement in the bylaws that people have freedom to engage in informal trading, there is a sense of encouragement of this economic activity which was not there during apartheid although this right is limited.

In the 2009 informal trading bylaws there are however aspects that highlight continuity with an apartheid style of regulation to restrict informal trading from taking place in certain areas through the restricted and prohibited areas clause. This gives the council the right to demarcate certain areas as no trading zones. However, even though the council has the right to declare certain areas prohibited zones, it also has the responsibility to ensure that existing traders in this area are afforded alternative trading sites and are not just chased away. Impoundment of goods of informal traders who do not abide by the regulations by the city forms a substantial part in the informal trading bylaws. Enforcement officers are given the power to impound traders' goods who contravene the bylaws such as trading in prohibited areas and in streets which are not demarcated to accommodate street trading (City of Johannesburg, 2009). Those informal traders who contravene the bylaws do not only get their goods impounded but also face penalties which include paying a fine of a certain amount depending on the type of offence and in some cases imprisonment.

A summary of national and local pieces of legislation that affect street trading are shown in the figure below.

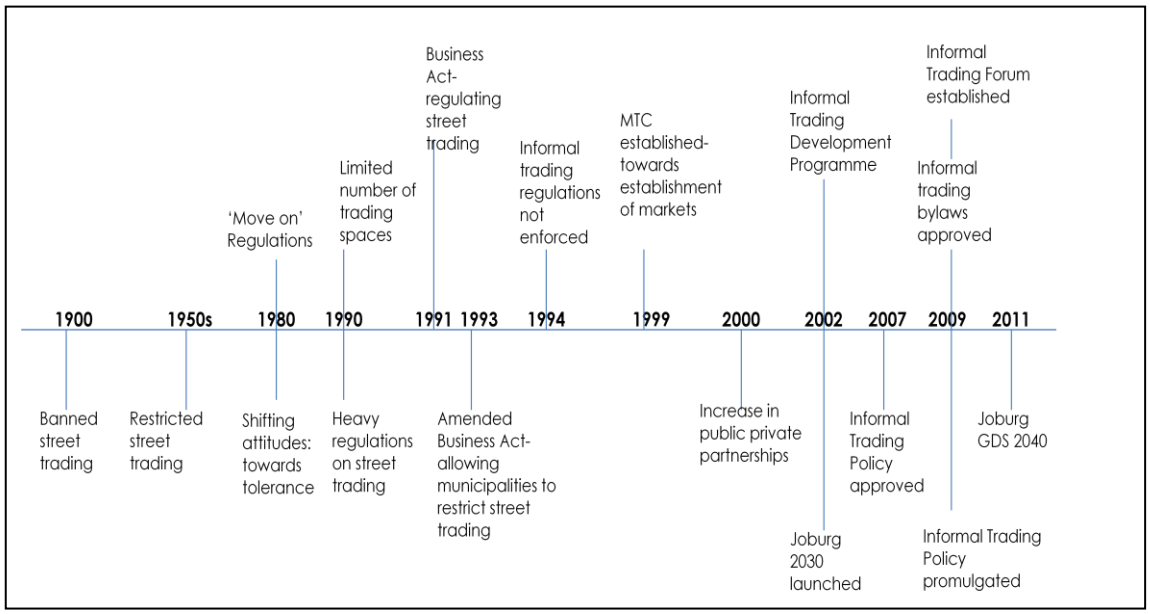


Figure 2.1: Legislations affecting street trading

[Adapted from Rogerson (1988); Skinner, 2007; City of Johannesburg (2009); Pezzano (2011); Fraser in Malemagoba *et al* (2012) Van der Heijden (2012)]

The figure above illustrates the continuities and changes with regard to street trading in Johannesburg. The continuity in legislation between colonialism, apartheid and the globalising context is the limitation of the number of trading spaces through creation of scarcity of legal trading spaces and the demarcation of non-trading zones. Regulations on street trading still continue to emphasise order and cleanliness of the streets and in cases where street traders do not comply face harassment and impoundment by enforcement agents of the City.

The status of street traders has slowly improved throughout the years where the Council is recognising the positive role this economic activity is playing and its contribution towards the overall economy. The street traders are given a platform, the informal trading forum, to voice out their interests and needs in collaboration with City officials to come up with implementation strategies that are responsive to the context. Whereas during apartheid, street traders were not afforded any platform to engage with the officials responsible for street trading, in the globalising context the street traders are afforded a platform to engage with officials to shape implementation of policy. Another difference is that the council is no longer the sole role player in managing street trading but has established municipal owned entities

as well as forged partnerships with the private sector to manage this economic activity.

2.3. Repressive versus Developmental Approaches to Street Trading Regulation

In South Africa, there is an apparent disjuncture between emphasis on poverty alleviation and job creation, which is mostly discussed and prioritised at the national level of government and through national legislation and policy; and the management of streets, more centrally a municipal concern (Van der Heijden, 2012). This has led to the apparent non-coordination between national policies and plans and those at the local level, particularly striking when it comes to street trading regulation. The national level of government seems to be more sympathetic by appreciating efforts made by informal traders to make a livelihood in light of the current economic climate of the country, while the local level mainly adopts a views that street trading is not desirable because it is chaotic and affects the good management of cities and the image they want to portray of order, management and efficiency.

Street trading is often perceived as a negative feature characterising most cities of the South which depicts lack of management and control by local authorities. Hansen and Vaa (2004:13) argue that "[v]iolent confrontations between urban authorities and street vendors over the commercial use of public space are recurrent events in many African cities. Urban authorities frequently seek to remove street vendors, dismissing them as untidy disruptive of established business, and allege that they are illegal immigrants if not criminals". This statement shows the current status quo of street trading in urban Africa where it is equated with disorder and the actors in this sphere are criminalised which mainly occurs at the local level of government.

Authors such as Skinner (2008) have argued that informal trading should not be viewed as dysfunctional and chaotic but rather as a positive mechanism that can be enhanced to ensure benefits for cities and the actors. Skinner (2008) notes that even though the approach towards street trading is more permissive as before, municipal authorities still tend to be hostile towards this economic activity. Policies and bylaws designed to regulate street trading in recent years still portrays elements of colonial planning and apartheid to an extent in the South African context with

Johannesburg being an example (Rogerson, 1988; Pezzano, 2011). The colonial hangover to control and order the streets is still present in many African cities' planning.

Repression of street trading is informed by the dualistic view of the economy by authorities (Roy, 2005; Van Donk, 2005). This dual economy conception that still informs many, if not all government officials, is important for this research because it shows how policies are formulated as a way to deal with a temporary problem that will eventually go away while this has proved not to be the case. Informal trading is a growing sector and many authors argue that it is about time that authorities realise and embrace this and try to, in conjunction with street traders, come up with policies that are better suited for the context. In spite of very progressive planning theory and reflections on informal trading, policies are still very repressive.

2.3.1. The Dual Economy

The former South African president, Thabo Mbeki, in his State of the Nation Address in the year 2003 presented the notion of the dual economy (Van Donk, 2005). He argued that in South Africa there is existence of two economies, the 'first' and 'second', which exist in parallel and not integrated. The first economy refers to the formal while the second refers to the informal economy of the country. The second economy, Mbeki argued is 'the state in which those who are marginalized from the first economy operate' (Van Donk, 2005: 01). The second economy is seen as accommodating those who have been excluded from the formal workings of the formal market.

The former president also argued in the 2003 State of the Nation Address that in order to deal with challenges of underdevelopment in the country, there is a need to encourage and enhance the growth of the first economy which will result in job creation while also devising and implementing strategies to address challenges in the second economy (Van Donk, 2005). In this instance, the president does not acknowledge the informal sector as a sector which can be enhanced and supported and as such emphasis is placed on the formal sector that is seen as the main driver of economic development and job creation. This concept of duality fails to recognise that the formal sector alone cannot deal with the pressing issues in the country such as poverty and unemployment.

This duality acts as a basis that informs authorities and as such leads to interventions which are aimed at restricting or eliminating informal activities or at best try to formalise these activities to make them more 'appealing' (Roy, 2005; Van Donk, 2005). A report titled "Overcoming Underdevelopment in South Africa's Second Economy" by the Development Bank of Southern Africa argues that interventions in the informal economy are formulated in such a way that does not suit the context because of assumptions made by authorities (Van Donk, 2005).

2.3.2. Comparison of CoJ with eThekwini municipality Informal Trading Policies

Some municipalities have started to adopt a more developmental approach towards informal trading particularly street trading which is the most controversial type of informal trading in the country. The eThekwini Metropolitan municipality has been applauded by authors such as Skinner (2007) as an example of best practice with regards to adopting a developmental approach to street trading policy and implementation (eThekwini Unicity Municipality, 2001).

According to the eThekwini Unicity Municipality (2001), in order to adopt a developmental approach towards street trading a developmental local government is needed to lead the process. Developmental local government with regard to informal trading is defined as "[a] local government [which] should promote the creation of job opportunities...encourage and promote a diverse mix of markets and trading opportunities... [a] diverse mix of built markets and street trading sites is part of the overall strategy of creating different opportunities" (eThekwini Unicity Municipality, 2001:7). A developmental local government here is regarded as one that is constantly devising innovative ways and means to support informal trading and adopting a mix of strategies to manage informal trading.

i. Creating opportunities for informal traders

According to eThekwini Unicity Municipality (2001), a developmental approach to informal trading includes creating job opportunities for informal traders by finding new viable trading sites that can effectively accommodate informal trading activities without interfering with the orderly management of the city. The developmental approach ensures that there is a balance between job creation and orderly management of the city so that the municipality still continues to attract

private investment into the space. Skinner (2007:15) argues that "[t]he policy's point of departure was that the informal economy is critical to economic development".

ii. Nurturing and supporting informal traders

The municipality also encourages nurturing and support of informal traders to ensure that their businesses are viable (Skinner, 2007). The policy mandates the city to provide support services informal traders and those with small enterprises through the provision of basic education that the City subsidises regarding business skills, informal trading bylaws legal, health and accessing financial services. Finding innovative ways to involve informal traders in planning their own development and regulating their own activities is another developmental approach adopted by the eThekwini municipality. Ways of involving informal traders in the development process includes area based management of trading sites which is led by the traders themselves through self regulation which Skinner (2007) argues "resolve coordination problems and encourage the participation of interest groups in planning and management". Developmental approach also rests on innovative planning and management of informal trading activities which are developed and redeveloped through experimentation to suite the context within which they are being applied.

iii. Participation of various stakeholders

The eThekwini informal trading policy emphasises the participation of various stakeholders in its formulation. Interests of both the private sector and civil society are acknowledged when formulating informal trading policy while involving the informal traders in the process as well (eThekwini Unicity Municipality, 2001; Skinner, 2007). When the policy was formulated, these interests were both acknowledged and the municipality was concerned with finding a balance between them. Both these interests are taken into account to ensure that policy adopted reflects both sides. The municipality is exploring innovative ways to balance the business sector interests and informal trading through good management and planning solutions. An example of the innovative ways of bringing both interests on the table is organising meetings which are attended by actors in both the formal and informal sectors which gives the municipality an opportunity to understand both sides and come up with solutions that address both. This is not an easy and straight forward task, the municipality experiences difficulties when trying to balance the interests of

the different stakeholders as they are, in most cases, conflicting but nonetheless it is making commendable efforts to resolve this.

iv. Flexible planning and design solutions

The municipality has adopted a strategic intervention with regards to street trading through flexibility of planning and design solution such as pilot projecting (eThekwini Unicity Municipality, 2001). This has proved beneficial because when implementing a pilot project, the municipality is able to identify challenges that can be avoided in the future, areas of improvement as well as the successes and strong points of the project to be maximised. The informal trading policy encourages the municipality to adopt pilot projecting, an area of trials and error that the City of Johannesburg has not looked at in its informal trading policy.

v. Challenging the dual economy

The eThekwini municipality has through its policy challenged the concept of the dual economy by acknowledging that the formal and informal economies are integrated and one cannot exist without the other. This is illustrated in the policy document which states that "[t]he health of the entire economy is important. The economy does not divide neatly into 'formal sector' and 'informal sector'. Rather, the different sectors, such as manufacturing, tourism, services, and construction, are on a continuum which has a more formal end and a more informal end" (eThekwini Unicity Municipality, 2001:2). The City of Johannesburg still places much emphasis on facilitating the 'graduation' of informal traders into the formal economy (City of Johannesburg, 2009). There are no figures in place by the City to prove that this phenomenon is indeed taking place, many street traders are still survivalist in nature with no prospects of becoming entrepreneurs that can operate in the formal sector.

vi. Policy based on realities

The eThekwini municipality has based its policy on realities (eThekwini Unicity Municipality, 2001). The policy acknowledges and realises that the graduation of street traders into the formal sector, which is emphasised by many policy makers in South Africa, more especially the City of Johannesburg, will not work because of

rapid informalisation around the world. The eThekwini Unicity Municipality (2001:2) states that "...the informal economy is here to stay, not only in Durban, but internationally". There is also the realisation that policy on informal trading in the country has focused greater attention on small medium and micro enterprises (SMMEs) with survivalist informal traders being excluded because they do not fall within the parameters of SMMEs. This is what the municipality is trying to correct by placing as much emphasis on street traders as on SMMEs ensuring that policy is conducive to address the needs of survivalists in the sector.

At the time that policy was approved and implementation of it about to commence, elections for new local government council took place and the city became a unicity where some departments were merged changing the institutional composition of the municipality (Skinner, 2007). These changes have resulted in the policy and approach no longer fully existing. Skinner (2007:17) argues that "[a]lthough a full evaluation of the implementation of the informal economy policy as it was originally conceived has not as yet been done there are indications that its implementation has been patchy". For instance, the 2001 policy states that bylaws should be redeveloped to reflect the progressive approach in policy but the 1996 street trading bylaws are still being used to regulate this activity. Skinner (2007:17) argues that "[t]he first signs that there was a significant shift in city's approach emerged in mid 2004. On June 14 Metro Police, without warning, removed traders' goods at various intersections throughout the central business district and the neighbouring middle class suburbs". This suggests that even though the eThekwini municipality adopts a more developmental approach as compared to the City of Johannesburg, it still experiences challenges. These challenges include among others the uncoordinated efforts to support informal trading by the different municipal entities which results in minimal success when implementing policy (eThekwini Unicity Municipality, 2001). There persists different perceptions between different councillors and officials; while others highly support street trading as a legitimate way to make a living others regard it as a nuisance and not having a place in the city.

2.4. Fragmentation of Urban Governance

There are a range of contradictory policy directions and documents that CoJ has put together in an effort to govern and regulate informal trading especially street

trading. It is difficult to ascertain which one is binding as opposed to others. The policy directions include the Joburg 2030; Johannesburg 2009 informal trading policy; Johannesburg 2009 informal trading bylaws and the Joburg Growth and Development Strategy (GDS) 2040. These contradictory policy directions result in the fragmentation of governance of informal trading. Each policy direction is analysed and thereafter a reflection on the set of contradictions or contradictory(which is no longer valid) policy directions and documents that CoJ is putting together.

The City of Johannesburg is caught between the desire to acquire status of a 'world class city' and the management of street trading as a way to reduce poverty (Benit and Gervais-Lambony, 2005). This has led Johannesburg to adopt governance methods from other cities as a strategy to increase competitiveness. In the quest to be recognised as a 'world class city', Johannesburg has put in place measures to ensure economic growth and attraction of investment. The vision is to transform economic development of the city following a similar path that other cities in the developed world have taken. The plan envisages growth in the economy of the city and increased investment in order for the city to acquire 'world class city' status.

In the document, it is stated that the vision of Joburg 2030 is to ensure that:

> *"by 2030 the City of Johannesburg will have ironed out the major inefficiencies and plugged the major gaps that at present prevent the economic infrastructure of the City from being a major asset to the City's economic players" (City of Johannesburg 2002: 109).*

The main aim of the Joburg 2030 strategic plan is to shift perceptions of international investors and the image of the city which will result in economic growth and increased investments in the city. This has resulted in investments being put in places that are visible to potential foreign investors and this is what Benit and Gervais-Lambony (2005) call "the shop window". Benit and Gervais-Lambony (2005:9) argue that "only the 'shop-window' of the city seem to have the right to real urban planning, concern for their housing provision, public equipment, social harmony and local development". Policies that are designed to enhance the 'shop window' have direct consequences for areas that are disadvantaged. For instance, in the Alexandra Township, some people were able to get housing while in others who were living in informal settlements had their areas demolished and faced evictions. The roles of globalisation policies that are put in place have both negative and

positive consequences for different areas of the city. The effects of the global city on a city such as Johannesburg, located in a developing country, are felt by many people and among those are informal traders especially street traders (Benit and Gervais-Lambony, 2005). The policy climate in Johannesburg is not portraying the tolerance of street trading which Rogerson (1988) witnessed. The aim has rather been about changing the perceptions of international investors enhancing the 'shop window' while at the same time neglecting the 'back shop' (Benit and Gervais-Lambony, 2005).

In the Joburg 2030 it is stated that:

> *"an informal sector will continue to exist but will be substantially reduced in size and fundamentally different in character. Survivalist informal sector operators will either no longer be resident in the City or will have found secure formal sector employment. Remaining informal traders will operate as such by choice rather than by necessity and will play an important cultural role in maintaining the African essence of our City" (City of Johannesburg, 2002: 111).*

This statement in the policy document shows that the informal sector is viewed as a temporary phenomenon and therefore informs the hope by officials that actors in this sector will eventually graduate into the formal economy. The formal economy is seen as the main driver to job creation while the opportunities offered by the informal sector are not appreciated.

> *"In line with world best practice and in order to increase efficiency, flexibility will be incorporated into as many by-laws and codes as is feasible. However, stringent inspection will occur and enforcement and prosecution of contraventions will be applied through municipal courts" (City of Johannesburg, 2002: 114).*

This statement above shows the contradictions contained in the policy document where at one stage it is stated that bylaws will be flexible to respond to the context while at another stage it is said that if people contravene the bylaws they will be prosecuted. This shows that officials do not have a management plan in place for informal traders in the city.

> *"City planning and by-law enforcement will be on a par with international best practices, using state-of-the-art technology to assist in their operations. By-law enforcement will be strict and planning innovative and well managed" (City of Johannesburg, 2002: 112).*

Here the policy document equates the future Johannesburg with cities that are termed 'world class' discard standards of a city in a developing country by stating that city planning will be on the same standard as international best practices. Adopting of world class standard practices and city management will not be able to respond to the issues facing in Johannesburg such as unmanaged street trading because of different contexts.

The 2009 informal trading policy of the City of Johannesburg Metropolitan Council has some progressive elements which are conducive for street trading. For instance the policy acknowledges the positive role played by informal trading especially in poor people's lives and that the management of informal trading is crucial. The vision of the policy highlights a developmental approach adopted which sees this economic activity as playing a role in poverty alleviation. There is high emphasis on regulation and the management of informal trading as key dimensions in order to operationalise the vision of the policy.

The vision in the informal trading policy has developmental elements but the bylaws are restrictive, they place increased emphasis on bylaw enforcement and punitive means of regulation. While policy encourages engagement between stakeholders involved with informal trading through the informal trading forum and other platforms, the bylaws give council the sole power to make major decisions without consulting affected stakeholders such as declaring certain areas as no informal trading zones. The table below summarises the main elements of each policy document and the contradictions within and between the different policy directions and documents.

Joburg 2040 Growth and Development Strategy is more recent strategic direction that the City of Johannesburg has launched in 2011 (City of Johannesburg, 2011). The Joburg 2040 GDS strategy draws on other key strategic documents such as the provincial Employment, Growth and Development Strategy and is argued to be in line with the national government policies. The City of Johannesburg (2011) argues that the major objective of this policy direction is to integrate all the city strategies. This is illustrated by stating that:

> *"The Joburg 2040 GDS is a prerequisite for medium-term, strategic, spatially-oriented plans for the infrastructure, housing and transportation sectors." (City of Johannesburg, 2011:8).*

This Joburg 2040 GDS is argued to be a move away from the usual way of doing things and incorporating major changes in approach to policy.

> *"[A] shift in the approach to city strategies relates to the focus placed on developing strategies through a process of public outreach. The extensive GDS public outreach process undertaken defines a new era in strategy making for the City of Johannesburg" (City of Johannesburg, 2011:10).*

The main goals that the Joburg 2040 GDS is envisaged to achieve are stated below as:

> *"...improved human and social development driven by poverty alleviation and self sustainability" (City of Johannesburg, 2011:9)*
>
> *"An inclusive, job-intensive, resilient and competitive economy that harnesses the potential of citizens" (ibid).*

These goals are progressive in a sense that they want the City to balance social development in efforts to reduce poverty that is confronting the City's development and a competitive economy that ensures Johannesburg is able to compete with other countries and attract investment into the city. With regard to the economy the City states that:

> *"The City of Johannesburg will focus on supporting the creation of an even more competitive, 'smart' and resilient city economy, when measured in relation to national, continent and global performance. The City will promote economic growth and sustainability through the meaningful mobilisation of all who work and live here, and through collaborating with others to build job-intensive long-term growth and prosperity, from which all can benefit" (City of Johannesburg, 2011:9).*

The focus here is on the City of Johannesburg working to attain 'world class city' status and compete with other cities globally. From the above statement there is a sense that focus is on the formal economy and there is no mention of the informal economy in explicit terms.

There is also however the recognition that the focusing on the formal sector only is not sustainable; the informal economy should also be supported to grow resilience of the city. Therefore the Joburg 2040 GDS adopts a positive view of the informal economy by stating that:

> *"A robust informal sector is essential in supporting economic resilience and sustainability, allowing for a wider range of people to play an active part in the city's performance, and thereby improving prospects for improved*

> *livelihoods. While this sector's role is often unrecognised, it is an essential contributor, serving often as a base for innovation, creativity, new approaches to delivery, personal ownership, and in times of financial difficulty, serving as a shock absorber for job losses in the formal sector. Regulation and policy that manages informality, without destroying informal economic activities and the opportunities they present, serves as an additional support, growing resilience further within these economies (City of Johannesburg, 2011:25).*

The document continues by stating how the informal economy will be supported and the approaches to ensure that the poor have a chance at enhancing their livelihoods.

> *"[make] allowances for the poor in terms of the regulation and management of the built environment and the use of public space – e.g. through developing more innovative, supportive regulatory approaches for the management of informal trading, spaza shops and backyard dwellings" (City of Johannesburg, 2011:34).*

The above speaks of modifying regulations and town planning principles so that they are not as strict to allow the poor to use public space and other spaces to make a living. The City acknowledges that the only way to achieve this is through innovation and support of the informal economy through devising innovative management models rather than repression and limitation of its proliferation.

This is however contradicted by another statement in the document which states that:

> *"There are certain governance qualities that must be recognised and strategically strengthened, for optimal outcomes. These include, for example, the need for consistent compliance and enforcement of bylaws, policies and other regulatory requirements, and a focus on ensuring stronger and more significant consequences and penalties in cases of non-compliance, to serve as deterrence" (City of Johannesburg, 2011:83)*

The above reiterates the point made in the bylaws discussed above which support enforcement of policies and bylaws and the regulation which adopts punitive measures. Strict regulations and punishment of those who contravene these are encouraged as the way to go. This is contradictory from the previous statement which encourages innovation and flexible application of regulations to ensure that the poor have a chance to make a living in the city. However, it is important to acknowledge that without the tool of repression and bylaw application, the City cannot do much. The City has to put measures in place to ensure that there is order and management of the streets.

Policy Direction/Document	Overall tone of document	Main Elements	Who drafted Documents
Joburg 2030 (2002)	Restrictive	Spearhead economic development Attract investment Reduction of informal activities Graduation of informal traders - Focus on SMMEs emphasised Flexible bylaws Zero tolerance of bylaw infringements	CoJ Corporate Planning Unit
2009 Informal Trading Policy (2007)	Progressive	Informal trading contributing to tax base Well managed informal trading Consultation and engagement of traders through ITF Incubation and cooperatives development	CoJ Department of Economic Development
2009 Informal Trading Bylaws (2009)	Restrictive	Need for integrated and developmental approach Council as sole decision makers Emphasise graduation of traders Strict enforcement through punitive measures	CoJ Department of Economic Development
Joburg 2040 GDS (2011)	Progressive	Human and social development Poverty alleviation Permanence of informal activities Innovative and supportive regulatory approach	CoJ Central Strategy Unit

		Consultation and engagement of various stakeholders Strict regulation and punishment for contravention	

Table 2.1: Contradictions between and within policy documents

The different strategic and policy documents were developed in different contexts which is why they are in some cases contradictory. The Joburg 2030 was introduced in 2002 which was a time of increasing public private partnerships especially with regards to informal trading management in the City, inner city regeneration programmes being put in place and the adoption of the Informal Trading Development Programme which emphasised formalisation of informal businesses including informal traders. The policy direction was introduced under the leadership of Amos Masondo who at his time of reign introduced the six priorities which include economic growth and job creation as well as a governed and managed city among others (City of Johannesburg, 2012). These priorities set by the then executive mayor of Johannesburg served to inform the Joburg 2030 policy direction which focused extensively on spearheading economic development. The Joburg 2040 GDS was launched in 2011 which was a year when the municipal elections took place resulting in institutional restructuring. The local elections took place in May and the strategic policy direction was introduced in October by the newly elected executive mayor of Johannesburg, Parks Tau (City of Johannesburg, 2012). He also has more experience working in the City through the many positions that he held such as in development planning and economic development units of council. This newly elected mayor is young and trying to leave his mark and work on the challenges previous mayor could not address. The informal trading policy and the bylaws of 2009 were created, approved and promulgated under the leadership of mayor Amos Masondo. These bylaws were promulgated at a time where preparations for the 2010 FIFA World Cup were underway which is reflected in the overall restrictive regulation which relies heavily on stringent bylaw enforcement.

The Joburg 2040 GDS was prepared by the Central Strategy Unit while the Joburg 2030 strategic direction was prepared by the Corporate Planning Unit. The two

policy directions are developed by the same City department but are contradictory and prioritise different aspects and this is attributed to the context within which they were developed. While the Joburg 2040 GDS prioritises human and social development coupled with inclusive and competitive economy, the Joburg 2030 prioritises economic development and attracting international investments. The Joburg 2040 GDS highly supports informal trading and acknowledges the role it plays in the overall economy and as such advocates for support of this economic activity through flexible regulatory and management approaches. The Joburg 2030 on the other hand advocates for the reduction of this economic activity because of the belief that it is not at par with international standards of competitive and 'world class cities'. These contradictions and differences attributed to the different contexts discussed above. The Joburg 2040 GDS can be argued to be an improvement and change of focus from the Joburg 2030 because of the realisation that it is not in touch with reality and the current context of the City. The informal trading policy and bylaws were created by the Department of Economic Development which is mandated to develop and manage informal trading. This department is supposed to develop policy and bylaws for informal trading draw from the overall policy directions by the City.

Even though during 2009 when the informal trading policy was promulgated the dominant policy direction was the Joburg 2030, the policy adopted a more developmental approach although this is not reflected in the bylaws which reflect more the principles set out in the Joburg 2030. It is important to note that all the policy directions discussed above emphasise to some extent regulation of informal trading and punishment of contraventions which is the main pillar of implementation of policy by CoJ. The fragmented urban governance opens a space for repressive implementation which allows for the 'creation of scarcity' of trading spaces; harassment and impracticality of the law.

2.5. Implementation: On the Repressive Side?

The City of Johannesburg has adopted a repressive approach towards the implementation of informal trading policy. Demarcation in practice has created scarcity of trading spaces. This is evident through the limitation of legal trading spaces instead of opening up new sites that can accommodate informal traders (Pezzano, 2011).

2.5.1. The creation of scarcity?

The limitation of the number of legal trading spaces is facilitated by the delineation of non-trading zones and limiting trading licenses. Edmund Elias, a street trader organisation leader trading in the inner of Johannesburg city states that:

> *"There is no space, that's the problem. The supply and demand phenomenon is not being addressed by the city, and that is one of the things we're fighting for, an increase in managed legal trading spaces"* (Elias: 2012 quoted in Malemagoba *et al* (2012:34).

In an article written by Majija (2012) published in Vuvuzela, a newspaper by the University of the Witwatersrand, the JMPD Superintendent Zed Mangaliso stated that:

> *"The main problem is that there are parts of town designated for hawkers but there are just too many people wanting to sell in the same parts of town and there are not enough designated spots"*

This 'creation of scarcity' of trading spaces is a mechanism used by authorities to limit the number of street traders in the city (Pezzano, 2012). This creates tension and conflict between street traders especially between those who have been trading for a long time and those who just started as well as between South Africans and foreigners. There is high competition for trading spaces in the city which in some cases results in xenophobia which intimidates foreigners from getting trading spaces. This is central in creating difference between street traders according to nationality, a phenomenon of 'us' being South Africans against 'them' being the foreigners (Tissington, 2009; Pezzano, 2012). There are cases where local street traders blame foreign ones for the lack of trading spaces such as the respondent below who argues that:

> *"There's a problem of foreigners, when we first started trading we agreed with the city that South Africans must be 70% while foreigners should make up 30%... Only to find that after our agreement, City of Johannesburg changed everything because now when its 90% foreigners and 10% percent South Africans..." (Respondent 2, organisation leader: 2012)*

The issue of foreigners has another dimension, it is not that foreigners take trading stalls from South Africans but there are cases where the locals have been allocated stalls but they lease them out to foreigners. This is stated by the DED official in an interview with Malemagoba *et al* (2012) below:

> *"This is a big issue for the City to navigate; on the one hand you have the issue of South African traders leasing their stalls to foreigners for a fee per month. The other issue is that you find that a South African is married to a foreigner and when you hear a report from the block leaders about a trader being illegal then when you try to remove them you find that you can't because he is married to your south African sister who comes to you demanding answers as to why her husband is being discriminated against" (Nxumalo: 2012).*

This creation of scarcity of trading spaces results in further divide and fragmentation of street traders limiting their ability to mobilise and speak with one voice. Pezzano (2012:11) argues that "in practice, we are observing again co-optative strategies focusing on a restricted number of informal traders functional to the corporate interest which are investing in the Inner City revival". Pezzano (2012) adds that Council limits the number of legal trading spaces to serve the interests of the private sector because they invest in city renewal.

Added to the creation of scarcity of legal trading spaces is that the "municipality endeavours to contain street trading within formalised, spatially bounded areas, planned and managed by the City planners"(Morange, 2012:7). This the City does by building covered markets and linear markets, off-street trading in order to limit the number of trading on the streets (Mitullah, 2006; Bantubonse, 2008; Morange, 2012; Pezzano, 2012; Van der Heijden, 2012). Street trading especially unmanaged is not seen as conducive to a world class city and therefore makes streets unattractive for private and international investments which local authorities deem as imperative for the city's growth and development.

The covered markets that authorities built to accommodate informal traders in most cases do not address the needs of the traders (Bantubonse, 2008; Pezzano, 2011; Van der Heijden, 2012). The most important aspect street traders consider when establishing the businesses is location. The location on the streets is not random but guided by the ability to catch the as many customers as possible. Thus their location is strategic and relocating them elsewhere into a covered market results in depriving them of the ability to make meaningful profits. In most cases, street traders that have been relocated into covered markets return to their original trading spaces arguing that they are not making as much as they were on the streets or other traders take up the space that has been freed by the relocated traders in the market such as was the case in Yeoville.

Street traders in Johannesburg in most cases get relocated to areas that are not viable for informal trading such as being relocated to areas that are away from the city centre which is where business opportunities are the highest complimented by high flow of traffic and pedestrians (Morange, 2012). This is because the traders are viewed by authorities as the cause of disorder and disruption in the city centre which is why they need to be relocated elsewhere where it is not so congested. Relocation to markets is a quest by authorities to gain control over the streets but it has also been inspired by mega events such as the 2010 FIFA World Cup where authorities were making efforts to order the streets and respond to what they believed were the wishes of tourists and possible private investors. In most cases tourists want and expect to street trading in an African city.

Eviction and harassment of street trading preceded the world cup in South Africa and especially in host cities such as Johannesburg (Skinner, 2008). Bromley (2000) quoted in Skinner (2008: 15) argues that "[a]aggressive policing [of street traders] is particularly notable just before major public and tourist events, on the assumption that orderly streets improve the image of the city to visitors". This shows that regulations can also be adapted in a repressive way justified by major events as a way to maintain order and control. In such cases, the government policy on street trading that gets adopted focuses on formalisation through the construction of off the street and in most cases covered markets (Bromley, 2000; Pezzano, 2011). During the 2010 FIFA World Cup, the City of Johannesburg put in place special bylaws which were meant to regulate street trading (City of Johannesburg, 2009). These bylaws identified zones where street trading is not allowed and anyone found contravening these were subject to punishment brought about by the FIFA enforcement agents together with the JMPD. The identified zones of no trade included the stadiums and authorities used justifications that trading would cause obstructions to the flow of traffic coming in and going out the stadium. Traders that were allowed within a distance from the stadiums were not allowed to erect signage and this was done to protect FIFA and its official sponsors against marketing ambush.

2.5.2. The face of the state for informal traders is JMPD officers

The municipality also relies heavily on punitive bylaw enforcement as a strategy of management instead of supporting and encouraging informal trade growth.

Implementation of informal trading policy relies heavily on strict bylaw enforcement by the Johannesburg metro police (JMPD) on street traders (Pezzano, 2011). The justification for harassment of street traders is that they are unmanaged, generate litter on the streets and obstruct pedestrian movement as they have taken over the pavements. The JMPD has become enemies of street traders, especially those who trade in streets that have not been demarcated or do not have trading licenses who officials have termed illegal traders. These traders face confiscation and impoundment of their goods coupled with harassment daily at the hands of the JMPD. While attending a march organised by One Voice of All Hawkers Association (explored in depth in chapter 5) in the inner city, the leader of the organisation stated that:

> *"Many traders' goods get taken by the JMPD; we are not criminals all we are doing is creating employment and reducing poverty because our government cannot give us jobs, all we are doing is vukuzenzele [wake up and do it yourself] but our businesses are destroyed by the metro police"* (Ramutula: 2012).

Another street trader interviewed by Majija (2012) stated that:

> *"The JMPD really harasses us. It hurts because I am not breaking the law I have a permit to trade but they still take my stock… I don't make a lot of money to begin with, I live from hand to mouth…" (Nemakonde: 2012).*

The above shows the harassment of street traders and inconsistencies of law enforcement where City officials have stated that law enforcement should be carried out on 'illegal' traders when in reality even those who have permits to trade also bear the brunt. This illustrates the inconsistencies that are inherent in the implementation of policy especially by the agents of the state. Street traders are frustrated and angered by this because they are given trading spaces by the same council that sets the metro police on them.

The impracticality of the law is also a dimension of the repressive implementation of policy. In an article written by Makuyana (2012) published in the New Age Newspaper article, a street trader interviewed asserts that:

> *"…they take our stock and leave us with high fines it doesn't make sense" (Nemakonde: 2012).*

> *"...a trader cannot pay a fine of R2000, 00 to release his or her goods that are worth R100, 00. In other words they just want to see us giving up on our goods" (Thwala: 2012).*
>
> *"the metro police take the goods of the informal traders and they do not write down what they took from a person, they just take the goods and leave and that is not how things should be done, meaning they don't follow proper procedure" (Thwala,: 2012).*

The impracticality of the law has led to corruption by the state agents responsible for enforcement. While other street traders emphasise the high fines that JMPD gives them, others emphasise no issuing of receipts when goods are confiscated. Giving fines which are more than what the goods are worth and not issuing receipts, the traders argue is a strategy for the JMPD to keep the goods for themselves. This can be seen as the abuse of power by state agents who enforce bylaws.

2.6. Conclusion

Street trading is a highly contested economic activity in Johannesburg and this is evident through the policy climate which is generally restrictive. There is continuation of apartheid style planning where council restricts the number of trading spaces and the issuing of trading licenses which triggers competition, tensions and xenophobia conflicts among the street traders. The creation of scarcity of trading spaces is a strategy by the City to order the streets, maintain order and in the process attain 'world class city' status.

Even though the overall policy climate is restrictive, there have been some policy directions put in place such as the Joburg 2040 GDS which adopts a more progressive and developmental approach towards informal trading in the City. The policy direction advocates for human and social development through the support of informal trading which can be achieved by implementing flexible regulatory approaches. This policy direction is however contradicted by other policy directions such as the Joburg 2030 and the informal trading bylaws which rest on restrictive regulations geared towards street trading. There are contradictions not only between different policy documents but within the same document as is the case with the Joburg 2040 GDS. These different policy directions have resulted in the policy climate within which street traders operate not conducive and responding to the context leaving street traders in a hostile climate of operation.

In light of this restrictive policy climate, street traders' organisations in Johannesburg have embarked on a course to mobilise and challenge government policy regarding their economic activity as it is not conducive to growth and development. The elements impacting on street traders' mobilisation are repression and confusion resulting from fragmented urban governance. The government has thus put a number of participatory structures in place to try and compensate for the 'repressive implementation' and possibly open up to 'flexible' implementation.

Chapter 3: Street Traders in 'Invited' Spaces of Participation



Informal trading workshop in Gauteng organised by SALGA (Led Network, 2012)

3.1. Introduction

The involvement of citizens in decision making processes is encouraged through invited spaces of participation which Miraftab (2009) argues are spaces which are afforded by the state as a strategy to include ordinary citizens in decision making. This chapter is looking at the different invited spaces of participation that street traders use to try and negotiate with the state and possibly influence policy and its implementation. During the course of 2012, I attended twelve meetings, five at the local government level; six at the provincial level of government and one at the national level. The chapter presents observations at these invited spaces of participation afforded at by the different levels of government. At first when attending these different meetings, it was difficult for me to identify who was speaking but as time went on I was able to identify people. In the chapter, I use boxes for key analytical points and reflections on meetings so that they are not lost in the main text; I also use quotes from meetings and interviews with stakeholders.

This chapter argues that street traders are fragmented and the local level of government in Johannesburg is playing on this fragmentation and fuelling the divide through divide and rule strategies while the provincial and national level of government are convening genuine engagement with efforts to unite the sector. As a result of the divide and rule tendencies by City of Johannesburg, some street traders' organisation leaders mainly use confrontation when engaging at this level of government while using cooperation when engaging with the other levels of government. Street traders thus go to the higher level of government in order to influence the lower level so that it acts with regards to finding better solutions for street trading that are agreed upon by all stakeholders involved.

The chapter starts by exploring participatory governance literature followed by the different 'invited' spaces of participation for street traders afforded by the three spheres of government through thick description of meetings obtained through regular observations and interviews with key stakeholders. Each engagement platform is explored in detail looking at the spatial settings; attendance; agenda and what is at stake in these meetings.

3.2. Participatory governance: 'Invited' Spaces of Participation

Participatory governance emphasises voices of the public especially the poor and marginalised through public participation platforms (Ansell and Gash, 2007). Ansell and Gash (2007: 544) define collaborative governance as "a governing arrangement where one or more public agencies directly engage non-state stakeholders in a collective decision-making process that is formal, consensus-oriented, and deliberative and that aims to make or implement public policy or manage public programs or assets". Participation takes place so that people are involved and have a say in matters that affect their lives. This is because people know what will work better for them and as such authorities have realised the importance of engaging stakeholders in issues that will affect them (Friedman, 2006; Ansell and Gash, 2007).

From the definitions of participatory governance above by Ansell and Gash (2007), it can be deduced that the platform of engagement between the state and non state actors is initiated by the state. Cornwall, Schattan and Coelho (2007: 1) argue that the platforms of engagement "…may be provided and provided for by the state, backed in some settings by legal or constitutional guarantees and regarded by state actors as their space into which citizens and their representatives are invited". These platforms of engagement are what Miraftab (2009) termed 'invited' spaces of participation. 'Invited' spaces of participation refer to those spaces initiated by officials as a way to involve citizens in decision making. Invited spaces of participation are what most governments are encouraging in order to include a wide range of citizens as a way to deepen democracy. The aim of the invited spaces of participation is for stakeholders to shape decisions affecting their lives through dialogue with the state actors. The dialogue between these stakeholders is encouraged because of the belief that this will result in better decisions that address real issues experienced by people.

3.2.1. Characteristics of Participatory Governance

These invited spaces take different forms (Cornwall *et al*, 2007; Miraftab, 2009). One form may involve individuals of representatives of certain interest groups in dialogue with public authorities or multiple stakeholders who have different interests such as community organisations; private sector; nongovernmental organisations and

government. Some platforms of engagement are once off and transient in nature while others are more regularised facilitating continued engagement with stakeholders. This is emphasised by Cornwall *et al* (2007:1) who state that "[s]ome are fleeting, one-off consultative events; others are regularized institutions with a more durable presence on the governance landscape". Street traders in Johannesburg have been involved in both these forms of engagement. There have been transient, once off listening events such as the economic development summit; informal trading stakeholder workshop hosted by the Gauteng Economic Development Portfolio Committee and the informal trading workshop by national government through the South African Local Government Association (SALGA). At the local level, there is continued engagement through the informal trading forum which is a regularised platform.

Participatory governance stresses that stakeholders should not only be consulted but meaningfully engaged in a way that they have influence in decision making (Ansell and Gash, 2007; Cornwall *et al*, 2007; Cornwall, 2008; Miraftab, 2009). In this research, the engagement of the state and non-state actors being street traders' representatives will be investigated below and how these stakeholders have influence on decisions made by the three spheres of government on the implementation of informal trading policy and bylaws that regulate their operation.

The aim of participation is for stakeholders involved to influence public policy in one way or another (Friedman, 2006; Ansell and Gash, 2007; Cornwall, 2008). Public policy needs to be negotiated between different stakeholders if it is going to be effective and address a number of social interests. Participation is carried out so that a range of citizens can engage in and influence government policy decisions. The public, especially in the form of organisations are encouraged to engage with the government to voice out their common interest and influence decision making on policies that affect them. The civil society organisations are encouraged to mobilize their actors against government practices at the local level which are deemed exclusionary. Participation is a way of determining what the public and common interest is in development (Ansell and Gash, 2007). In this research, street traders in Johannesburg are engaging with the local, provincial and national government to try and influence informal trading policy outcomes because the current policy

climate is restrictive and does not allow street trading to flourish. The policy is deemed exclusionary and therefore street traders are trying to change the approach adopted by government to deal with this economic activity.

Participatory governance is not a straight forward procedure; it is based on consensus building because a range of different interests come into play (Friedman, 2006; Ansell and Gash, 2007). This is done so that a common ground could be reached in light of these different and sometimes competing interests. The challenge then becomes reaching a compromise when many different interests are put forward. Through participation in the invited spaces, a shared understanding of issues can emerge between stakeholders and they can find a common ground on which to move ahead. When as many interests are put forward by stakeholders, there is an advantage to find cross cutting concerns that will act as a foundation for determining common interests. The fact that street traders engage with government does not mean that they have the same vision and ideas pertaining to their economic activity but they have different perceptions which need to be reconciled through consensus building.

Cornwall *et al* (2007:2) argue that invited spaces of participation "are spaces of contestation as well as collaboration, into which heterogeneous participants bring diverse interpretations of participation and democracy and divergent agendas" This leads stakeholders to form or join organisations as a way to articulate their interests as a collective to have more power in voicing out their needs and interests. Most street traders in Johannesburg have formed or joined street trading organisations that they believe are voicing out their needs and representing them when engaging with the government on issues that affect their lives. Different organisations interpret the engagement platforms differently and their agendas are different in certain instances but in others they work together to present the issues with one voice. Influence in these spaces of participation depends on the power these participants possess.

3.2.2. Key issues with Participatory Governance

There are key issues associated with participatory governance and the invited spaces of participation. These invited spaces of participation "are often structured

and owned by those who provide them" (Cornwall, 2008: 275) through setting of the agenda and determining what is to be discussed. The state is the one that initiates in particular the platforms of engagement and as such has control over these spaces through agenda setting. The fact that the state affords this platform sets the tone for the type of participation that is going to take place between the actors involved. Bachrach and Baratz (1962) argue that having control over the agenda is a form of power exercise because it can be manipulated through 'mobilisation of bias'. 'Mobilisation of bias' is the ability of those who set the agenda to prevent contest from arising on issues of importance by manipulating the agenda to omit those important issues resulting in what Bachrach and Baratz (1962) call 'non decisions', which are decisions not mentioned nor discussed in the invited spaces of participation. These non decisions are those decisions taken prior to participation which as a result cannot be contested because they are not on the agenda. Bachrach and Baratz (1962:948) argue that "...power may be, and often is, exercised by confining the scope of decision-making to relatively "safe" issues".

Participatory governance takes place in an atmosphere of state and non state actors` power differences (Cornwall *et al*, 2007; Cornwall, 2008). In this case, those who have control of resources, being the state in the invited spaces of participation, are able to exercise power on non state actors. This can be seen in the participatory governance where the government is the main initiator of the engagement forum. Government in this instance has the control of resources and is able to influence decision and outcomes of engagement with other stakeholders. This shows the dimension of power that these officials exercise by controlling resources. This can be done through manipulation and control of information shared in the engagement platform. Government officials can disclose certain information and withhold other information in order to ensure that decisions made sway in the direction that they want to pursue and does not interfere with their plans. This manipulation of information is carried out so that the needs of people can be shaped to direct decision making (Ansell and Gash, 2007; Buccus and Hicks, 2011).

The participation of stakeholders in the invited spaces have often resulted in what Williams (2006) termed 'spectator politics' where people do not have real influence in decision making but are manipulated by state authorities. The author argues that

the concept of participation by communities is a mere formality because it is a requirement by legislation. He states that it is..."largely reduced to a cumbersome ritual- a necessary appendix required by the various laws and policies operating at the local government level" (*ibid*.: 198). This is the case when stakeholders are invited to participate for the sake of fulfilling the mandate set out by legislation.

Government officials can exercise power on non-state stakeholders but non-state stakeholders can also exercise power on one another (Ansell and Gash, 2007; Cornwall et al, 2007; Cornwall, 2008). In a case where multiple interests compete and others converge, power exercise between non state actors comes into play. This power can be exercised through mobilisation of networks with people sharing the same values and interests which effectively results in the dominance of one group over others. An example of this type of power exercise is where an organisation in an engagement platform dominates others through its ability to articulate issues and make sense of the interests it puts forward. People sharing the same interests organise together to have more voice and influence towards public policy as opposed to individuals. Some organisations or individuals might manipulate others through participatory governance as a result of resources they command. The manipulation of other stakeholders by those who command resources results in power differences in the participation process leaving some people disempowered and marginalised further. People who are voiceless tend to be persuaded and manipulated by those who are articulate, assertive and command resources.

Friedman (2006) and Buccus and Hicks (2011) argue that in South Africa, most citizens especially the poor have not had an effective influence on policy and this has resulted in a gap between policy and preferences of the poor. They argue that more organised groups such as nongovernmental organisations and community based organisations are the ones which are preferred and given more opportunities to engage with government and this has effectively excluded the poor and the voiceless. There is a widely held assumption that the organised groups that are invited to participate represent the poor and give the voiceless a voice. In some cases, there is misrepresentation of some stakeholders by their representatives (Friedman, 2006; Ansell and Gash, 2007; Buccus and Hicks, 2011). This is the case

where the representatives advance their personal interests over ones of the people they represent.

3.3. Street Traders in 'Invited' Spaces of Participation

My research has been testing this rhetoric of including street traders' organisation leaders around informal trading policy and its implementation by observing the invited spaces of participation. At the local level, street traders are engaged through the informal trading forum and the Joburg 2040 GDS; at the provincial level there were a number of engagement platforms put in place by the GPLED while at the national level SALGA (an organisation of local municipalities) convened an informal economy workshop geared towards creating a national policy for informal trading that municipalities can draw from. The three levels of government are mandated by legislation including the Constitution of the Republic of South Africa (1996) to involve the public in affairs that affect aspects of their lives. Each of the engagement platforms afforded by the three levels of government are explored in great detail through the use of objects of observation which include the physical setting of space, attendance and what is at stake. These objects of observation are shown in the following table.

Spatial Settings	**Attendance**	**Agenda**	**What is at Stake**
Physical location	Who is invited, on what bases and is it contested	Who sets the agenda	Real objective of meeting
Arrangement of space	Frequency of meetings	Official objective of the meeting	How is the meeting conducted (role of chair, tone
			Space for contestation?
Display of power			What the host takes out of meeting
			What traders take out of meeting
			What is achieved

Table 3.1.: Objects of Observation [Adapted from Mkwanazi (2010)]

I argue in this chapter that street traders act as a rubber stamp to authorities` plans at the local level while at the provincial and national level there are efforts for

genuine engagement and attempt to unify the sector. The motivation of the local level of government to convene participatory governance is an effort to divide and rule the street traders while that of the higher levels of government has been to empower them and give them a voice to put forward their interests. As a result of the different motivations of participatory governance at the different levels of government, street traders have responded differently in the approach when engaging with state actors. At the local level, street traders have mainly adopted confrontation when engaging with authorities this level while adopting cooperation when engaging with the higher levels of government. Street traders then go to the higher levels of government and cooperate with them in order to put pressure on the local government.

3.4. Local Government Platform: City of Johannesburg Department of Economic Development

The local level of government as the platform for citizen engagement has been emphasised in the 1990s through decentralisation to encourage government to be inclusive, responsive and closer to the people (Cornwall *et al*, 2007). Friedman (2006:2) argues that "legislation compels local governments to encourage and create conditions for, the local community to participate in the affairs of the municipality through appropriate mechanisms, processes and procedure".

3.4.1. Informal Trading Forum

According to the City of Johannesburg (2010:2), the informal trading forum is a "representative and output focused team" and a "platform for dialogue between all the role players in the informal sector field within the City of Johannesburg" with the main functions being to "assist in overseeing the implementation of the Informal Trading Policy, review process and programmes including by-law enforcement". This platform of engagement was established in 2009 by the Department of Economic Development as a platform where issues of traders are discussed with the aim of coming with responsive implementation of policy (City of Johannesburg, 2010; Pezzano, 2012).

The informal trading forum meetings take place at the Metro Centre Building, 158 Loveday Street in Braamfontein which is where the municipal offices are located but

not the DED offices. The forum meetings consists of a number of stakeholders theoretically including representatives of street traders associations; street or block leaders; market committees; MTC officials; JMPD By-law Enforcement; The City regions urban management law enforcement units; representatives of stadium management entities; representatives of City Improvement Districts, environmental health officials; Johannesburg Development Agent (JDA) officials; formal business bodies e.g. representatives from Chambers of Commerce, office of the mayoral committee for Safety and Security and office of the mayoral committee for Economic Development (City of Johannesburg, 2010). These stakeholders are invited to the forum meetings because they work closely with informal trading and their work impacts on this economic activity.

This platform afforded by the local government constitutes a regularised platform which in principle is supposed to meet every month on Fridays but the extent to which this is happening is questioned by street traders' organisation leaders. Based on experience, the informal trading forum meetings are not regularly called even though they are supposed to be convened every month.

> *"At local government level we have a forum, that's Johannesburg, City of Johannesburg... It's an informal trader forum with representatives of informal traders, it's intended to meet monthly but it's only met twice this year" (Respondent 1, organisation leader: 2012).*

> *"The informal trading forum in principle is and what we agreed on is that it's supposed to meet once every month but since January up until now we have only met twice. It's the same as last year, we only met once last year" (Respondent 2, organisation leaders: 2012).*

This illustrates that officials have not fulfilled the mandate of convening meetings of the forum as agreed by all stakeholders.

> I attest to the statements made by the organisation leaders above, from the beginning until the end of the year 2012, I was aware of 4 forum meetings of which I only attended three. This illustrates their irregularity because according to the agreement there is supposed to be a meeting every month. There were certain instances where a meeting would be scheduled and cancelled the day before or on the day the meeting is supposed to be held.

The agenda is set by Xolani Nxumalo, the deputy director of SMMEs unit at the DED who is also the chairperson of all the forum meetings. At the start of each meeting the chairperson hands out the agenda to all the stakeholders present. The agenda is not circulated in advance in spite of traders' request. The fact that the DED official who is also the chairperson of the forum meetings sets the agenda shows how he has the power to determine what is to discussed and what is left out of discussions. Issues that he might not want to discuss will be left out of the agenda resulting in what Bachrach and Baratz (1962) call 'mobilisation of bias'.

The meeting space is arranged in a way that the chairperson stands in front at a podium and all the officials sitting down beside the chairperson facing the informal traders` representatives. The seating arrangement is a lecture theatre type of setting where the lecturer, the one with authority is at the front and all the students are sitting down and are being faced by the lecturer. This creates an intimidating space of arrangements because immediately when the informal traders` representatives walk into the meeting venue they are reminded of who has authority over the space and the higher status of the officials. Power is displayed through this arrangement of space where the officials are superior and given the power of authority by merely sitting in front facing the traders. In 2012, forum meetings were held and I only managed to attend three which were held on the 21 of February; 4 May and 11 May.

i. Informal Trading Meeting held on 21 February 2012

The meeting was convened at the Metro Centre Building and started at 10:30 and ended at 14: 00 even though it was scheduled to start at 09:00 and end at 12:00. The meeting started late because the officials who were supposed to attend the meeting were late. The late coming of the officials can be seen as displaying some form of power because the meeting cannot start without them. It is also to show the informal traders that officials can come and go as they please as they are in control of resources including the space at which the meetings are held. The fact that meeting starts late discourages the informal traders from attending because they lose money by spending time waiting for the meeting to start. This is a constant feature of informal trading forum meetings and some traders openly threaten to leave because they see this as disrespectful. Even though some threaten to leave,

they end up staying because there is no collective agreement because if they all left it would work to show officials that they need to come at the stipulated time.

People who were invited at this meeting included informal traders' organisations leaders, block leaders, special events traders and market traders as well as the officials including the DED deputy director for SMME development. The stakeholders get send short messages via short message service to notify them of meeting date and venue.

The agenda of this meeting included the chairperson reminding the attendees what the functions of the forum and informal trading issues such as demarcation of trading spaces, management of traders' crime and cleanliness, beautification of stalls, bylaw enforcement but the main objective of the meeting was to elect the informal trading task team task (discussed in the next subsection).

> At the beginning of this meeting, the chairperson handed out the agenda to the members of the forum and did not give them a chance to add items or issues that they feel need to be discussed. He even said that the items on the agenda are what was going to be discussed and will not allow members to add any items because of time constrains.
>
> (Notes from fieldwork, 21 February 2012)

This shows how the authority in charge of this engagement platform frames what should and should not form the basis for discussion. The agenda was decided prior to the meeting by the officials resulting in the meeting only concentrating on the discussion of 'safe' issues.

> Some of the street traders insisted on adding items that were not on the agenda by disregarding the set agenda as not inclusive of all the issues that should be discussed. During discussions, they simply raised issues that were not on the agenda on purpose so that they could be discussed.
>
> (Notes from fieldwork, 21 February 2012)

Informal traders' leaders are not passive recipients of what the agenda that the officials have set forth but actively push for discussion of issues that they feel are important and have to be discussed. When they adopted this strategy, the

chairperson reprimanded them and stopped them from continuing to speak. Even though this strategy proved to be effective in some cases, the chairperson managed to stop the traders from changing the agenda by using his authority to stop them from speaking. For instance, some forum members raised concerns regarding the function of the forum. They felt that it is a talk show where different and even the same issues are raised in all the meetings but no action is taken to resolve these. They argued that they want to be able to work and liaise with the city so that appropriate solutions can be adopted to address issues they are facing. They felt that communication is a problem between themselves and the city officials and because they have raised issues all the time in previous meetings but no resolutions are taken to address these issues. The chairperson did not respond to this issue raised by the street traders' organisation leaders.

When the time to elect the task team members arrived, the chairperson asked the forum members to elect people who they think will be able to represent them well. There are three task teams that forum members were elected into and they are management, bylaw enforcement and technical. The chairperson insisted that the task teams should include city officials so that decisions made are in accordance with the by-laws set forth by the city. Xolani reiterated the point that task team members should not represent their own organisations but should represent the forum at large. The 'election' process began and forum members were nominating fellow members or in some case themselves to be part of the task teams. Once someone nominated a person or themselves and they accept the nomination then they are automatically part of the task team that they want to join.

> The chairperson started the 'election' process by asking the forum members who they want to elect to be a member of the management task team and people raised their hands to nominate a fellow forum member or themselves. A person who was nominated was asked if they accept or reject the nomination and if they accept the nomination they were officially members of the task team. The same process continued for bylaw enforcement and technical task teams.
>
> (Notes from fieldwork, 21 February 2012)

The 'election' process was not a democratic one because in democratic elections, people are nominated and then votes are cast to determine who has been chosen to represent the people. In this setting the nomination guaranteed a position in the task team. Each of the three organisations I observed were represented in the task team; one member of SANTRA is a member of the technical task team; another member of the management team and the other a member of the bylaw enforcement team. SAITF and OVOAHA only have one of their leaders as a member of task team, SAITF one leader is a member of the management task team and OVOAHA leader is a member of the technical task team.

An issue of payment of the task team members was raised in the meeting by some traders because they felt it will create a conflict of interests where traders are representing the people on the ground while at the same time they get payment from the City to implement plans by the City (explored in greater detail in task team section below). This was however not followed up by the chair or nor fellow traders' leaders.

ii. Informal Trading Meeting held on 4 May 2012

This forum meeting was also held at the Metro Centre Building and was scheduled to start at 09:30 and end at 10:30. The chairperson of the forum and his team were running late and only managed to get to the meeting place at 10:30 when the meeting was supposed to be ending.

The meeting was attended by the informal traders' organisation leaders; a representative from the Law Review project[5] who is working together with some street traders organisation to stop harassment and confiscation of traders' goods; together with 12 City officials from different regions of the City and the private sector delegates from companies such as Central Johannesburg Partnership and Urban Genesis. There were also delegates from Nelson Mandela Bay Informal trading unit who had been in City of Johannesburg for two days prior to the forum meeting to learn best practices regarding informal trading. They were invited to the forum meeting by the chairperson to share their experiences of working with informal

[5] The law Review Project is a non profit organisation which is concerned with assisting people especially those who cannot afford legal representation in legal matters including constitutional matters.

traders in their municipality and also learn from City of Johannesburg's experiences with informal trading.

The agenda of the meeting included introduction of the Nelson Mandela Bay Municipality delegates and presentations from them on the status of informal trading in their municipality and the forum standing items. At this meeting, the informal traders' organisation leaders were given a chance by the chairperson to add items that they feel they want to discuss under the forum standing items. The chairperson changed the way forum meetings are usually run because there were visitors and did not want to have the traders disregarding the forum and the City in front of the visiting delegates from the Nelson Mandela municipality.

Items added to the agenda by the street traders included the criminalisation of informal traders by the City referring to cases where informal traders' especially street traders are harassed and an example of the Ivory Park trader who was assaulted by the JMPD and landed up in hospital was given. When the traders raised this matter, the chairperson said that it will not be discussed in the forum meeting and he will not comment on it as the case is subjudicare meaning it is being deliberated before the court of the law. This might have been a strategy by the chairperson to stop the issue from being discussed further because it would shame the City in the presence of the visiting delegates as they consider CoJ as effectively managing informal trading.

> The chairperson also uses tactics of also intimidation and this is through his tone of voice but also through ridiculing comments made by the traders' organisation leaders. The chairperson also uses his position to stop traders from raising issues that are according to them important.
>
> (Notes from fieldwork, 4 May 2012)

The opening up of the agenda to the informal traders in the forum to add items to be discussed created a space for confrontation and contestation to the City and its management strategies of informal trading. This happened when one of the street traders` organisation leaders, Edmund Elias, who is active and vocal in meetings, raised a controversial issue that there is a need for an immediate moratorium on the confiscation of informal traders' goods. The chairperson made an effort to brush off the issue by saying that the officials will look into this but Edmund continued to say

that if the moratorium issue is not taken seriously then his organisation (SANTRA) will go to court. The representative from the Law Review Project supported Edmund's point and added that if a trader's goods are confiscated, especially traders who have licenses then the particular trader should be compensated. He also said that this should be the case when traders' goods are confiscated but go missing in storage when the particular trader wants to claim them back. The chairperson of the forum together with some traders including OVOAHA's president dismissed this point as being irrelevant and misleading traders. This was surprising because I thought the traders will support the motion raised by Edmund and the legal expert because it is for their own benefit. This illustrates that the informal traders` organisations especially their leadership is divided and fragmented because it depends on who raises points in meetings. Even if the points are relevant they get shot down by other organisation leaders.

In this meeting, xenophobic sentiments were advanced by some informal traders' organisation leaders and this issue was entertained by the chairperson. The organisation leaders stated that foreigners are taking their trading spaces and the City is not doing anything about it. There were allegations made that foreigners only get trading spaces because they have money and are able to bribe City officials in charge of allocating these spaces. This was a direct attack on the MTC officials who were present at the meeting because they are the ones who are in charge of the allocation process. The chairperson stopped this discussion from going further by saying that the traders who allege this should bring proof forward so that the culprits could be disciplined accordingly.

iii. Informal Trading Meeting held on 11 May 2012

This meeting started at 14:00 at the usual venue for forum meetings. People present at the meeting included informal traders` organisation leaders, law enforcement and technical task teams, 15 JMPD officers along with the head of the bylaw enforcement *Dlepu, lawyers representing traders from the Law Review Project representative and the deputy director of SMMEs development.* Members of the mayoral committee were requested to be there but they did not come. This meeting was convened after being requested by one of the active and vocal organisations, SANTRA to talk about the moratorium on the confiscation of street traders' goods.

SANTRA leaders had brought with them lawyers from the Law Review Project as their legal representatives and when the meeting commenced, the chairperson started chasing people away from the meeting saying that those who were not supposed to be part of the meeting must leave. Edmund Elias stood up and said that the lawyers are there to represent the traders and are not going anywhere. The actions of this street trader organisation leader can be interpreted as challenging the authority of the chairperson by showing that the chairperson is not the only person who can make decisions but traders also have a say in what goes on in the meeting including who gets invited.

The trading organisation leader also made a statement that:

"we are not going to let the metro police trample on the hawkers"

As soon as Edmund said this, the *head of bylaw enforcement, Dlepu, said Edmund should retract the statement because there is no trampling of traders but engagement with them.* An argument between Edmund and the head of by law enforcement ensued and Xolani took over and said that there are two options of dealing with the lawyers' issue; either the trespassers [including myself] leave the room and the meeting continues or the meeting is postponed for another day. This debacle shifted attention from the real issues that the meeting was supposed to discuss to blaming Edmund who was branded as the 'bad' guy. The JMPD was not willing to speak with the lawyers present because they believed that the traders cannot have a legal team present while they don't have any legal representation. This shows the authority the chairperson has over the engagement platform as he can decide who should be part of the meeting and who should not. It also illustrates the influence that this particular individual has on some of the informal traders.

> One of the informal traders, One Voice organisation leader, stood up and said that the legal team should leave the room so that the meeting could continue. By saying this, he influenced other traders in the room who then started shouting that we must leave. Another trader, a woman, stood up and said that if Edmund is going to bring 'his people' [being the lawyers and myself] to the informal traders meetings, he should let them know in time. There was a general agreement among most of the traders in the room that the legal team and those who are not supposed to be in the meeting should leave. This for me illustrated the divisions and fragmentation between the traders which ultimately gave the chairperson the power to chase us out of the room
>
> (Notes from fieldwork, 11 May 2012)

As confrontation ensued, the head of bylaw enforcement said that "confiscation won't stop, it is not JMPD issue but a legal issue, confiscation is legal and will not stop". The JMPD official was not willing to negotiate on the issue and reach a consensus with the traders but made the decision that nothing will change before getting input from the traders. After this statement was made, Edmund stood up and told the chairperson and the JMPD agents that "we will have this conversation in public [meaning in the media] and he [together with us] walked out. This shows the divisions between street traders and the confrontation of some street trading leaders when engaging with local government officials out of the frustrations.

> As we were walking out, another leader mentioned that the woman who made a comment about Edmund having his people was commissioned by Xolani to write a petition some months ago against George Mahlangu from COSATU with the intent of discouraging him to unite and mobilise traders. This leader alleged that this woman and others in the forum who wanted us to leave are being paid by Xolani to be spies and oppose some of the progressive ideas put forward by other traders such as members of SANTRA. This shows the alleged corruption of municipal agents using some traders against others in the sector as a strategy to divide and rule the traders.
>
> (Notes from fieldwork, 11 May 2012)

In interviews with some street traders' organisation leaders when asked about what they get out of the engagement with the local government through the forum, some stated that it is a platform that opens a space for corruption of municipal officials in collusion with some informal traders` organisation leaders. This is illustrated in the statements by the two organisation leaders below:

> *"Even now if you can just go to the MTC offices you`ll find traders there sitting in those offices. Instead of our problems being solved by MTC officials, when you get there and have a problem, your problems are solved by traders like yourself… The MTC officials the way they are so corrupt, they chose some traders that they want to use against other traders*" (Respondent 2, organisation leader: 2012).

> *"I think the problem is that certain One Voice people...who have been promised remuneration by not even the city but by certain corrupt municipal officials"* (Respondent 1, organisation leader: 2012).

> In the meetings there have been cases where some organisation leaders are not critical of the forum and who generally agree with the chairperson on issues raised in the meetings.
>
> (Notes from fieldwork, 11 May 2012)

There are also allegations of divide and rule strategies adopted by the City through the forum to fragment and divide the organisations.

> *"The city applies divide and rule. When there are meetings at the City Council and traders are supposed to engage with them, the City rubbishes what they [street traders] do. There is also fragmentation of the sector which is caused by the local government through its divide and rule strategy where it makes sure that traders are not united. The city ensures that traders are not organised. Divide and rule is a major strategy by the city to fragment the sector"* (Respondent 3, organisation leader: 2012).

> In the informal trading forum, I have witnessed how the chairperson allocates unequal time for different leaders speak and raise issues. This shows that the chairperson favours certain organisation leaders over others because he gives them more time to speak in meetings. This gives a sense of favouritism and fuels the fragmentation and division of the traders. This division and fragmentation is shown by how some points raised by certain leaders in the platform are discredited by other street trading leaders.
>
> (Notes from fieldwork, 11 May 2012)

The informal trading forum has also been argued not to achieve anything because the platform is not really participative. This is illustrated by the organisation leader who states that:

> *"[The] process is heavily manipulated by officials who haven't delivered. Minutes don't get approved, what is said at meetings does not get properly documented; we don't get advanced notice of the agenda as to what the council intends to discuss"* (Respondent 1, organisation leader: 2012).

The following leader also shares the frustration of the leader above by stating that the municipality is not willing to do anything to improve the situation of street traders in the city.

> *"...we realised that these people are not willing to solve our problems. Everything they do they think is a favour for us. When we observe the situation we can see that our municipality is not willing to help us"* (Respondent 2, organisation leaders: 2012).

> *"Its purpose is to resolve problems, but to tell you the truth it doesn't have a purpose, it hasn't resolved anything. It's a talk show and there are no resolutions taken. There are many problems being faced by traders but they are still there and there's no help"* (Respondent 6, organisation leader: 2012).

> *"We keep reporting our problems but at the end of the day they don't get solved"* (Respondent 2, organisation leader: 2012).

From the leaders' accounts above, it is evident that there is a shared feeling of despair and lost faith in this engagement platform because it has not achieved what it has been mandated to achieve. Cornwall (2008:270) argues that "consultation is widely used…as a means of legitimating already-taken decisions, providing a thin veneer of participation to lend the process moral authority". Because of this type of participation there are no guarantees to the stakeholders engaging with authorities that their inputs will be taken into account. This is the case at this engagement platform where street traders' organisation leaders feel that none of their issues get taken into account when authorities make decisions. There is also an issue of favours versus rights where the traders' leaders feel that they are unable to exercise their rights but officials rather think they are doing them a favour by convening participation platforms.

> The feeling among the traders that the forum is not really participative can be supported by the fact that when they engage with the local authorities in the forum meetings, the same issues are always repeated. This illustrate that issues raised at previous meetings are not being taken into account and there is no form of report back to assure street traders that something is being done.

3.4.2. Informal Trading Task Teams

The City of Johannesburg DED has through the informal trading forum created three task teams with the purpose of collaboratively finding conducive pragmatic implementation of policy and management solutions (City of Johannesburg, 2010). The three task teams which are management, technical and bylaw enforcement are made up of informal traders' leaders and are supposed to work closely with City officials so that decisions made are in accordance with the bylaws and any other regulations set forth.

According to the terms of reference of the task teams, they are supposed to meet every month at different venues. The management task team is supposed to convene its meetings at the MTC offices located at Bree Metro Mall, the technical task team is assigned a venue at 66 Jorissen Place in Braamfontein which is where

the DED offices are located and the bylaw enforcement team meets at Faraday at the JMPD offices. The meetings are usually scheduled to last for a maximum of two hours by they sometimes take longer especially when there are pressing issues to be addressed (City of Johannesburg, 2010).

According to the City of Johannesburg (2010), the role assigned to the management task team is to advise and guide City officials on the implementation of informal trading policy including management and allocation of trading spaces taking into consideration the context within which these are being applied. The informal traders that have been elected in the informal trading forum work together with the City officials to come up with effective management models for informal trading. The following street traders' organisation leaders state that:

> *"[The] management task team [is] to oversee the management process in Johannesburg..." (Respondent 1, organisation leader: 2012).*
>
> *"... their purpose is to solve the issues faced by traders on a daily basis. They are also not allowed to solve problems on their own; they are only supposed to intervene when Xolani from DED is with them. They are supposed to go with him and they are supposed to deal with issues when the whole group is there not one person" (Respondent 2, organisation leader: 2012).*
>
> *"The management one, what we're really saying is that it's very difficult to manage with such policies, there needs to be a policy change" (Respondent 1, organisation leader: 2012).*
>
> *"...most problems don't get solved because Xolani who they are supposed to solve the problems with (since the management task team got elected) only went with them to solve traders' problems once up until today. In other words the year can go past with this task team only having met once" (Respondent 2, organisation leader: 2012).*

From the above statements of traders' leaders, it is evident that the City comes up with the informal trading management models and they as task teams are not involved in their conception but only act to approve and implement them. The traders are not given the opportunity to make meaningful decisions. Other leaders talks about the implementation of the law by traders together with the officials but that their reliance on the current policy is a shortfall because it is restrictive. Even though the task team might have progressive ideas on management, these are restricted by the policy context.

The technical task teams is concerned with providing guidance through policy review and proposing ways to facilitate a more developmental and conducive policy framework that is adaptive to the current context (City of Johannesburg, 2010). The respondent below states his understanding of the role of this task team.

> *"Our role is to work together with the municipality to come up with rules and policies of traders..." (Respondent 6, organisation leader: 2012).*

The respondent argues the role of this task team is to devise policies to govern informal trading activities and this is to be done in conjunction with City officials responsible for informal trading. This aim of this task team is to change the policy that governs informal trading based on their experiential knowledge which guides them on what works and what does not in reality.

He however continues by stating how the task team has not achieved any of its goals set forth.

> *"...but it also hasn't achieved anything. We have not done anything with the city to solve our problems" (Respondent 6, organisation leader: 2012).*

The bylaw task team is concerned with oversight and advising enforcement agents working together with City officials on the appropriate approach to adopt when enforcing bylaws (City of Johannesburg, 2010). The following respondent, who is a bylaw enforcement task team member, states that:

> *"The purpose of the by-law task team is to go to areas that are to be demarcated for street traders. We go to the different streets that qualify to be sites for demarcation of trading stalls" (Respondent 2, organisation leader: 2012)*

The respondent understands the role of this task team as being to survey different streets and determining which ones are suitable to accommodate street traders. He goes on to state that like all the task teams, members of this one are also not allowed to go on site alone but should go with City officials but unlike the other two, with the JMPD as well.

> *"The task team made up of informal traders is not allowed to go on site alone, it`s supposed to be accompanied by the JMPD and DED lead by Xolani Nxumalo. Our task as traders is to ensure that the streets that get approved are in accordance with the by-laws, for instance that the pavement should be 4 metres and above to allow for both street trading and pedestrian movement. If a street is less than 4 metres then there should be no traders allowed to operate there. If it's from 4 metres upwards then it means that the*

> *street is suitable and allowed through the by-laws to accommodate street trading" (Respondent 2, organisation leader: 2012).*

The officials involve the traders in assessing the streets to convince them not to mobilise other traders against municipal decisions such as demarcation. The traders are accompanied by JMPD and this shows other traders that the task team members have sold out to the City by colluding in the enforcement of the City's bylaws. The JMPD is there to control any disturbances that may arise and to remove traders if the task team discovers that the does not meet the requirement mentioned above to accommodate street trading. In cases where the street is not suitable to accommodate trading, the street traders selling in that street get notified and expected to vacate within a certain period of time. This is explained by the respondent below.

> *"We have had instances where the street was narrow but had people already trading there, after inspection the traders got chased off the street with no alternative place to trade meaning that they lose their source of income. The traders who got chased away have to see for themselves where they go from there with no support from the officials involved. In other words it`s not their problem. In most cases the traders who are just trading without demarcation get given one month notice to vacate the streets" (Respondent 2, organisation leader: 2012).*

The above respondent was also involved in chasing the traders away because the street was not suitable for demarcation according to the bylaws. The trader was also responsible for chasing other traders away which illustrates how the task team members have sold out to the City by enforcing its bylaws even though it means chasing traders off the streets and depriving them of their livelihood base.

The above respondent alleges that in instances where the street is not suitable to accommodate street trading, traders get chased off without organising alternative trading spaces. This seems like a dangerous job for street traders who are task team members and causes conflict of interest because they chase traders off while they are traders themselves. This might fuel street trader conflicts where those who are chased off may blame the task team members who made this possible. The task team members are torn between being sympathetic to fellow traders and implementing the City's policy which focuses to a large degree on the limitation of trading spaces.

The conflict of interest is also fuelled by the task team members getting payment from the City. This is stated by the following respondent:

> *"Our agreement with the city when we formed the three task teams was that each and every month we would get paid. We also agreed that the DED should determine the money that they will be able to give us as task team members" (Respondent 2, organisation leader: 2012).*

This, as some traders have argued, creates conflict of interests and division among the traders. Street trader leaders are representing the people on the ground but at the same time they get payment from the City to implement plans by the City. In most cases this creates a cloud of judgment where at the end of the day they do the task the City wants them to do and ignore, maybe not intentionally, the interests of the street traders they represent.

The following street trader organisation leader, who was quoted in the New Age Newspaper article written by Pongoma (2012) highlights the conflict of interests resultant from task team members being paid by the City by stating that:

> "Are they representing the hawkers or are they employees of the municipality?" (Elias, 2012).

Morange (2012) who also did a similar study in Cape Town Green Point market noted similar outcomes where the number of street traders was reduced significantly due to the help of traders who are members of the subcommittee working in conjunction with the City. The committee members helped Council to clear some streets that are deemed not suitable for trading. In her study, Morange noted that:

> "More striking perhaps, the number of traders went down to 229 (close to the municipal goal that aimed at 200), thanks to the traders themselves: many people lost their license thanks to the committee that helped to target the so-called "casual traders" (Morange, 2012: 22).

In Johannesburg, interviewed street traders' organisation leaders have also argued that the municipal officials are applying a strategy of divide and rule to fragment the street traders` organisations and to cause divisions between street traders so that they do not present their issues with one voice when engaging at this platform. This is illustrated by the following statements from leaders:

> *"...what is now happened is that the city has appointed three committees (task teams) from that and has promised them payment so we have a conflict of interest situation where committees of trader leaders who are offered payments. The three task teams were offered payment from the 21st of*

> *February and as a result of that offer the city has created a conflict of interests. We cannot get payment from the city and represent traders; we find that problematic amongst other issues"* (Respondent 1, organisation leader: 2012).

> *"Our agreement with the city when we formed the three task teams was that each and every month we would get paid...But since the three committees have been formed up until now; we have not received a cent from the DED. What we are getting is that they are busy dividing us as traders, right now as traders we don't get along especially as South Africans because they don't want us getting along as a united entity speaking with one voice. We don't agree on anything or get along since the formation of these three task teams" (Respondent 2, organisation leader: 2012).*

> *"The city applies divide and rule. When there are meetings at the city council and traders are supposed to engage with them, the city rubbishes what they [street traders] do. There is also fragmentation of the sector which is caused by the local government through its divide and rule strategy where it makes sure that traders are not united. The city ensures that traders are not organised. Divide and rule is a major strategy by the city to fragment the sector"* (Respondent 4, organisation leader: 2012).

The above leaders agree that the City is applying divide and rule tactics to fragment the street traders' organisations further and fuelling the divide between them. While one attributes the divide and rule strategy to the payment of task team members; another attributes this to the difference in nationality and the other argues the divide and rule is exercised in meetings between the City and traders' organisation leaders. It is important to note that not all forum members are task team members and as such this also forms a basis of division between the traders.

The task team members feel that they are not making meaningful contributions and helping informal traders in any way because they feel they are just puppets and rubber stamps of officials` decisions. This is illustrated by the statement from one of the task team members below.

> *"People who make these decisions are the JMPD, DED and MTC. We are just there, we don't even know why we are there and what our purpose is because we are not allowed to have a say, we get told what to do without any input. Us being there is a waste of time..." (Respondent 2, organisation leader: 2012).*

Ultimately, the task team members implement the City's plans not what has been decided upon by all the stakeholders because their input does not get taken into account. Morange (2012:20) in her study argues that "[t]he City's decisions are

enforced partly by the traders committee itself, even when it considers them as unfair". Their role as task team members is to echo decisions made by the City and implement them. The creation of the committee is a strategy by the City to ensure that the traders are also responsible and in collusion with decisions taken around street trading which in most cases is restrictive.

The City officials manipulate the collaborative decisions made in order to suit vision of the city. Street traders may come up with meaningful solutions but for as long as they do not fit in with the City's visions; they are not taken into consideration. This is why some task team members do not see the point of having these teams when they do not get listened to by the officials; they see this as a total waste of time. This is stated by the following respondent.

> *"I don't see the present subcommittee [task team] as a satisfactory vehicle to get the message across" (Respondent 1, organisation leader: 2012).*
>
> *"They even told us that this is our job to identify places suitable for trading but at the end of the day they are the ones demarcating without us" (Respondent 2, organisation leader: 2012).*

3.4.3. JPC meeting on the 2nd November 2012

This meeting was held at the Metro Centre Building, 158 Loveday Street in Braamfontein where the informal trading forum meetings take place. People who attended the meeting included the informal traders` organisation leaders; MTC officials and delegates from the Johannesburg Property Company (JPC) including the executive manager. The Deputy Director of SMMEs development from DED who is the chairperson of the forum meetings was not there and in this meeting the executive manager of JPC assumed duty as the chairperson. Cell phone messages were sent to stakeholders to invite them to the meeting using the database from the informal trading forum.

The arrangement of space was the same as that of the informal trading forum where the chairperson stands behind a podium and all the officials sit in front facing the informal traders` leaders. This sitting arrangement serves to illustrate the status and power by the different stakeholders with the chairperson and the other officials as superior, having authority and power over the meeting space.

The meeting was scheduled to start at 8:30 but only started an hour later as the officials were running late. When the meeting started the chairperson the purpose of the meeting is to give feedback on the institutional review of City of Johannesburg. He explained the iGoli 2002 policy to the street traders and how it brought about municipal owned entities which are now called municipal entities as a strategy to improve service delivery. He also said that in the year 2011 the process of institutional review started to evaluate operation of the municipal entities and how efficient they are and realised that the MTC should be dissolved with parts of it going to the DED, transport unit and other parts of it especially those dealing with informal trading going to JPC. The meeting's objective was to inform traders of the changes that are occurring affecting informal trading.

> Immediately when the chairperson announced the purpose of the meeting, the traders started raising issues about the inefficiencies of the informal trading forum and pleading with JPC to do something about it.
>
> (Notes from fieldwork, 2 November 2012)

This could be seen as a strategy by the informal traders' organisation leaders to start forging a new relationship with the JPC which was taking over from the MTC and building a good working relationship.

The chairperson stopped the traders from advancing any comments by stating that traders will no longer report at MTC but at the JPC offices which are based in Braamfontein. Traders were told that nothing is going to change; they will still deal with the same people who will be doing the same thing the only difference being that offices will be across the road and they will also pay their rentals exactly where they used to pay. The chairperson reiterated the point that the meeting was not a platform to talk about issues faced by traders but the executive manager mentioned that they know that there are many problems in the sector which is why MTC was integrated into JPC.

The chairperson called on Musa Makhunga, the Audit and Risk Manager at the MTC to address the informal traders and explain the integration process. Musa mentioned

that the integration will result in quick resolution and improving delivery of services and infrastructure to the traders. He asked that stakeholders ask questions relating to the presentation on the integration not raise issues they are faced with and there will be a meeting dedicated to that. He also emphasised that operations and project officers that traders will deal with will remain the same and the cash office will not move and the same people will be at the office serving traders. The traders raised the following questions and comments.

- Will the JPC develop our trading stalls and trading spaces-(Mandla Phakathi from Bara)
- Is JPC a private or government company and under which section-(Franscima, ACHIB)
- We as an organisation were not involved in the forum raising problems. We had a march and one of the demands was that MTC should be dissolved. We are disappointed by the presentation saying that it will be the same people , that nothing is going to change. We need a meeting with the JPC before month end to really talk about issues that we face as traders such as allocation because there is a whole street in the inner city, Hoek street which is full of Nigerians! I think we will still be facing the same problems because we will be seeing the same faces. We have been coming to the forum but we haven't achieved anything, I`m sorry to say that but it`s true I`m not happy about anything but happy about dissolving the MTC- (Zacharia Ramutula, One Voice president)
- If you take the MTC with all its problems and integrating with the JPC, how about fix all the problems then people pay rent ?-(Hlatswayo Tate)
- When we have problems, where will we go? You have new people such as Terence, how will they know the issues of traders because it`s been since 2001 having problems and none have been solved-(Sam Ndlovu, SAITF)
- Why are you reshuffling people from MTC, was the company overstaffed? What is the purpose of a name change if it will be the same people? Is the MTC dead wood and JPC alive wood according to the institutional review- (Sipho Hlatswayo)
- What is the purpose of JPC, is it just a rent collector. Label yourself and your purpose. You need to involve traders in the management of JPC dealing with traders. I feel that JPC is camouflage of nice words nothing will be done because no one is prepared to listen to the sector- (Mandisa Mawisa, Bree mall committee)
- We go to meetings and get told things but nothing gets done. Will the JPC go to all the trading spaces and tell people what they intent to do-(Pat)
- There is no way forward with the ITF, are there gonna be changes from the JPC? Why the same people and just a name change, officials at MTC don't know what they are doing, they don't have experience in the sector. MTC is corrupt- (Geoffrey Nemakonde, SANTRA)
- JPC are you coming with the GDS 2040 strategy because it is about uplifting traders. How are you going to manage rentals because we don't want the same model as the MTC- (Ben Letseka, Roodepoort)

(Notes from fieldwork, 2 November 2012)

The above shows remarks made by the informal traders' leaders present in the meeting. From the questions raised, it is clear that the traders also raised issues that they are faced with when operating in the City even though they have been told by both the chairperson and the Audit and Risk Manager at MTC. This could be seen as a challenge of the authority of the officials who set the agenda on what direction the meeting will follow.

The above also illustrates the messiness remarks by the street traders' organisation leaders, they do not raise issues in a coordinated manner but rather each person raises whatever issue come to mind. This gives authorities a chance to ignore and avoid answering controversial or embarrassing questions. It is also evident from the above that the OVOAHA leader is strategic in raising issues where he questions the decisions by officials to keep MTC workers even though a new company is taking over. The leader from SANTRA also echoes on the point made by the OVOAHA leader. The traders' questions were answered and there are shown below.

- With regards to development, MTC staff will learn from JPC's experience of dealing with property and traders know issues on the ground. This is a working formula; we wanna work with the people not for the people. There are committees in place and therefore integration will make things easier and smooth. The merger assures capacity to address issues, there will be development and changes that you will see but these will take time, just be patient.
- JPC belongs to the City of Johannesburg, it`s a municipal entity on property management
- On the rental issue that many of you raised, there was no clear policy on how to manage how people should pay depending on location and size of stall. Changes are in the pipeline but the city has a mandate to collect from the people on the ground and this is not debatable there should be payments. The topic of developmental state is way bigger than me so I won't even touch it. The house should appreciate the small things, not much has been done as we wanted it to not nothing has been done, there are things we have done. The fight is bigger than government; we are bringing in other stakeholders such as ABI. We are also going to work very closely with committees because they run the day to day of the sector.
- Introduction of JPC to the traders, there will be a road show so that they know what is going on.
- On the question of how to bring change with the same people, change the way we think and how we do things and relate to you (traders) like disrespect. We will get trained and learn how to deal with such issues. But remember that respect is both ways
- Talk about stability as well and continuity because we know the issues that are there and problem has been how fast we address them, we can assure you that we will be efficient and fast now through this integration.
- On the GDS 2040 and IDP, these are the bible of the City. We can't develop without them, mayor talked to people and even went to different areas through the GDS process. GDS is what we stand for, we are guided by GDS. It's not the MTC only but other companies as well. I would like the house to think positively about the integration, we can do better united not divided.

(Notes from fieldwork, 2 November 2012)

The Audit and Risk Manager at MTC answered the questions by assuring that change will happen even though there will be the same people from the MTC. Even though this official gave these answers and explanations, the traders were still not satisfied and wanted to continue the discussion but the chairperson took over and concluded the meeting by stating that there will be a meeting scheduled with the main purpose of talking about issues that traders are faced with. He said that the meeting will be to see what resources are there and what issues are there and take it from there to improve the conditions of the traders. This was a strategy to stop the traders from asking more questions and raising their concerns.

There are also structural changes that occur within the Council. These include the recent change in the body responsible for the management of informal trading being integrated into another municipal owned entity which will bring about changes in the way things are being done. The purpose of the integration of MTC into the Johannesburg Property Company (JPC) was a strategy to deal with a range of problems that the MTC was undergoing such as ineffective management of informal trading. There also seems to be a concern by JPC to collect fees and make valuable the municipality assets which includes the streets. Another issue is that this council owned entity is alleged to be corrupt where some people buy stalls from officials and therefore the integration into JPC will ensure transparency and efficiency to the informal traders. The MTC was not an autonomous entity but working under the DED. The traders make allegations about the MTC being corrupt but do not say anything about the DED.

From the meeting, it was unclear on how this will be achieved because the same MTC officials who have been accused of corruption will be working at JPC while JPC has a history of efficiency. It seems that the only thing that has changed is the name or simply moving office and integrating with another municipal entity while the issues that the MTC has been facing have not been resolves in any way. The street traders feel that it will be business as usual because they will still be dealing with the same officials that they were dealing with before and that nothing is going to change.

3.4.4. Joburg 2040 GDS Outreach Programme

The local level of government also convened a once off participation event, the Joburg 2040 Growth and Development Strategy launched in 2011 for consultation with a variety of stakeholders with street traders being invited to express their

interests (City of Johannesburg, 2011). This is argued by municipal agents that it was an intense process of consultation with a variety of stakeholders to collectively determine the City's development path. At an informal trading forum meeting held on the 14th September 2011, the chairperson of the meeting who is also the DED official in charge of managing informal trading told traders' leaders about the GDS process and that he encourages street traders to speak with one voice and deliver a message at the engagement but did not give the traders time to consolidate a position (Benit-Gbaffou 2013).

> *"To me it was like okay, he's finally trying to build street traders as a social movement maybe but he spent the meeting discussing about other things. He didn't start in the meeting to hear what people have to say, he didn't start with a workshop or what will be the point and how to think of a process to consolidate a viewpoint" (Benit-Gbaffou:2013).*

This shows that the agenda of the meeting was not fulfilled because an issue that was on the agenda was not discussed at length but the chairperson rather focused on addressing other issues.

> *"…at the very end of the meeting he started saying so, to come back at the GDS story, I would like to nominate or we nominate a number of leaders who will talk to the media on street trading point of view and started saying I would suggest this person, this person and this person, and of course Zacharia was part of it and Edmund appointing the speakers of the assembly. Xolani was appointing the leaders but immediately there were contestations in the room, some people saying why him but not me? And we don't have a gender balance and some people started accusing one another"(Benit-Gbaffou:2013).*

This illustrates that the election process of street traders' leaders was not democratic as the chairperson did not give the forum members the opportunity to nominate and elect who they would like to represent them. This also illustrates the tactics of divide and rule and how the traders are antagonised and differentiated in this engagement platform. As the contestations around the selection process ensued, Benit-Gbaffou from Yeoville Studio states:

> *"At this time I raised my hand and Xolani made me come to the front saying what does the professor have to say; what does the doctor have to say and I said well I think this is a very important idea for traders to speak their minds but I would suggest that we try or the traders have a workshop in focus groups or any other type of platform so that the leaders can discuss their position and I don't remember how exactly he completely dismissed my idea" (Benit-Gbaffou:2013).*

The chairperson uses tactics of intimidation and ridicule to dismiss ideas by stakeholders in the meeting. The chairperson of the meeting did not want the proceedings of the meeting to change and as such was not willing to listen to suggestions made.

When the meeting adjourned, George Mahlangu from COSATU took forward the idea of hosting a workshop with the traders to support them in consolidating a position that was to be presented at the GDS engagement (Benit-Gbaffou, 2013). A large meeting with the traders was organised on the 23rd September 2011 which was attended by a large number of interested parties including street traders' organisation leaders held at the City's offices but Xolani did not attend this meeting. The stakeholders were divided into two focus groups which Benit-Gbaffou and the Petrus Mashinin of South African Municipal Workers Union (SAMWU). Each focus group selected representatives which would sit down with the facilitators to develop a position document. Issues discussed in the focus groups were around managing street traders; smart cards, rental level and lease agreement; developing traders; opening new areas for managed trading; infrastructure and facilities and bylaw enforcement (*ibid.*).

After consolidating a position document, a workshop was organised on the 26th September 2011 held at the COSATU house (Benit-Gbaffou, 2013). The workshop was however only attended by six people consisting of street traders' organisation leaders and the facilitators.

> *"…it was George, it was Edmund, it was Zacharia, there was this lady from SANTRA, Mandisa I was disappointed that SAITF wasn't represented, it was mostly SANTRA and One Voice" (Benit-Gbaffou:2013).*

Through the workshop, a document was produced titled "*Coalition of street traders in Johannesburg, facilitated by COSATU: Position on street trading*" (Benit-Gbaffou, 2013). The document was developed around general consensus.

> *"I remember there was general consensus and it was mostly Edmund commenting because he is more articulate and he has thought about self management and how can you propose more participation into the management of street trading and he was generally listened to and not opposed by the others" (Benit-Gbaffou:2013).*

This process of engagement facilitated by Yeoville Studio and COSATU was an effort to consolidate a social movement of street traders' organisations, ensuring that they come together and collectively define their position on street trading so that they speak with one voice when engaging at the GDS platform.

There were also instances were the traders did not agree on issues such as xenophobia (Benit-Gbaffou, 2013). This issue was dismissed by the COSATU facilitator at the meeting and this is stated by Benit-Gbaffou below.

> *"George Mahlangu was very clever here I don't remember exactly how he addressed it but he said listen, we hear that we understand the corruption but for us it's not primarily about foreigners but about management, corruption and scarcity and as COSATU we cannot, cannot endorse anything that is do with xenophobia and for once he was addressing it directly and not just avoiding the issue" (Benit-Gbaffou:2013).*

The completed position document was submitted because informal traders were encouraged to make submissions so that their interests could also be taken into account (Benit-Gbaffou, 2013).

> *"[However] the GDS required that traders follow a certain format for their inputs so we had now to deconstruct this document to fit the GDS questions and they had a number of categories and we tried to cut and paste the relevant parts but the result was that it was weakening the points because they were scattered, repetitive instead of being strategic and this was the document sent to the GDS together with the position statement but this was what was to be considered at the GDS" (Benit-Gbaffou:2013).*

The above illustrates how the street traders' organisation leaders were engaged in an intense and time consuming process of developing a position document and preparing for engagement with authorities through the GDS process. Pezzano (2012) argues that the process was not really participative because DED officials were pushing their own agendas of formalisation of street traders through the building of covered markets and SMMEs development strategies and were merely looking for the traders' buy in. The statement by the leader below expresses frustration with this platform of engagement where he feels that nothing that they submitted was taken into account. He argues that the problems that they were facing as street traders before the engagement with the municipality on the GDS 2040 are still continuing.

> *"The 2011 GDS engagement process remains structured input as part of the coalition that was headed by COSATU at that time, coordinated by COSATU*

> *and the results from that is zero. No results, metro police are continuing, there is no developmental plan, it's obvious to us if we start digging into policy there is a lot that is wrong" (Respondent 1, organisation leader: 2012).*

Stephen Narsoo, a city official in the Policy and Strategic Unit, at a practitioners' workshop on the Johannesburg Inner City 2040 convened by the Johannesburg Development Agency; a municipal owned entity stated that:

> *"The implementation of the vision is really tough because there are so many different visions by different stakeholders and we have to take into account whose visions are being implemented, whether those of businesses, informal traders, the City and other stakeholders"* (Narsoo, CoJ Policy and Strategic Unit: 2012).

This speaks to the difficulties of engaging a variety of stakeholders who have different interests in the same platform and also determining which interests are to be taken into account because they are in most cases contradictory. The City has therefore found it difficult to determine which interests to adopt and how to reconcile and balance the different interests. This has resulted in the submissions by the traders not reflected in the GDS document. The voice which takes more prominence in the document is that of big businesses.

Even though the traders' submissions were not taken into account, they learnt how to make strategic points and get to know what they have in common in the GDS preparatory process. Coming together and having these meetings and workshops make it possible for the traders to consolidate a common vision that they can all say they contributed to and therefore cannot totally dismiss it when engaging with government. In most cases; it does not happen that traders' submissions are taken into account at the first engagement and the traders use the same submission in other engagement platforms. This particular document was used submitted to the Gauteng Provincial Legislature Economic Development Summit held in March 2012.

Below is a table summarising the objects of observation at the local level of government.

Engagement Platform	Spatial Settings	Attendance	Agenda	What is at stake?
ITF	Meeting held at Metro Centre Lecture theatre sitting arrangement Authoritative-chairperson stands behind podium and all the officials sit in front facing the informal traders	Regulated platform but infrequency of meetings Informal traders' organisation leaders invited Informal traders usually sit next to their fellow organisation members	Agenda set by DED official who is also chairperson of meetings Chairperson in charge of engagement platform Agenda includes discussions around issues of informal traders	Real objective for officials is divide and rule and box ticking Officials usually arrive later than scheduled time Real objective for traders is not to let other traders take over the engagement platform Meetings about discussing issues pertaining to informal trading in CoJ Space for contestation because of the way meetings are conducted Meetings mostly about consultation not decision making or discussions around policy documents
Management Task Team	MTC offices Roundtable setting where traders sit with DED officials	Regulated platform but infrequency of meetings Only elected task team members allowed in meetings	Agenda set by DED officials Official objective is for traders together with DED officials to manage informal trading collectively and discuss issues relating to rentals and allocation of trading spaces	Real objective of meeting divide and rule and cooption of the traders
Technical Task Team	DED offices Boardroom setting where traders sit with DED officials	Regulated platform but infrequency of meetings Only elected task team members allowed in meetings	Agenda set by DED officials Official objective is for traders and DED officials trying to come up with policy that is conducive to informal trading	Real objective is divide and rule and cooption of traders
Bylaw Enforcement Task Team	Faraday at JMPD offices Boardroom setting	Regulated platform but infrequency of meetings Only elected task team members allowed in	Agenda set by DED officials Official objective is for traders to work together with DED officials and JMPD	Real objective is divide and rule coupled with cooption and sedation of traders from mobilising other

		meetings	surveying streets to determine suitability for informal trading	traders to go against the City's bylaws
JPC meeting	Metro Centre Lecture theatre setting	Once off meeting Informal traders' organisation leaders invited (members of the informal trading forum)	Agenda set by Official objective of meeting was to inform informal traders about recent structural changes in informal trading management	Real objective of meeting was information giving not real engagement Officials came later than scheduled time Traders objective was to establish new networks and consolidate a good working relationship with the company taking over informal trading management
Joburg GDS 2040 Outreach Programme	At the Metro Centre	Once off	Agenda set by CoJ Policy and Strategic Unit Official objective was to collectively determine the future of Johannesburg	Real objective was box ticking that participation has been convened Traders objective was to consolidate a social movement that speaks with one voice and develop a position for street trading in Johannesburg Street traders encouraged to make submissions but these were not reflected in the final GDS document

Table 3.2: Summary of local government objects of observation

3.5. Provincial Government Platform: Gauteng Provincial Legislature Economic Development Portfolio Committee

The provincial level of government has been mandated by the Constitution of the Republic of South Africa (1996) to convene public participation and involve citizens to have a voice in issues that affect their lives. Street traders have been afforded this platform of engagement by the Gauteng Economic Development Portfolio Committee which is part of provincial parliament. Legislatures are given power by

the constitution to make laws for their particular provinces and act as an oversight for the provincial government (Gauteng Provincial Legislature, 2010). I argue that the Gauteng provincial legislature is making efforts for genuine engagement of street traders with the overall motivation of improving their conditions of operation.

Throughout the year 2012, there were a number of meetings convened by this level of government to engage informal traders but I was only able to attend six of these being the economic development summit; the summit feedback session; the economic development budget speech; engagement between informal traders and the Economic Development Portfolio Committee; meeting on resolutions emanating from the 2012 budget speech and the annual report for the 2011/2012 financial year and the informal traders' stakeholder workshop. These meetings do not follow a clear structure as is the case theoretically with the informal trading forum at the local level but nonetheless, there is repeated contact. In most cases when there is a meeting to engage with the informal traders at this level of government, the traders are encouraged to make written submissions before the engagement so that authorities have the chance to look at them and prepare responses. The legislature as with the local level of government engages with informal traders' organisation leaders because they believe they are representative of informal traders and they have a mandate from their constituents. Meetings organised by this level of government usually start on time and when they are running late it is usually with 30 minutes and not more. In most cases when meetings start late it is because the stakeholders are late and not the Economic Development Portfolio Committee members. The punctuality of the committee members shows that engagement with the informal traders is taken seriously and they understand that the traders are business people and therefore the sooner the meetings start and end, the sooner the traders can get back to their businesses.

3.5.1. Economic Development Summit 27-28 March 2012

The economic development summit was convened by the Gauteng Provincial legislature Economic Development Portfolio Committee (GPLED) and was held at Emperors Palace in Kempton Park. The GPLED organised transport for the informal traders` organisation leaders to take them from a central meeting point which was the legislature offices at the Johannesburg City Hall, City Hall Street to the summit

venue. The GPLED also organised accommodation for the stakeholders at Emperors Palace. At this engagement platform, informal traders were not the only stakeholders invited but a range of other stakeholders including cooperatives and businesses as well as high rank politicians such as the national minister of economic development (Ebrahim Patel); MEC for Economic Development (Qedani Mahlangu) and the Economic Development Portfolio Committee members. The Portfolio committee members together with the high rank politicians had reserved seats at the front and all the other stakeholders sat behind them. The formal setting shows the distance between officials and the stakeholders and serves to prevent traders from talking about their petty issues but to rather be strategic. There was a podium for speakers at the front facing all the stakeholders at the summit together with big screens all over the room displaying presentations that speakers had prepared. There were different sessions in the summit chaired by different people from the GPLED.

The agenda for the meeting was set by the Economic Development Portfolio committee. The main objective of the summit was for stakeholders together with the provincial legislature consolidate a position on the economic wellbeing of the province and what directions should be taken to achieve an inclusive economic growth. Stakeholders were encouraged to make written submissions to the GPLED prior to the summit so that the portfolio committee members have a chance to look at them and respond and comment accordingly at the summit.

The summit was scheduled to start at 09:00 and end at 16:30 but because some of the stakeholders experienced problems with the transport that was organised, the summit only started at 09:30. The meeting did not start late because the organisers were late as is the case with the informal trading forum meetings at the local level of government. The organisers were ready to start the meeting but because some of the stakeholders were still stuck in traffic, they gave them 30 minutes to arrive and register before the meeting could commence. The summit was divided into sessions and each session lasted forty minutes with discussions in between which were allocated forty minutes as well. This was however not enough time for stakeholders to comment and raise issues relating to the presentations. The chairperson allocated one minute for stakeholders to raise their points and cut them off when they took

longer. Some of the stakeholders wanted to raise issues but were cut off because the forty minutes allocated to the discussion was over.

As the summit commenced, the Chairperson of Economic Development Portfolio Committee, Nkosipendule Kolisile was called to the podium by the chairperson of the first session to unpack the theme of the Summit. The speakers emphasised the importance of working together and what can be achieved through collaboration and that public participation will be up scaled in discussing key issues and not the creation of a '*siyavuma'*[6] group. He proclaimed the summit was a way of opening space for public participation. He also mentioned that there is a need to move away from too much dependence on the government through the enhancement of the people's economy. Here the speaker was talking about the importance of people creating jobs for themselves such as through the informal economic activities.

After the chairperson of the Economic Development Portfolio Committee came the national minister of Economic Development, Ebrahim Patel. The minister was largely focused on the New Growth path and that economic policy must respond to challenges that are there. He identified job drivers that are imperative to reach an inclusive economic growth but there was no mention of the informal economy explicit terms in his speech. The MEC for Economic Development, Qedani Mahlangu presented the state of the economy in Gauteng province. In her presentation she did not mention the role played by the informal economy in any way instead she dwelled on the growth paths identified by minister Patel in his speech. She touched on the informal economy when she was presenting the Gauteng Economic Growth and Development strategy (GEGDS) which emphasises inclusive economic growth and partnerships between a range of stakeholders in achieving this goal.

,

[6] A Zulu phrase meaning we agree

> Some informal traders were using this platform to advance their lives. SAITF organised a meeting prior to the summit and discussed the issues that need to be raised showing the traders' agency. When some traders got there they were raising issues for personal gain. For instance one trader asked about how the government is willing to help her start a cooperative. When the officials were asked questions, most of the time they were being defensive and people generally did not have enough time to raise their issues, they were cut short. In most of the presentations at the summit, nothing about the informal economy was mentioned. I also noticed that there are petty quarrels and squabbles between different street trading organisation members, they are suspicious of each other and competitions on which organisation was able to raise as many issues as possible. Some of the traders I managed to speak to after day 1 of the summit generally mentioned that they felt that it was a waste of their time because no real issues of the informal sector were being addressed and they felt as if they were being sidelined in the discussions as they were not given enough time to talk about their issues in detail.
>
> (Notes from fieldwork, 27 March 2012)

The traders were lacking strategic focus because they were mixing personal and specific questions. There was also competition between the different traders' organisations in terms of who asks which questions and how these are received by officials. This resulted in the lack of space and time for real engagement of the stakeholders.

> Some individual street traders were putting forward their individual grievances as opposed to those of the sector. I did not get a sense of a united front of street traders who spoke with one voice; it was more about individual grievances and divisions across organisations. The traders did not raise many issues only a few of them were given time to speak. Many issues that were raised here were mainly to do with cooperatives and SMMEs and informal traders are excluded from this because their issue are not the same. The informal trading leaders were using the platform to network with key and influential people and organisations present like the Gauteng Economic Propeller (GEP).
>
> (Notes from fieldwork, 27 March 2012)

The traders were using this platform to establish networks and know where to go or who to talk to when they need help even though the space was rife with competitions between the different street traders' organisations and the lack of strategic focus.

At the end of the commissions, there were resolutions and declaration by GPLED portfolio committee chairperson, Nkosipendule Kolisile. He stressed that there should be alignment of policies at the different levels of government in order to create employment and an inclusive economy and that public participation will be improved to ensure maximum engagement of stakeholders.

3.5.2. Summit feedback session 7th May 2012

The GPLED convened a feedback session from the summit where informal traders were invited. Other stakeholders present in the meeting included the chairperson of the Economic Development Portfolio Committee, Nkosipendule Kolisile (who was also chairing the meeting); GPLED personnel such as the secretary and the Director of community participation; COSATU's provincial secretary and treasurer; *National Education, Health and Allied Workers' Union,* the media. The meeting was convened at the Gauteng Provincial Legislature offices at Johannesburg City Hall, City Hall Street in the evening from 19:00 until 20:00. This meeting was short because it did not require stakeholders to make presentations. All the stakeholders including the informal traders were seated around a roundtable for this meeting.

A power point summary of issues and resolutions made at the summit was presented by the chairperson of the Economic Development Portfolio committee with questions and comments invited thereafter. Edmund Elias, one of the street traders' organisation leaders, raised a point about the people's economy being under the development radar. He said that the informal economy should be regarded as a sector on its own and should not fall under the category of SMMEs and Co-operations because they are not faced with the same issues and also stressed that the same issues were raised at the summit.

COSATU's provincial secretary had several concerns regarding the platform by the committee. He said that he feels that the platform is not sufficient enough to debate issues because of the way the presentation was carried out. He said that it was not a detailed report but a snapshot and this is problematic. He mentioned that he thought there would be a detailed report of exactly what transpired at the summit and the resolutions made. He criticised the bullet points in the presentation as not really explaining anything and therefore there cannot be a discussion if people are not sure what the issues in detail are. He urged the Economic Development Portfolio

committee to take processes of engagement seriously. This illustrates the space for contestation of the GPLED's efforts by COSATU to convene proper engagement with stakeholders. This particular COSATU secretary feels that the Economic Development Portfolio committee is not doing enough to engage stakeholders in meaningful engagement.

The chairperson responded by saying that as the committee they acknowledge that there is room for improvement from their part in ensuring continued and ongoing engagement with stakeholders. He said that it is difficult to compile reports and to show tangible results immediately but they take the process of public participation very seriously. Traders in this meeting did not have much to say because the meeting was a feedback from the summit and as such did not make any written submissions as the basis of discussion. From this session, it seemed that the point by traders' organisation leaders that informal trading should be classified as a sector on its own was not heard or recorded at the summit.

3.5.3. Economic Development Budget Speech on the 8th June 2012

This took place at the Provincial Legislature building and a range of stakeholders were invited including informal traders` organisation leaders; the media; the private sector and the Economic Development Portfolio Committee. The budget speech was delivered in a parliamentary setting where all the officials and provincial legislature members were seating at the lower level while all the other stakeholders were seated at the mezzanine level watching down as the speech was delivered. This was a symbolic gesture of participation by the legislature because the street traders' leaders invited were there simply as observers.

The budget speech was delivered by Qedani Mahlangu, the MEC for Economic Development. There was a section in the speech which mentioned the existence of the first and second economy but there was no other explicit mention of the informal economy and its contribution to the Gauteng economy. There was much focus on SMMEs and cooperatives as the foundation of the province's economy. The budget speech states that "SMMEs play an important role to develop the economy. An amount of R112 million has been allocated to our SMME development agency".

After the speech given by the MEC for Economic Development, Nkosipendule Kolisile who is the Economic Development Portfolio committee Chairperson stood up to address the stakeholders. He mentioned that there is a need to improve the livelihoods of the residents of the province and a more developmental focus on infrastructure development which is echoed in the State of the Nation Address and the State of the Province Address by Nomvula Mokonyane. There are job creation initiatives by the committee and there has been an increase in the budget from the previous year which should be commendable. There is a need to create competitive economic development and focus on helping SMMEs and cooperatives in the process.

> When the portfolio committee chairperson was talking about SMMEs, he also mentioned that informal traders have written submissions in which they state that they want to be separated from the SMMEs categorisation because they do not benefit in any way from being classified as such. He stressed the point that this is an issue that should be taken into account. The chairperson of the Economic Development Portfolio Committee mentioning this at the budget speech illustrates that the informal traders' submission to the summit were acknowledged and taken into account. This is one of the efforts by the provincial level of government that the traders commend. This also shows that the repetition of issues by the traders ensures that their issues are heard and acknowledged by officials.
>
> (Notes from fieldwork, 8 June 2012)

Gavin Lewis, the DA Member of Parliament, criticised and questioned the achievements that the Economic Development Portfolio committee claims to have achieved and the role of the provincial Department of Economic Development and that it has not achieved the mandate that has been set. He claimed that the same mistakes are made every year by the DED but claims to have done a lot. He also mentioned that SMMEs are at the heart of job creation in the province but are neglected and that there is a need to bring informal traders on board and reduce the crimes against SMMEs. This speaker was highly critical of achievements claimed by the DED that were reported by the MEC on economic development and emphasised the role played by the informal trading in the province. This illustrates

that the positive role played by informal trading is acknowledged by some members of parliament even though it is not reflected in the policy documents or is taken as a political object which is paradoxical for the DA.

Another member of the provincial legislature from the ANC mentioned that there is so much poverty and unemployment in the province, more the reason to encourage and support informal trading because formal employment is lacking. She said that hawkers in the CBD took the City to court and there are media reports showing the metro police harassing and looting goods of traders and pleaded with the MEC for economic development to intervene in the matter. She stressed the point that traders are targets of the metro police while they are good working citizens who are only trying to feed their families.

The MEC responded to the questions and comments raised by the two speakers. She said that they are doing well in supporting cooperatives but did not respond to the comments and appeal made to support traders and stop harassment and confiscation by metro police. Choosing to respond to certain questions and ignoring embarrassing ones is a political game that the MEC is playing. She also did not want to openly criticise the provincial DED because it is also ANC and actually it is her mandate to give political address and drive the policy as well as to monitor the DED officials in implementing.

3.5.4. Meeting for engagement between informal traders and the Economic Development Portfolio Committee on 30th October 2012

This meeting was held at the provincial legislature building. It started at 09:00 and ended at 14:00. The MEC for Economic Development; Nkosipendule Kolisile who was appointed to this position on the 16th of July 2012; was present and he started off the meeting by giving a brief presentation on the annual report for the 2011/2012 financial year. The first part of the meeting was between the Economic development portfolio members and the informal traders were only allowed as spectators and silent observers not allowed to make any input. After the MEC gave the presentation, there was discussion between the members of the portfolio committee before stakeholders could give their input.

The meeting was chaired by the newly elected Economic Development Committee Portfolio chairperson; Mafika Mgcina who took over from Nkosipendule Kolisile. The

chairperson allowed Stakeholders to comment on and present their thoughts on the annual report. Each speaker was allocated a minute to comment which was not enough time for stakeholders to really engage with the issues they wanted to raise. SANTRA and SAITF had sent written submissions to the portfolio committee prior to the meeting and did not have enough time to elaborate on the points contained in their documents and as a result had to summarise what they wanted to say. The SAITF speaker said that:

> *"The Economic Development Portfolio Committee must consider the informal sector, don't overlook it so that jobs can be created".*

The SANTRA spokesperson stated that:

> *"There's a need to go deep and unpack the concept document because the informal sector comes below the development radar. There is a need for coordinated policy for informal trading for the entire province".*

The above is about building alliances with the provincial level of government and mandating it province to go above the municipality in policy for informal trading. The traders are tapping into the battle for authority and legitimacy between the municipal and provincial government.

After the speakers who made written submissions spoke, a concept document on stakeholders' engagement was handed out to the traders to look while being presented by the Economic Development Portfolio Committee researchers. The document is titled *"creating an enabling environment for informal traders as contributors to local economic development and growth"*. The document acknowledged the role played by informal traders in alleviating poverty and unemployment and that this is at par with national government efforts of job creation. The document was mainly outlining the challenges that informal traders experience at the local level of government through a number of statements such as that "although local municipalities have made important strides in acknowledging the role by informal traders in contributing to the economy, there are still gaps in establishing sufficient policy guidance in creating an enabling environment for informal/street traders. Moreover, there are still challenges in operating and enforcing the developed informal trading policy framework". This document is highly critical of municipalities' implementation of informal trading policy as it has proved to be restrictive and unsupportive of informal trading. The

document also acknowledges that these challenges have also been brought forward in numerous times by informal traders when engaging with the Economic Development Portfolio Committee. This illustrates the competition between the local government and the provincial legislature. The provincial level of government proclaims itself as progressive and fights the municipality to legitimate its own position. The document by the provincial government is aimed at scolding the municipality and to proposes ways of finding an alternative for municipality.

After the presentation of the document, traders were not allowed to comment on it but were rather encouraged to note their points of clarity and questions and keep them for the workshop to be held on the 24th November 2012. The chairperson advised the traders that the document presented will form a basis for discussion at the workshop. After the previous stakeholders, the chairperson decided to open the floor for comments from other traders who have not made any written submissions so that everyone gets a chance to speak their minds. One of the informal traders from the Tlhanganani Traders Association from Mabopane stood up and said that:

> *"This platform of engagement is not participative, we just came into meeting to observe and we are only given a minute to comment. The budget that is allocated to LED is not used to the development of the informal traders; money is not channelled to the right people each and every year".*

The chairperson of the Committee was only meant to respond once all the stakeholders had posed their questions and comments but he immediately responded to this informal trader by saying that the problems raised by the traders have been noted which is why the portfolio committee is convening a workshop on the 24th of November to really engage with stakeholders. He interrupted the above informal trader from continuing to criticise the economic development portfolio committee's efforts for engagement with the informal traders. The trader was contesting the role of the committee in organising the informal traders but the chairperson quickly responded to stop the trader from going any further. The chairperson continued to give other informal traders the opportunity to raise their points restricting them to a minute.

Another informal trader from Protea Glen Hawkers Association raised the point that informal traders are fragmented and that this limits their voice especially when engaging with local government on policy issues. He also mentioned that some people claim to be leaders and they are not but only doing this for personal gain.

Another trader from Krugersdorp stood up and complained about confiscation of goods by the JMPD when they are trading. He mentioned that they have been marching for about four times and nothing is being done and as a result they are no longer trading. He also stressed that they have no trading spaces and need the Economic Development Portfolio Committee to assist them get their trading spaces back. This platform was used by traders to discredit the local level of government in the eyes of the provincial government and encouraging this level of government to do something about it.

After the statements were made by the informal traders, the MEC for Economic Development said in conclusion that:

> *"The province is a uniting factor. Harassment of traders is unfair because even the stock taken doesn't go to store room but it gets misplaced"*

Here the MEC for Economic Development wanted to talk about the corruption of the JMPD but did not want to state it explicitly. After this, the chairperson of the meeting told the traders that they can leave the room because their meeting was adjourned but the Economic Development Portfolio Committee needed to have their own meeting without the traders and he said that it is around housekeeping issues.

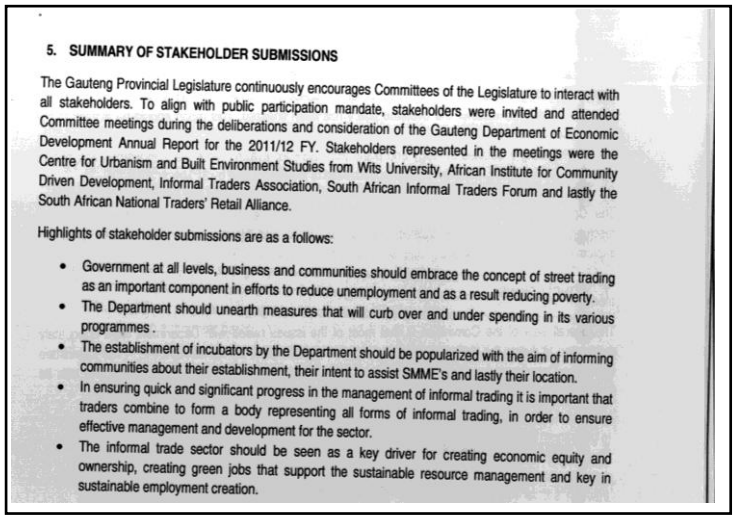
The meeting was generally a genuine effort by the provincial legislature to engage the informal traders' organisation leaders and understand the issues that the traders are faced with so that they are taken into consideration.

3.5.5. Meeting on resolutions emanating from the 2012 budget speech and the annual report for the 2011/2012 financial year on 13th November 2012

This meeting was focused on giving the resolutions emanating from the 2012 budget speech and the 2011/2012 fourth quarter report. Issues discussed here were not in any way relevant to informal trading and these included for instance the payment of service providers on time by the legislature. Informal traders were invited to listen in on the discussions between members of parliament and were not allowed to participate in discussions. The meeting was held at the provincial legislature building starting at 09:00 and ending at 13:00. The members of the provincial legislature were sitting at a roundtable in the middle of the room surrounded by informal traders who

were sitting against the wall surrounding the roundtable where the members of parliament were seated.

A document titled "*Economic Development Draft document: The draft annual performance report 2011/12 FY of the Department of Economic Development*" was presented. The policy priorities that were outlined in this document include creating decent work and building a growing and inclusive economy. The document was presented by the Portfolio Committee researcher and at the end of it is a summary of informal traders submissions which were made on the meeting held on the 30th October 2012. The points were highlighted in bullet point at the end of the document. This gave a sense to the informal traders that the issues they raised were not important because they were only presented at the end of the document. The points highlighted are shown below.



5. SUMMARY OF STAKEHOLDER SUBMISSIONS

The Gauteng Provincial Legislature continuously encourages Committees of the Legislature to interact with all stakeholders. To align with public participation mandate, stakeholders were invited and attended Committee meetings during the deliberations and consideration of the Gauteng Department of Economic Development Annual Report for the 2011/12 FY. Stakeholders represented in the meetings were the Centre for Urbanism and Built Environment Studies from Wits University, African Institute for Community Driven Development, Informal Traders Association, South African Informal Traders Forum and lastly the South African National Traders' Retail Alliance.

Highlights of stakeholder submissions are as a follows:

- Government at all levels, business and communities should embrace the concept of street trading as an important component in efforts to reduce unemployment and as a result reducing poverty.
- The Department should unearth measures that will curb over and under spending in its various programmes .
- The establishment of incubators by the Department should be popularized with the aim of informing communities about their establishment, their intent to assist SMME's and lastly their location.
- In ensuring quick and significant progress in the management of informal trading it is important that traders combine to form a body representing all forms of informal trading, in order to ensure effective management and development for the sector.
- The informal trade sector should be seen as a key driver for creating economic equity and ownership, creating green jobs that support the sustainable resource management and key in sustainable employment creation.

Figure 3.1: Summary of stakeholders' submissions

This summary of informal trader submissions leaves out important issues raised by traders in the previous meeting held on the 30th of October 2012. After this was presented, the chairperson allowed the members of parliament to respond to the presentation. One Member of Parliament, Pekane stated that:

> *"Informal traders are not fully incorporated in the report. Important issues they raised are not documented such as the harassment they face on a daily basis by the metro police, the taking of their stock by metro police without being given fines and the allegations that their confiscated stock disappears and gets taken by the police for their personal gain and having limited number of stalls for their economic activity. The conditions they operate under are not conducive, they operate under bad conditions but they still have to pay rent. We have been engaging with them but we don't seem to note the issues they*

> *have. We need to respond to the things traders raised in the summit because they are the same with the ones that they are raising now. We need to report back on what is being done. They have said that they don't belong to SMMEs and therefore need a body of their own so that they can be helped..."*

Another Member of Parliament, Labuschagne, agreed with what the previous member on the issues faced by informal traders and that these need to be acknowledged and addressed.

> *"I agree with member Pekane on informal traders` issues very strongly. I believe we are not treating them fairly".*

Member Pekane also went on to say that:

> *"We want to deal with the problem of metro police acting like thugs. We don't want to see our mothers running like rats" (Member Pekane, 2012).*

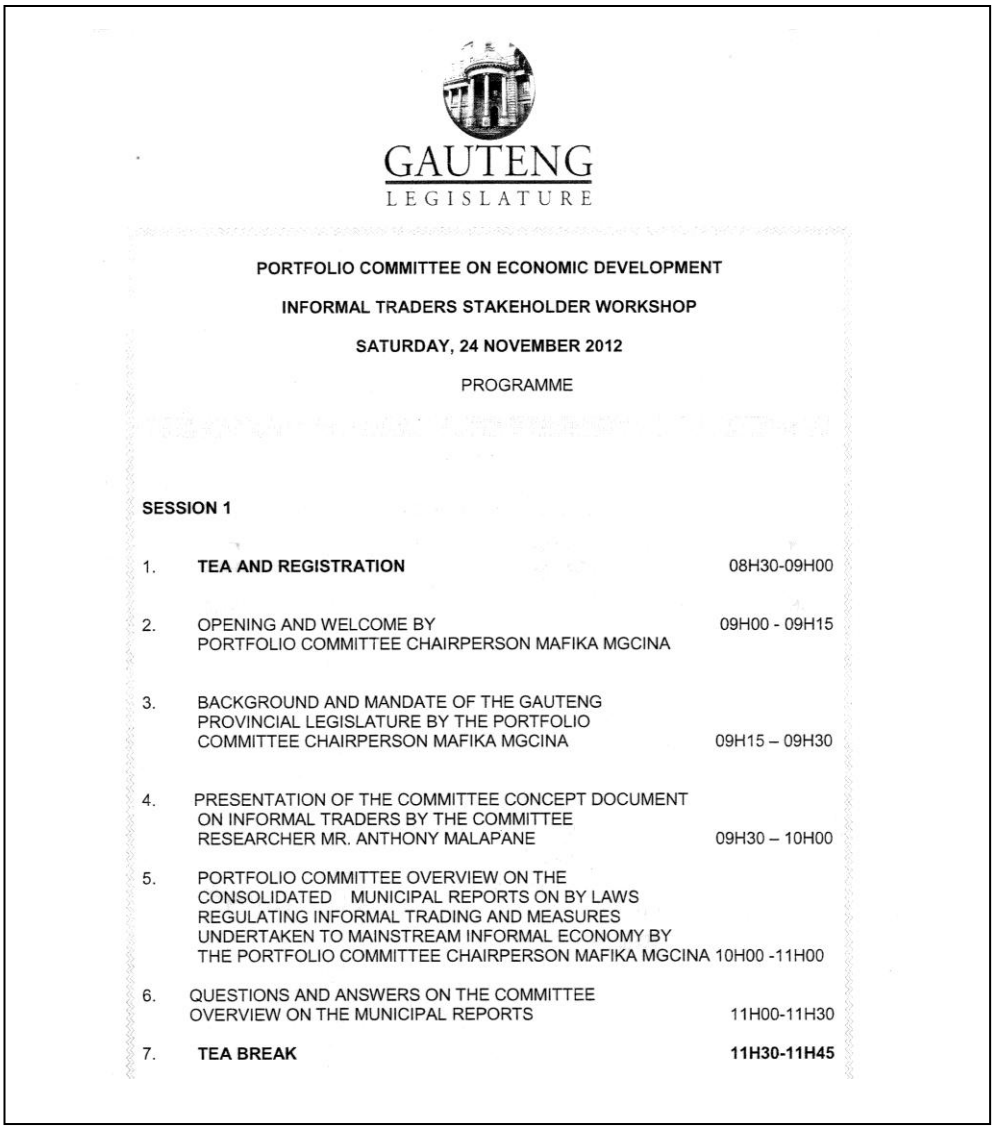
The above statements by members of Parliament gives a sense that this level of government is noting the issues of traders and is determined to deal with them. This shows efforts for genuine engagement at this level because issues that the traders have raised at different occasions are taken into account and there are members of the Portfolio Committee such as Pekane and Labuschagne who stand behind street traders and want to assist them over some problems such as the confiscation of goods by the JMPD. The chairperson of the Economic Development Committee who was also chairing the meeting assured the informal traders that all the points made are being noted and taken into account. After saying this he closed the meeting reminding the informal traders of the workshop to be held in ten days time. He told the traders that they will be contacted in due course with details of the workshop.

3.5.6. Informal traders' stakeholder workshop on 24th November 2012

The workshop was held at the Turffontein Race course. The workshop was scheduled to run from 09:00 until 14:00 with a range of presentations and discussions between 500 invited stakeholders who will include metropolitan, regional and local municipalities' representatives; SALGA representatives; chairperson for the Local Government and Housing Portfolio Committee, members of mayoral committee and informal traders. It was emphasised in the invitations that "informal traders are part of stakeholders and active participants in the activities of the Economic Development Portfolio Committee". Less than 100 stakeholders showed up at the workshop

including informal traders; the chairperson of the Economic Development Portfolio Committee, his team of researchers and some of the workshop organisers; the SMMEs Deputy Director from CoJ Xolani Nxumalo; some councillors (councillor Oupa Tolo, chairperson Public Safety who is involved in oversight work of the JMPD in the City of Johannesburg; Willy Van der Schyf, chairperson of Economic Development in CoJ; MMC for Economic Development from Sedibeng municipality) and COSATU organiser George Mahlangu. The envisaged informal traders were less because transport that was supposed to be organised to pick them up at the legislature to the workshop venue never came.

Items on the original agenda of the workshop are illustrated in the figure below



GAUTENG
LEGISLATURE

PORTFOLIO COMMITTEE ON ECONOMIC DEVELOPMENT

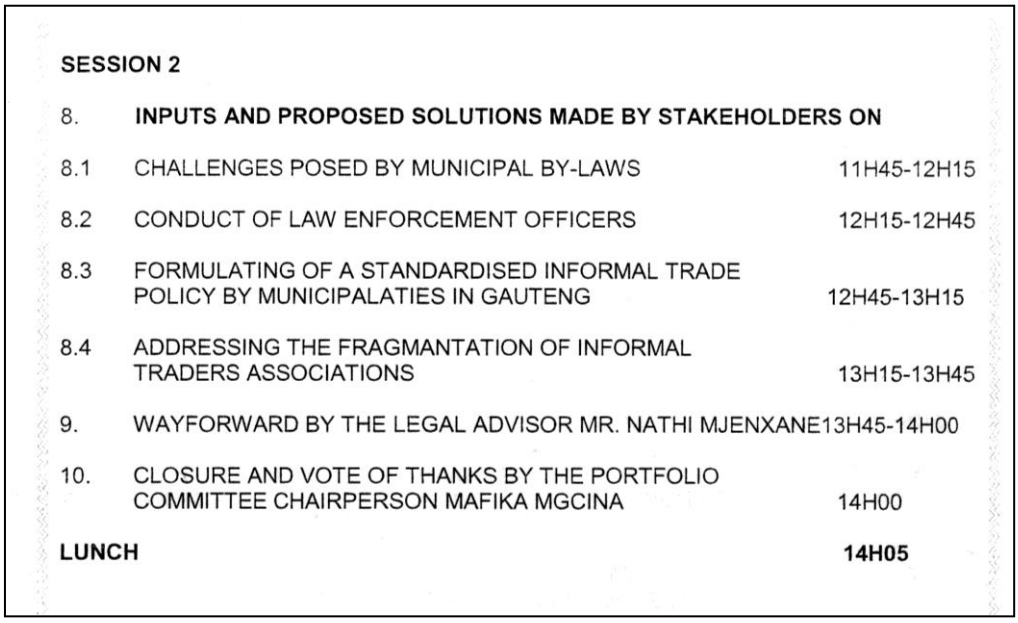
INFORMAL TRADERS STAKEHOLDER WORKSHOP

SATURDAY, 24 NOVEMBER 2012

PROGRAMME

SESSION 1

1.	**TEA AND REGISTRATION**	08H30-09H00
2.	OPENING AND WELCOME BY PORTFOLIO COMMITTEE CHAIRPERSON MAFIKA MGCINA	09H00 - 09H15
3.	BACKGROUND AND MANDATE OF THE GAUTENG PROVINCIAL LEGISLATURE BY THE PORTFOLIO COMMITTEE CHAIRPERSON MAFIKA MGCINA	09H15 – 09H30
4.	PRESENTATION OF THE COMMITTEE CONCEPT DOCUMENT ON INFORMAL TRADERS BY THE COMMITTEE RESEARCHER MR. ANTHONY MALAPANE	09H30 – 10H00
5.	PORTFOLIO COMMITTEE OVERVIEW ON THE CONSOLIDATED MUNICIPAL REPORTS ON BY LAWS REGULATING INFORMAL TRADING AND MEASURES UNDERTAKEN TO MAINSTREAM INFORMAL ECONOMY BY THE PORTFOLIO COMMITTEE CHAIRPERSON MAFIKA MGCINA	10H00 -11H00
6.	QUESTIONS AND ANSWERS ON THE COMMITTEE OVERVIEW ON THE MUNICIPAL REPORTS	11H00-11H30
7.	**TEA BREAK**	**11H30-11H45**



SESSION 2

8.	**INPUTS AND PROPOSED SOLUTIONS MADE BY STAKEHOLDERS ON**	
8.1	CHALLENGES POSED BY MUNICIPAL BY-LAWS	11H45-12H15
8.2	CONDUCT OF LAW ENFORCEMENT OFFICERS	12H15-12H45
8.3	FORMULATING OF A STANDARDISED INFORMAL TRADE POLICY BY MUNICIPALATIES IN GAUTENG	12H45-13H15
8.4	ADDRESSING THE FRAGMANTATION OF INFORMAL TRADERS ASSOCIATIONS	13H15-13H45
9.	WAYFORWARD BY THE LEGAL ADVISOR MR. NATHI MJENXANE	13H45-14H00
10.	CLOSURE AND VOTE OF THANKS BY THE PORTFOLIO COMMITTEE CHAIRPERSON MAFIKA MGCINA	14H00
LUNCH		**14H05**

Figure 3.2: Agenda of the Informal traders' workshop

With the stakeholders being less than envisaged by the organising committee, the chairperson suggested that the workshop be reschedule because the organising committee was not able to provide people with transport as promised and therefore most people were unable to attend. The chairperson emphasised that the workshop cannot unfold as had been envisaged and no decisions can be taken because the number of stakeholders is less than required by parliamentary processes. Any decisions taken in the workshop will not be binding because there is a risk of other people who did not attend challenging the decisions. The agreement was that the researchers will present their concept documents and the informal traders will be given a platform to comment on the document and address their issues which will then be documented and parked for the next workshop. The main purpose of this meeting was altered to be around the engagement with informal traders on the concept document developed by the Economic Development Portfolio Committee researchers on informal trading in the province.

After the proposal by the chairperson of the workshop was agreed upon by all the stakeholders, the chairperson asked George Mahlangu who is the COSATU provincial organiser to clarify its role with regards to informal traders. Mahlangu made the point that:

> *"COSATU is working with StreetNet and is engaged with various street traders' organisations. We are dealing with advocacy work in relation to creation of*

> *the Informal trading forum at various municipalities around the country but we have so far achieved this in Johannesburg"*

He also used the platform to convey his comments and ideas about stakeholder engagement by the Economic Development Portfolio Committee.

> *"It would be critical to include big businesses in the formal workshop, they are a thorn in the flesh and therefore there is a need to involve them to resolve issues. They have more voice in the bylaw formulation processes and in developing bylaws they are also stakeholders so it is important to involve them as well"*

He continued to say that:

> *"DED agencies should be available because they are the ones implementing plans in the sector and they need to be present so that they tell us their implementation plans in the sector and whether they are aligned to the government manifesto and policies and what they have done so far"*

The chairperson of the meeting did not comment on the points made by the previous speaker but instead called on the Economic Development Portfolio Committee researchers to present the concept document on stakeholder engagement which was presented at the meeting held at the provincial legislature on the 30th of October 2012 but stakeholders were not allowed to comment on it. The concept document was presented by one of the researchers, Anthony Malapane. He stated that concept document is work in progress which keeps changing following engagement with stakeholders and that they will continue working on it until it achieves what it seeks to achieve which is to enhance the informal sector. He further stated that:

> *"The municipalities' approach to the informal sector are enforcement rather than developmental and we are here at the workshop to try and achieve a common ground. The document acknowledges that the informal sector is sidelined by municipalities even when it plays such an important role". There is a tense relationship between the traders and municipalities which is why the provincial government should intervene".*

Here the researcher is stating the restrictive nature of municipal policy on informal trading and reiterates the importance of engagement with the provincial level of government. This is done to reassure informal traders that they are engaging with the right level of government which has a sympathetic ear.

Mafika Mgcina who is the chairperson of Economic Development Portfolio Committee as the chairperson of the workshop did a presentation on another

document titled "*Provincial Legislature Stakeholder Engagement*" shortly after the presentation by the researcher. The chairperson mentioned that the legislature welcomes inputs from stakeholders reiterating the point made by the researcher that informal traders are engaging with the right level of government which is willing to listen to their grievances and assist them. He said that after engagement the Economic Development Portfolio Committee will come up with an informal trading bill which will act as regulation and will be sent to national level of government to guide all municipalities in the country. He also stated that:

> *"The informal sector is a big industry and an important aspect of our economy. Big businesses kill informal traders and they lobby municipalities to chase traders away. They chase us out of the streets when we try to make a living"*

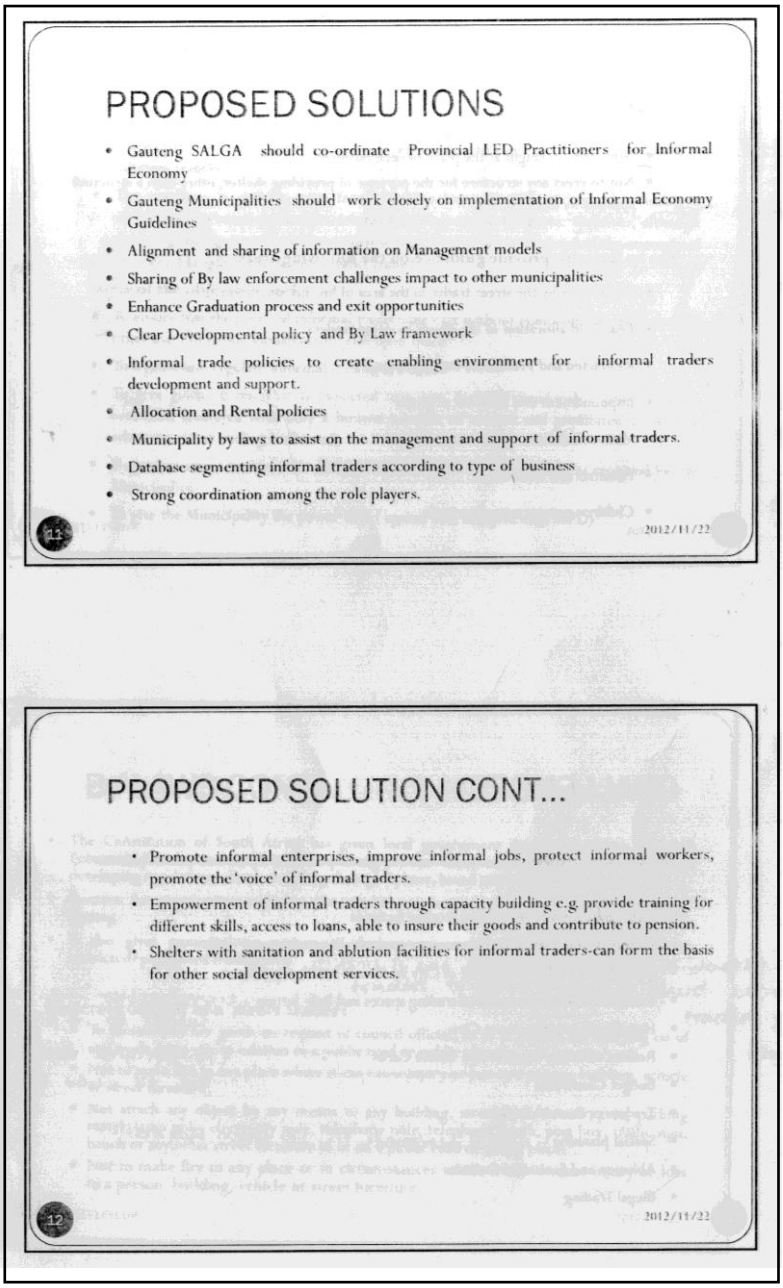
Here the chairperson speaks as if he is a trader himself to show the traders that he understands their conditions and identifies with their everyday struggles and as such is willing to enhance their position when engaging with municipalities. The chairperson also moved to mention that the needs of the traders should be met while at the same time not compromising the needs of other users of public spaces and infrastructure and stated that informal traders are not the only stakeholders but there are other stakeholders which their needs should also be taken into account and traders should also be aware of that. He also went on to criticise the approach of informal trading by municipalities by stating that:

> *"The Business Act gives municipalities the power to declare areas within its jurisdiction to be restricted and prohibited for trading and that this is not developmental, it doesn't help traders to grow. Bylaws should be helping traders grow not to limit them but currently that is what we are faced with in the municipalities. The biggest challenge with regards to bylaws is that enforcement is emphasised over development of informal traders".*

The chairperson went on to criticize the inadequate engagement of informal traders and management of informal trading activities adopted by City of Johannesburg by stating that:

> *"The City of Johannesburg is currently removing old stalls and putting in new ones but is doing this without consulting the traders. There is a need to include traders because they are the ones who know what they need. The other problem is the metro police and harassment; maybe some of the metro police are informal traders because they impound and don't bring goods back but instead sell for their own benefit".*

There were proposed solutions outlined in the document presented by the chairperson below.



PROPOSED SOLUTIONS

- Gauteng SALGA should co-ordinate Provincial LED Practitioners for Informal Economy
- Gauteng Municipalities should work closely on implementation of Informal Economy Guidelines
- Alignment and sharing of information on Management models
- Sharing of By law enforcement challenges impact to other municipalities
- Enhance Graduation process and exit opportunities
- Clear Developmental policy and By Law framework
- Informal trade policies to create enabling environment for informal traders development and support.
- Allocation and Rental policies
- Municipality by laws to assist on the management and support of informal traders.
- Database segmenting informal traders according to type of business
- Strong coordination among the role players.

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PROPOSED SOLUTION CONT...

- Promote informal enterprises, improve informal jobs, protect informal workers, promote the 'voice' of informal traders.
- Empowerment of informal traders through capacity building e.g. provide training for different skills, access to loans, able to insure their goods and contribute to pension.
- Shelters with sanitation and ablution facilities for informal traders-can form the basis for other social development services.

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Figure 3.3: Proposed solutions presented by chairperson

After the presentation of the document by the chairperson, he opened the floor for questions and comments on the two discussion documents or any other issues that informal traders feel they want to raise. The issues raised are illustrated below.

- Ekurhuleni traders did not come to the workshop because there is red tape by the municipality. The municipal officials have stopped traders from attending and the provincial government should intervene (SAITF leader)
- MMCs were invited to come but did not show up and this shows that they are not prepared to enhance the informal economy. They should have been there to hear issues from the traders because when officials report to them they report things which are not true (SANTRA member)
- there are Nigerians who have taken over De Villiers Street in town trading clothes and they are not being harassed because they are able to bribe the police agents (OVOAHA leader)
- The statement that South Africans are the ones giving foreigners stalls is not entirely true and this shows the false information that officials give to MMCs. Officials are the ones selling stalls to foreigners, the foreigners have told us that they have given money to some officials to get the stalls
- Officials should not go to other countries to learn about informal trading best practices without taking some traders with them (SANTRA leader)
- The ANC is not doing anything to enhance the situation of traders
- Bylaws by municipalities are contradictory and inconsistent, for example it will be stated that there should be no trading in front of a school but you find that there are schools that are on the top floor of a building and downstairs are informal traders selling their goods. Isn't this trading in front of a school
- Xenophobia is created by foreigners themselves. They isolate themselves by creating their own organisations like Ethiopian traders or Nigeria association of traders and when we call meetings they don't come and in that sense they isolate themselves. Forming their own organisations reminds us that they are foreigners and not a part of us
- Development of street traders and bylaw enforcement should go hand in hand
- Government has divided traders especially the different organisations, they choose to work with some organisations and exclude others (SANTRA leader)
- There is infighting and lack of coordination between government departments like JMPD and DED

(Notes from fieldwork, 24 November 2012)

The questions raised by the traders illustrate the messy way in which issues are raised and the multiple voices that traders have which gives officials an easy way out and the ability to avoid some of the questions and comments that criticise them. There are also key questions and comments that were raised and responded to by officials. One of the first comments was that the municipality is stopping traders from attending meetings organised by the GPLED; officials not respecting engagement with traders and the divisions between the traders which is fuelled by the municipality. Most of the questions and comments were criticising the municipality while at the same time mandating the provincial legislature to intervene. All the

issues raised were not responded to, the chairperson said that are documented and put aside for the next workshop.

George Mahlangu also pitched in on the discussion by criticising the two documents presented. He states that:

> *"What is the plan because the concept document is analysing the current situation? There is a need to come up with plans solving issues found in the concept document and one of this could be unlocking restricted areas to create more trading opportunities. Outline projects and programmes which are designed to deal with the problems found in the concept document. The second document which looks at the bylaws, it should be noted that the JMPD cannot confiscate and trial traders because this is the violation of the constitution. JMPD should confiscate and the trader in question should appear before the court where he or she will get a trial to determine whether he or she was contravening the bylaws or not. The bylaws are not driven from the Business Act they are punitive rather than developmental".*

The COSATU representative here is strategic by summing up and reiterating the key questions and comments raised by the informal traders above. He ignores the xenophobic comments that some of the traders have raised.

The two councillors present were also given the platform to voice out their comments.

Councillor Van der Schyf, who is the chairperson of Economic Development in CoJ, stated in the platform that:

> *"There tends to be an overregulation of some of the issues of traders and if we over regularise we will kill the spirit of entrepreneurship"*

Councillor Oupa Tolo, who is the chairperson of Public Safety overseeing work of the JMPD in CoJ, contradicted the support of street traders by the previous councillor by stating that:

> *"They [JMPD] act because informal traders infringe on the bylaws and if they didn't then there would be no need to harass and impound goods of traders. Traders need to ensure that they follow the laws and regulations set by the city".*

These two councillors' statements are contradictory, while one advocates for regulation that does not harm informal trading activities, the other one criminalises the traders by saying that they do not abide by the bylaws and therefore there is a need for enforcement.

Nathi Mjenxane, the Gauteng Economic Development legal Advisor, was the called upon by the chairperson to present the way forward. He stated that:

> *"I feel that there were progressive discussions emanating from the workshop and we need to take into account the issues that were presented…We are working towards a law or legislative framework in the province which is consistent which will act as a baseline…The legislature is the right structure to deal with the information provided by the stakeholders, it has a constitutional responsibility to act on the engagement. As its primary roles are law making, oversight and public participation, it will do everything in its power to ensure issues are taken into account".*

The way forward presented above acted as assurance to the informal traders that something is being done to help them in their struggle against local government repression.

Mafika Mgcina commented on the statement made by the legal advisor that:

> *"The bill will be drafted and brought back to you our stakeholders for comment. It will go back to the legislature so that comments are incorporated and then the adoption process will begin. We want to enhance the status of the sector and improve the operating environment"***.**

At the end of the engagement the Chairperson illustrated the acceptance of the informal economy as a contributor to the overall economy and the role that the Economic Development Portfolio Committee will play in achieving this outcome by stating that:

> *"We want to enhance the status of the sector and improve the operating environment".*

The provincial legislature here is entering into the political battle between the provincial and the local levels of government. The Gauteng Provincial Legislature Economic Development Portfolio Committee is using the informal traders to legitimate its own position through accountability.

There is competition and battle between the different levels of government, especially between the local and the provincial government. At the summit organised by the Gauteng Provincial Legislature Economic Development Portfolio Committee, some of the traders' leaders told me that Xolani Nxumalo, a City official dealing with economic development and SMMEs did not attend the summit. I heard from the traders that he instead called a management task team meeting on the

same day as the summit. Some traders were complaining that they are part of that task team but did not get any notifications from him.

This could be seen as a strategy to divide the traders, prevent them to progress and antagonise them against each other but it is most of all it is geared at weakening the legitimacy of the provincial process. The legislature has also used some of its platforms of engagement with street traders' organisation leaders to legitimate its own position by showing traders that it has a sympathetic ear and is making efforts to engage and involve them in its affairs. The street traders' organisation leaders are playing on this competition and battle between the local and the provincial level of government. The traders in most cases legitimate the provincial government's position by mandating it as the alternative to the local government. The newspaper article below shows the political threat to provincial government.



SA Media - The University o

Source: MAIL AND GUARDIAN Date: 09-A

Topic: 35 Ref No: 4558

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Provincial parliaments could be scrapped

Rapule Tabane

Provincial legislatures are the most likely casualty of a review of provincial and local government systems, which analysts have described as the most candid admission of failure by the government.

Provincial and Local Government Minister Sydney Mufamadi has announced that the government is inviting public submissions on how to reconfigure the powers and functions of provincial and local government. This follows a Cabinet decision to assess whether the aim to serve the people is being advanced by the provincial and local government arrangements.

Mufamadi's department has been given the task by the ANC, which has debated the political and administrative functionality of provincial governments inconclusively for the past two years. Local governments have failed to meet expectations, despite legislation and special interventions to improve delivery.

Mufamadi says the government does not plan either to abolish or reduce the provinces, as it will be guided by public inputs. But he makes the point that most provincial legislatures have little to do as they do not have any original legislative-making powers.

The *Mail & Guardian* reported last year in August that the strong opinion at an ANC national executive committee meeting then was that provinces be retained in their original form, but their political powers be removed so that they become an administrative body of the government.

Provincial legislatures have been criticised in the ANC for not performing their monitoring function on provincial departments.

"Because of concurrent powers, provincial departments are a mirror of some national departments. Provinces are institutionally constrained and cannot support local governments effectively. Many of our legislatures do not have as much work as they would like," Mufamadi says.

Susan Booysen, of Wits University's Graduate School of Public and Development Management, says the review process is an open admission that provincial and local government systems are not working.

Figure 3.4: Political threat to Provincial Government

Even the provincial legislature forum which has made efforts for genuine engagement is marked in some instances by deferment of the opportunity for substantial dialogue. The real objective of convening the meetings is to show the traders that the provincial legislature is sympathetic and supportive of the informal sector as opposed to the local government. By doing this the provincial legislature is also advancing a political agenda. There will be elections in one year and the Provincial Government is being watched by ANC leadership. Even though the traders' leaders see this as genuine engagement, the provincial legislature is more focused on performance rather than real engagement.

The following table summarises the objects of observation for each engagement platform afforded by the GPLED.

Engagement Platform	**Spatial Settings**	**Attendance**	**Agenda**	**What is at stake?**
Economic Development Summit	Kempton Park Transport and accommodation provided to stakeholders Officials, high rank politicians and guests of honours sitting in front while all the other stakeholders sitting behind them Speakers stood behind podium with big screens around the venue displaying presentations	Informal traders' organisation leaders together with other stakeholders such as private sector	Agenda set by Economic Development Portfolio Committee members Official objective was to consolidate a common economic development vision for the entire province	Different sessions chaired by different GPLED members Real objective of officials was to show that it is sympathetic to the traders Real objective of traders was to consolidate a social movement that raises informal trading issues with one voice Traders were allowed to make submissions of their position in the economy so that their voice is heard No space for contestation
Summit Feedback Session	Provincial legislature building in inner city Roundtable setting	Informal traders' organisation leaders who attended the summit Meeting started	Agenda set by Economic Development Portfolio Committee members	Real objective of officials was to show the traders that the provincial level of government is

		on time Agenda set by GPLED members Chairperson acted as time keeper Space contestation opened by COSATU	Official objective was a feedback on the summit by GPLED	progressive Traders attended to find out if their input had been heard or not Traders given limited time to comment on feedback
Economic Development Budget Speech	Provincial legislature building in inner city Parliamentary sitting arrangement	Informal traders' organisation leaders together with other stakeholders such as private sector and the media No space for contestation	Agenda set by the Gauteng Provincial Legislature Official objective of meeting inform stakeholders how the budget was used throughout the 2011/2012 financial year	Real objective was to show that the province progressive and the achievements it has in terms of economic growth Some members of parliament have a sympathetic ear to issues of traders Discussions between members of parliament-Informal traders and other stakeholders not allowed to comment Space for competition between the ANC and DA
Presentation of concept document	Provincial legislature building in inner city GPLED members sitting at roundtable surrounded by stakeholders on the side	Informal traders' organisation leaders invited as active participants Meeting started at scheduled time Chairperson set agenda and acted as time keeper Chairperson limits the time for traders to comment	Agenda set by Economic Development Portfolio Committee members Official objective was to inform informal traders how the GPLED plans to take their issues forward	Real objective was to legitimate the provincial legislature's position and scold and criticise the municipality Traders used this platform tap into the battle between the municipal and provincial government Traders allowed to make

				structured inputs prior to meeting Traders allowed to comment on document Traders aware of the plans by GPLED regarding informal trading-generally progressive
Resolutions from budget speech and annual report 2011/2012 financial year	Provincial legislature building in inner city GPLED members sitting at roundtable surrounded by stakeholders on the side	Informal traders' organisation leaders invited as silent observers Chairperson set agenda and acted as time keeper	Agenda set by Economic Development Portfolio Committee members Official objective was to inform traders of resolutions emanating from the 2012 budget speech and the 2011/2012 fourth quarter report	Real objective was to show traders that the provincial government is making effort for genuine engagement Highlighted issues traders are faced with Traders not allowed to comment or give any input Some members of Parliament showing an understanding of issues traders are faced with and having a sympathetic attitude
Informal traders' workshop	Turffontein Race course Traders were supposed to be provided with transport but did not materialise GPLED members occupying seats at the stage facing other stakeholders	Informal traders' organisation leaders invited as active participants Meeting started late while waiting for stakeholders to arrive Chairperson changed original agenda of meeting Chairperson gave traders time to speak but asked them to beware of time constraints	Agenda set by Economic Development Portfolio Committee members Official objective was to engage around policy documents Platform for traders to voice out their issues	Real objective for officials was to criticise the municipality and legitimate its own position The provincial level wanted to show the traders that it has a sympathetic ear and is making effort for continued genuine engagement Traders objective was to legitimate the GPLED position and mandate it to

				take over from the municipality in terms of informal trading policy making Urging the province to step in as an alternative for the municipality GPLED take note of comments and documented

Table 3.3: Summary of GPLED objects of observation

3.6. National Platform: SALGA Informal Traders' Workshop

Street traders were afforded a once-off engagement platform by SALGA through the convention of an informal traders' workshop on the 16th March 2012. SALGA is "an autonomous association of municipalities" which acts as "the voice and sole representative of local government" in South Africa (SALGA, 2011: unpaginated). "SALGA interfaces with parliament, the National Council of Provinces (NCOP), cabinet as well as provincial legislatures" (ibid). The role of SALGA is to provide advice and support to municipalities in terms of policy and lobbying those who are able to change policy.

Stakeholders were invited to the informal traders' workshop by SALGA and attendees include informal traders' organisation leaders from different provinces such as City of Cape Town; City of eThekwini; City of Johannesburg; City of Tshwane; City of Ekurhuleni and Mbombela municipality. The engagement started at 08:30 and ended at 13:30 in Pretoria. Invited stakeholders were provided with transportation at main pick up points like for instance the Johannesburg informal traders were picked up at COSATU house and taken to the workshop.

SALGA distributed a document titled "*Making the informal economy visible: Guidelines for municipalities in respect of adopting a more developmental approach towards the informal economy*" prior to the workshop so that stakeholders could study it and comment on it. Stakeholders including informal traders' organisations were encouraged to make written submissions together with nongovernmental organisations and research and academic institutions which are

concerned with enhancing the status of informal traders in the country. Organisations that were acknowledged by SALGA as having submitted input prior to the workshop include COSATU; Dora Tamana Cooperatives Centre; Department of Cooperative Governance and Traditional Affairs; Department of Economic Development; Department of Trade and Investment (informal business); International Labour Organisation; Khanya-AICDD; LED Network; Norweto Diepsloot Informal Traders Forum; Public Affairs Research Institute; South African Cities Network; SALGA provincial offices; StreetNet; SANTRA and University of Cape Town.

Street traders' organisation leaders with the help of COSATU and Wits CUBES managed to produce a document stating the traders' position and comments on the document distributed by SALGA. A considerable amount of time and preparation by the different street traders' organisation leaders was put in to make an input into the SALGA document. CUBES was working closely with SANTRA to prepare a position document on informal trading in South Africa, particularly in Johannesburg. COSATU also organised a workshop consisting of different street traders' organisations such as OVOAHA; SAITF and SANTRA to consolidate a coalition of street traders and develop a position document. The CUBES-SANTRA document was also discussed at the COSATU workshop with the other traders commenting and adding on it. The main points made in this input document include municipalities finding innovative ways to the management of street traders such as a joint management between the City and street traders or self-management by the traders. Another point made is that engagement with the City through the informal trading forum is to be applauded as an effort for engaging street traders but there are challenges associated with this that can be overcome.

The coalition of street traders in Johannesburg argued that bylaw enforcement should only come after all management solutions implemented have failed. This includes avoiding the impoundment of traders' goods but if it has to happen then the impounding officers should issue a ticket so that the traders can be able to reclaim their goods. There should be different management rules for different trading spaces where in non crowded spaces trading should be for free unless if there are objections by affected parties. In crowded spaces regulation and management are needed.

The inputs prepared by the street traders' organisation leaders with the support of COSATU and CUBES (an advisory group to traders) were submitted to the workshop which was held at SALGA national offices in Pretoria. The purpose according to the National SALGA Economic Development specialist, Douglas Cohen, was to engage with informal trader leaders with the ultimate aim of developing a generic informal trading policy for the entire country that municipalities can draw from and to encourage municipalities to develop bylaws that are street trader friendly. The workshop was a platform where intensive discussion of around informal trading guidelines took place to come up with the best possible informal trading guidelines that are friendly and conducive to informal trading. It was also emphasised in the workshop that the guidelines that will come about through the discussions between a variety of stakeholders will not be imposed on municipalities that do not want to adopt the guidelines agreed upon.

It was emphasised during the workshop that there is a need for differentiated policies that are context specific. It was evident that SALGA during presentations of the day disregarded the dualistic view of the economy but rather emphasised that the formal and informal activities are interdependent and integrated. A flexible approach to the informal economy was raised by many stakeholders as the key to supporting this economic activity and enhancing its status in the country.

The general agreement at the workshop was that there is a need for informal trading policy shift, from regulatory to developmental. This is to be achieved through strengthening engagement between informal traders and the local government because currently engagement between the two stakeholders is hostile, contentious and confrontational. Challenges to achieving this were raised by stakeholders and these included the fact that there are so many informal traders' organisations that are fragmented and divided making it hard for local governments to engage with and there are organisations claiming to be representing informal traders while they are not. The traders feel that municipalities are not willing to listen to their suggestions on policy and its implementation therefore creating a hostile platform of engagement.

At the end of the workshop, stakeholders were given another chance to comment on the informal economy guidelines and make final points through phone, email or fax by the 22nd of March 2012. SALGA also assured stakeholders that their input in the workshop and that of stakeholders who were unable to attend but managed to make submissions prior to the workshop will be incorporated into the final document which will be ready just a few weeks after the workshop.

The final guidelines were not completed by end of March 2012 as was stated in the workshop but only came out in June 2012. It proved to be a daunting task to consider and go through all the stakeholders' comments just weeks after the workshops and as a result the process took longer. The 'reworked' document that came out in June 2012 did not have any changes to it. The first document for comments had two parts, the first part was an overview and background of the informal economy in the country and the second part was presenting the municipal guidelines for the development and implementation of informal economy policy and part three containing guidelines to municipalities for drafting bylaws for implementation which are more developmental. The reworked document after inputs from stakeholders through the workshop and written submissions is exactly the same. This illustrates that the workshop by SALGA was a public relations exercise and about ticking a box to show that participation with stakeholders was convened. The amount of time, effort and energy put in by the traders was for nothing as they were not reflected in the final document. The final document was also not communicated to the traders which show that the real objective of the workshop was not to include traders in the guidelines development process.

The following table summarises the objects of observation for the SALGA informal trading workshop.

Engagement Platform	**Spatial Settings**	**Attendance**	**Agenda**	**What is at stake?**
SALGA workshop	Held in Pretoria Informal traders provided with transport to and from the workshop Podium in front for the	Informal traders' organisation leaders from all over the country including Johannesburg Written submissions by traders prior to	Agenda set by SALGA Official objective of meeting was for intensive discussion around informal trading guidelines	Real objective for officials was box ticking and a public relations exercise Guidelines generally progressive but need some work Inputs by

	presenters facing stakeholders	workshop Chairperson in control of engagement space		stakeholders not reflected in the final guidelines published in June 2012-just for mockery Final document not communicated to traders

Table 3.4: Summary of SALGA objects of observation

3.7. Conclusion

The engagement platforms afforded to street traders' organisation leaders by the different levels of government are used by both the organisers and the traders' leaders to achieve certain objectives which might not necessarily fit in with the official objectives. When engaging at the local level through the different platforms, the officials' objective is to divide and rule the traders destructing the social movement and to also coopt and sedate them from mobilising other traders against the city's plans. The traders' leaders sometimes use this platform to contest the City's plans and not to let other traders' leaders who have close relations with city officials to take over the platform. The traders' leaders have through this platform been able to collectively be aware and identify issues that they are faced with so that they can mobilise other levels of government and external networks for support.

At the provincial level of government, the officials are using the traders to legitimise their position because the provincial structure is under political threat of being scrapped. The officials use the platforms it affords to street traders to show them that it is putting in effort for genuine engagement and is committed to solving the issues that traders are faced with. The provincial government also uses the platform to scold and criticise the municipality. The traders' leaders are using platforms afforded by this level of government to mandate the provincial government and legitimate its position in terms of informal trading policy formulation. The traders use tactics of cooperation and not confrontation as is often the case when engaging with the local government.

SALGA which is at the national level of government organised a workshop to discuss the guidelines for informal trading policy in the country. From the developed guidelines, it seemed to the traders that this organisation is also convening genuine engagement and support of informal trading because the guidelines were generally progressive. From engagement with this organisation, it is evident that the workshop was a tick box and public relations exercise because none of the traders' inputs were taken into account. This is very disappointing given the amount of time, energy and effort put into commenting and preparing positions on informal trading.

Through the different platforms afforded by the levels of government, the traders' leaders have learnt that through repeated engagement and submission of their position, their issues are listened to and acknowledged.

Chapter 4: Street Traders' Organisations and their Strategies to Influence Informal Trading Policy and Management



Banner of OVOAHA put up before of a protest (The Author, 2012)

4.1. Introduction

There are many street traders' organisations in Johannesburg but for the purposes of this research, I selected three of them and these are the South African Informal Traders Forum (SAITF), South African National Traders Retail Alliance (SANTRA) and One Voice of All Hawkers Association (OVOAHA). I selected and engaged with organisation leaders of three active and highly vocal organisations based in the inner city of Johannesburg. These organisations were chosen because they mainly operate in the inner city of Johannesburg and their leaders are frequent attendees at engagement platforms afforded by government. This might entail biases because there might be radical street traders' organisations which do not belong to these engagement platforms and as such excluded from my selection. These organisations adopt different strategies to influence informal trading policy and its implementation which in certain cases are complementary and collaborative but also confrontational and competitive at the same time.

The South African Informal Traders Forum (SAITF) comprises of various organisations of informal traders in Johannesburg (Tissington, 2009). Sam Khasibe, who is the chairperson of the organisation since 2009 argues that the organisation "is a federation of sort for the different street trading organisations" (Khasibe, 2012) in Johannesburg. The organisation was created in 1994 and the executive committee at the time was elected at a meeting held in Booysens. The current executive committee was elected by street traders coming from different organisations in 2006 (Ndlovu, 2012). The organisation's objective is to mobilise traders from different organisations to challenge the problems that they face when operating as informal traders. This organisation, like SANTRA, also believes that proper engagement of street traders in policy formulations and decision making processes will solve some of the issues that traders are faced with on an everyday basis. The organisation leadership argue that meetings with the members are only held when there are urgent issues to be discussed.

The South African National Traders Retail Alliance (SANTRA) was created in 2006 where the executive committee was selected (Elias, 2012). It is proclaimed by its leadership as "a voice from the people's economy" (Elias, 2012). It is in fact one of the active and most vocal organisations in the informal trading sector which is

fighting for the rights of traders (Tissington, 2009). When the organisation started, it had about 5000 members but since then this number has declined to about 1700 and this is because the organisation has not been recruiting new members (Elias, 2012). This is also because the President was involved in a unclear mismanagement of the membership fees and disappeared to Eastern Cape some years ago and most members were disappointed with that. This organisation is not based on membership but rather focusing on advocacy of existing traders (*ibid.*). This organisation is advocating for a national informal trading policy which is developmental allowing the sector to grow and contribute to the overall economy. SANTRA believes that genuine engagement between street traders and the City Council can resolve some of the problems inherent and feels that some of the strategies used by the local municipality are not conducive to development of this economic activity. This organisation has almost given up engagement with the City because its leadership feels that this level of government does not convene genuine engagement but rather divide and rule tactics. Elias, who is the spokesperson of the organisation but also assumes chairmanship at times, believes that the use of brute force as a strategy for enforcement and dialogue for development of street trading will not benefit street traders in any way.

One Voice of All Hawkers Association (OVOAHA) is a section 21 company which was created in 2007 (Ratau, 2012). The executive committee was chosen when the organisation was founded and has not changed ever since. This organisation was founded by Zachariah Ramutula who automatically assumed the president position of the organisation. The organisation leader always introduces himself as the elected president of One Voice in meetings to announce his position in the organisation. The leadership of this organisation argues that there are many members in the organisation as they are representing people in the whole of Gauteng including areas such as Westonaria; Berea; Hillbrow and in Rustenburg which is in the North West Province (Ratau, 2012). The issues that this organisation addresses are mainly focused on JMPD harassment and confiscation of traders' goods who are trying to make a living. The organisation became most notable in 2008 when it convened a march and handed the memorandum of grievances to Amos Masondo, the executive mayor at the time. The memorandum addressed issues such as the limited demarcation of legal trading stalls by the MTC; the demarcation of prohibited areas

for informal trading and harassment of street traders by the JMPD. This march was notable because it was also joined by the Anti Privatisation Forum which was highly supportive of the street traders' demand of being given a place in the city to undertake their economic activity (Tissington, 2009).

This chapter will present each of the 3 organisations and their modes and channels of action and also illustrating the level of government each organisation directs most its actions.

4.2. Modes and Channels of Action

Repertoires of action are political resources available for social movements to use to achieve the goals set forth (Goodwin and Jasper, 2009). These political resources are used in a strategic manner to yield desired outcomes or at least get closer to achieving the goals. The strategies used are mainly to mobilise support for greater influence of government. Each organisation relies on different repertoires of action to influence informal trading policy and its implementation so that it responds to the context within which it is being applied. The strategies used by these organisations were identified through observation and interaction with the leadership of the organisations.

Leadership plays a crucial role to mobilise people, garner support and organise to achieve the desired influence (Goodwin and Jasper, 2009). The leadership usually mobilises people around common interests which in the case of the Johannesburg street traders is having an influence on policy and its implementation. The leadership of the three street traders' organisations plays a crucial role in determining the repertoires of action that can be employed to achieve goals that they have set to achieve. Each organisation is presented below with the repertoires of action it employs and the government level it directs most of its action.

4.2.1. SAITF

SAITF's main modes of actions are calling meetings to be attended by other street traders' organisation leaders with the aim of sharing ideas and also convened a march in 2009 to the Gauteng premier, Nomvula Mokonyane. Before any engagement with the different government levels, the organisation calls a strategic meeting to be attended by all interested street traders to formulate and consolidate

a common vision and position based on the purpose of the meeting being called. This is a case where there is a coalition between the different street traders' organisations working together towards the same goals.

There were two meetings organised by this organisation during the course of 2012 of which I managed to attend only one. The first meeting was organised so that the street traders could prepare for the Gauteng Provincial Legislature Economic Development (GPLED) Summit held at the end of March 2012; the second one was to prepare for the Informal traders workshop organised by the Gauteng Provincial Legislature Economic Development Portfolio held in November 2012.

The GPLED summit was held on the 27th until the 28th of March 2012 and the meeting organised by SAITF to prepare for this summit was held on the 26th of March 2012. The meetings called by this organisation are an effort to consolidate strategic thinking and unification of the movement in terms of what important issues will be raised when engaging with government. This mobilisation of street traders' by this organisation depends on government initiatives rather than self sustaining because when there are no official meeting there are no meetings called. This meeting was attended by street traders' organisation leaders who were invited by the Gauteng Provincial Legislature Economic Development Portfolio Committee to attend the Economic Development Summit including SANTRA but no OVOAHA representative.

The meeting was chaired by Sam Khasibe who is the chairperson of SAITF. The objective of the meeting was to come up with a consolidated and common vision for street traders and therefore street traders gathered and brainstormed on what is to be said at the summit. The chairperson of the meeting stated that:

> *"We want to go there [at the summit] as a united front but there are people who are gonna go there and represent themselves causing division among ourselves" (Khasibe: 2012).*

The meeting started with the chairperson confirming the list of people who were chosen to attend the GPLED summit. The chairperson mentioned that there is a need to consolidate a common vision so that talk shows come to an end when engaging with government.

> *"At the summit they are going to talk about job creation but we know that the main challenge is the bylaws which contradict job creation... Bylaws are*

> *apartheid laws in disguise; there is no change in practice" (Khasibe, organisation leader: 2012).*

Some of the street traders' leaders raised their hands to concur with what the chairperson was saying. They agreed that all the street traders' leaders chosen to attend the summit should go there as a united front so that they raise the sector issues with one voice.

After this the chairperson opened the floor for street traders to strategise on what needs to be said at the summit. Edmund Elias, one of the street traders' organisation leaders (SANTRA) stood up and stated that:

> *"One of the things we need to emphasise is the sector identity. We should emphasise that this is a national rather than a provincial problem. As informal traders we are classified under SMMEs and we need to be separated from this. We need to be recognised as separate from SMMEs and be a sector on our own. This is because money goes to SMMEs and informal traders don't get any funding" (Elias: 2012).*

The above proposal by the street trader organisation leader was welcome and supported by a number of the street traders in the meeting and was voted as the most important issue to be raised at the summit through majority vote.

The chairperson reiterated the point raised by the street trader leader above by stressing the importance for street traders to have an identity:

> *"Talk shows must come to an end, there is need for action. We need to come up with identification for traders, who are we and what we do; we are not cooperatives or SMMEs. We must tell officials who we are rather than the other way around. If government wants to help us, they need to acknowledge us and register us as a sector" (Khasibe: 2012).*

Other street traders present at the meeting were standing up and reiterating the key issues raised by some speakers in the meeting and stressing the need for an identity of street traders. SAITF's specific role in the meeting was to bring traders together under one roof and consolidate a common vision for street trading in Johannesburg to achieve unification of the social movement of street traders' organisation. The organisation's objective of convening the meeting was to unite street traders' organisations in Johannesburg to avoid fragmentations; divisions and contradictions of positions that might result from this.

This meeting was supposed to start at 9:00 and end at 11:00 at the MTC offices but only started at 10:00 and ended before 11:00 because the MTC officials needed to use their offices. The street traders do not have control of resources and as such rely on the City for resources such as a venue to hold their meetings which the City can chose to grand or refuse to grant at any given moment. This control of resources by the City limits the ability of traders to mobilise because they depend on its resources, especially if they need to be too critical of the City.

Added to the control of resources that limits the mobilisation of traders, the City also uses certain tactics to prevent meetings organised by the traders to take place. This is illustrated by Khasibe quoted in Pezzano (2012: 9-10) who argues that:

> *"Xolani disturbs the creation of regular meetings of traders called by SAITF every Wednesday. He calls block and market leaders for other meetings in his office and then he cancels them at the last minute".*

The above shows that shortcoming of not having control over resources. Although this is not about the meeting space, it is about which meeting will attract traders the most, the one organised by a street traders' organisation or the one by the City official who is in charge of informal trading management. This is mainly about who has legitimacy and most influential on the street traders.

This organisation also convened a march to the Gauteng premier's office on the 5th of August 2009 where they handed a memorandum of grievances regarding the way street traders in Johannesburg are treated. The memorandum presented to the Gauteng premier focused on issues of the JMPD harassing street traders; corruption; traders being excluded from making a living through the 2010 FIFA World Cup and the way street traders are being managed by the MTC, especially with regard to the allocation of trading spaces and a plea to dissolve the MTC as the organisation alleged that it is not doing its job and it is corrupt.

The chairperson of the organisation stated in an interview that:

> *"The march was aimed at the premier Nomvula Mokonyane to start an investigation into harassment of street traders by the JMPD and investigate the MTC and its processes of trading spaces allocation" (Ndlovu, organisation leader: 2012).*

The organisation's spokesperson stated in an article written by the SANGO Pulse. (2009) that:

> "the country is celebrating 15 years of being a democracy and has made huge gains in addressing inequalities created by apartheid, but the informal sector had been one of the most unfortunate in terms of mismanagement, harassment and unfair treatment by those institutions having to do with the sector" (Mqaba, SAITF spokesperson in SANGO Pulse, 2009:unpaginated).

This march was focused on influencing policy to ensure that it responds to the context within which it is being implemented. The memorandum was aimed at challenging power of the officials especially the JMPD and MTC but also a plea to the Gauteng premier to look into this matter and address the issues faced by the street traders. This march was advancing the rights of street traders in Johannesburg and asserting that their voice should be taken into account when implementing informal trading policy and bylaws.

The organisation aimed the march at the provincial level instead of the local level as is the case with OVOAHA (discussed later in the chapter). This could be seen as a strategy to play at the heterogeneity of the state where this particular organisation of street traders goes to the higher level of government to complain about the ill treatment of street traders by the local level of government and appealing to the premier to do something about this. This is supported by Benit-Gbaffou and Oldfield (2011) who argue that the heterogeneity of the state with its inherent complexities and diversities offers opportunities for low income people to access the state such as playing one level of government against another. This march was a strategy to use the political battle between local and provincial government by mandating and legitimating the provincial government to take over in addressing issues of street traders in Johannesburg because the municipality is not able or willing to do so.

4.2.2. SANTRA

SANTRA has adopted a number of strategies to get the attention of government and influence decision making to their advantage. These strategies include applications to the public protector; court applications; forging relations with the media and using social networking to publicise issues street traders are faced with; garnering support from the general public and in the process shaming government but also participating in all sorts of invited spaces more than SAITF and OVOAHA.

One of the strategies that this organisation relies on to influence government is making applications to the public protector as was the case during the course of

2012. The application to the public protector is with regards to the abuse and displacement of street traders especially those who have permission from the City to trade. The public protector reached an agreement with City officials in mid 2012 including the JMPD that those who have been displaced from their trading spaces will be given alternative trading sites. The SANTRA leaders states that:

> "...with regard to the abuse we agreed with the metro police, there were twelve metro police officers and the city council officials at the public protector meeting that we will take all cases to them, of abuse and non-issuing of receipts" (Elias: 2012).

SANTRA is also working with the Law Review Project, a non profit organisation which is focused on constitutional legal matters. The law Review Project is helping the organisation to do court applications regarding the confiscation matter especially in areas that have been demarcated as street trading zones. The purpose of the court application is to get a landmark ruling which will stop the JMPD from confiscating street traders' stock without the trader appearing before the court of law for the offense he or she has committed. The organisation believes that confiscating the goods of street traders without them appearing in court is unconstitutional and is challenging this with the help of the Law Review Project. There is a court application in process since the beginning of 2012 to the Constitutional court to have all street traders whose goods have been confiscated without exercising the right to appear before a judge in the court of law. The lawyers are still compiling a list of street traders whose goods were confiscated and gathering all the necessary information to make a case against the City and the JMPD.

The organisation leadership also does petitions in times of crisis to block state action against informal trading. A petition was drafted in early 2000 when the City was cracking down on spaza shops in the Yeoville neighbourhood[7]. This organisation leader collected 5000 signatures around the neighbourhood from residents who were in support of having spaza shops in the area. The collected signatures together with a memorandum of grievances were handed over to the then president of South Africa, Thabo Mbeki. This shows that this organisation invests a lot in other scales of government than the City because the petition was not given to the local level but rather to the highest level of government to intervene.

[7] More on this in "Towards Integrating the Community in governance of Urban Informality? The Case of Yeoville"

Another strategy that this organisation uses is forging close relations with the media so that they can update what is happening and alert society through press releases. Jasper and Goodwin (2009:314) argue that "[m]ovement activists devote considerable time to figure out events that will attract news coverage, in other words, events which editors and reporters will consider "news worthy". There is a media strategy that this organisation leadership uses which is sending a collective email to different categories of recipients to garner support and lobby for informal trading policy change. The strategy is focused on establishing relations with key newspaper and journalists who are constantly hunting for 'scoops'. An example of Edmund's collective email sent to various recipients is shown below.

To: news@citypress.co.za; jr@702.co.za; newstipoff@sundaytimes.co.za; news@dailysun.co.za; newsdesk@sowetan.co.za; starnews@inl.co.za; newsdesk@mg.co.za; sheldonm@702.co.za; nandima@joburg.org.za; striker@joburg.org.za; premier@gpg.gov.za; samson@po.gov.za; bafanas@joburg.org.za; parkst@joburg.org.za; sydneyn@joburg.org.za; roslynng@joburg.org.za; BDlamini@gautengleg.gov.za; lebor@joburg.org.za; sonto@esset.org.za; claude@dplg.gov.za; rmakwane@justice.gov.za; thembela@esset.org.za; comms@sapa.org.za; benjaminc@bdfm.co.za; nkelen@joburg.org.za; Patti.Smith@treasury.gov.za; secminister@nda.agric.za; heidi1clark@yahoo.com; Graeme Gotz; smore@jda.org.za; news@citizen.co.za; FlorenceM@dpsa.gov.za; msibic@dot.gov.za; itumelegm2@gpg.gov.za; 3rddegree@etv.co.za; John Motlogelwa; redi@702.co.za; nkhensanima@joburg.org.za; RebeccaKg@joburg.org.za; clementm@gpg.gov.za; langabodlani@telkomsa.net; lrp@telkomsa.net; concog@sabc.co.za; NonkululekoP@joburg.org.za; george.matlala@citypress.co.za; acap@joburg.org.za; Advocacy; Alan Dinnie; Aldene Appolis; Alexandra Parker; annas@po.gov.za; anne.steffny@gmail.com; Antonio Pezzano; Bathobile Mahlobo; bdhlomo; billie@carteblanche.co.za; bngam@anc.org.za; boetara@joburg.org.za; bonakelob@joburg.org.za; busday@bdfm.co.za; busimarule@joburg.org.za; Cara Skikne; citymanager@joburg.org.za; Claire Benit-Gbaffou; Claudette@po.gov.za; collins.sekele@treasury.gov.za; comments@highveld.co.za; confidence@joburg.org.za; COSATU - Nomfezo Mdingi; cwalters@joburg.org.za; davidt@webmail.co.za; dcohen@salga.org.za; donaldmp@joburg.org.za; dumisa@po.gov.za; Dumisani Mntungwa; editor@sowetan.co.za; EdwardMos@joburg.org.za; elginandh@joburg.org.za; ellen@po.gov.za; elroy@blacksash.org.za; emily@khanya.org; fanie.devilliers@dailysun.co.za; Free Market Foundation; GDF COMMUNICATIONS; geinamahlatshana@gauteng.gov.za; George Lebone; George Mahlangu; glenn; gmtshali@anc.org.za; hartc@ishltd.co.za; hildam@joburg.org.za; hpapo@gpl.gov.za; idah; info@streetnet.org.za; informalbusiness@yahoo.com; Isobel Frye; Jackie Dugard; jacquia@joburg.org.za; jlewis@jda.org.za; Johnny Selemani; Selemani, Johnny; joval.ranta@inl.co.za; joycem@joburg.org.za; justicem@metrotrading.co.za; kamal@khanya.org; kanthan@yfm.co.za; karen; Karen Peters; Karen Peters; Karen Peters; Kate Tissington; Kate Tissington; Kate Tissington; kate.skinner@mweb.co.za; Katherine Cox; katie.engelbrecht@urbangeneses.co.za; Keitumetse Maloka; kieno@702.co.za; koliswa@thedti.gov.za; lebogang.seale@inl.co.za; Lebohang Ncume; lebom@afhco.co.za; Lentswe Mothobi; Leon Louw (gmail); Lerato Khiba; leratoz@po.gov.za; lesego motshegwa; Lesley Nunn; Lesley O'Donoghue; LianaS@joburg.org.za; Lindiwe; lindiwes@beechwoodhotel.co.za; Livingstone Mantanga; lucilled; LungiMp@joburg.org.za; lynleyd@mg.co.za; mahlangudp@sabc.co.za; makhafolag@sowetan.co.za; malebo@po.gov.za; malindamm@joburg.org.za; Mandisi Masala; maqhubumd@sabc.co.za; Marcelle Bloom-Ravid; marelda@housing.gov.za; margaretannediedericks@gpg.gov.za; Masabatha Mathikge; matshidisom@joburg.org.za; Maurice Smithers; maurice.smithers@telkomsa.net; mhlanga.mandla@gmail.com; minister@po.gov.za; mk.nonjola@yahoo.com; mmoriarty@gautengleg.gov.za; mmtyelwa@anc.org.za; ModibeP@joburg.org.za; mosilo@urban-econ.com; mrs.doraackley@btinternet.com; MudiM@joburg.org.za; MukondeleliT@joburg.org.za; musam@citizen.co.za; mwillemse@tourism.gov.za; nampanetc@sabc.co.za; NASC; Nathi Mbatha; Neil Fraser; nellie@sacities.net; New Women's Movement - Edwina Smith; news@702.co.za; news@thenewage.co.za; newsroom@etv.co.za; ngombono@joburg.org.za; Nicolene Harmse; nicolette pingo; nmtyelwa@anc.org.za; nomsan@joburg.org.za; nomtandazomac@joburg.org.za; noosisa@gmail.com; ntabiseng@srsa.gov.za; nthabisengb@po.gov.za; pa.minister@nda.agric.za; PASSOP - Braam Hanekom; Pat Horn (StreetNet International); patrick@aet.org.za; peternk@saps.org.za; phumzile@aet.org.za; Pierre Augoustinos; preman@joburg.org.za; president@po.gov.za; presidentrsa@po.gov.za;

Subject: JOBURG METRO POLICE RAID STREET TRADERS

19 February 2012

Johannesburg Metro Police Raids on Street Traders continue - NO MANAGEMENT PLAN IN SIGHT

As the Johannesburg Department of Economic Development continues to "Preach development" repression continues. That department is acting in bad faith and continues to support punitive police action against the very people it is mandated to manage. The national businesses act prescribes that existing traders be managed.

SANTRA has in the past few days received reports from distraught street traders, many of whom have been making a living at particular sight for many years that their stock has been confiscated. Huge fees are demanded for the return of goods.

What is being experienced is not law enforcement because a few minutes after the raids, trading continues.

Latest reports have come from Saxonwold, Yeoville and Noord Street area in the CBD.

Details can be obtained from Ms. Christinah Kedikiloe cell 083 991 34 02

A detailed report is being complied with a view to possible legal action

Figure 4.1: SANTRA's collective email on JMPD harassment of street traders in Johannesburg

Category of recipients	**Number**
Officials at national level	7
Officials at provincial level	27
Officials at local level (Johannesburg)	46
Media	39
Academics	3
Grassroot activists	24
Legal	3
NGOs	4

Table 4.1: Number of recipients of Edmund's collective email

The above collective email from the organisation leadership is about the harassment of street traders by the JMPD in Johannesburg. The message that the leader of this

organisation wants to convey is that street traders in Johannesburg are not being properly managed and development of this economic activity is not the City's priority but rather punitive law enforcement. The collective email serves to shame the City for not managing street traders in a developmental way and to also gain support and lobby the other stakeholders to do something about the situation.

The leader of this organisation sends a number of emails per day until he gets a response from some of the recipients. Edmund sends emails to different categories of recipients shown in the table above. The leader sent most messages to the local level of government including the mayor, Parks Tau and the MMC for Economic Development in Johannesburg, Ruby Mathang and City officials. This might be seen as a strategy by this organisation leader to show the local government that they need to get governance of informal trading in order because currently it is not reflecting developmental principles.

The second category of recipients that got the highest number of emails is the media including newspapers, radio and television. This organisation uses the media to publicise issues that street traders are faced with in Johannesburg in order to garner support from the general public which may result in lobbying government to change its restrictive policy on informal trading. Goodwin and Jasper (2009:314) argue that "[m]odern social movements can hardly be imagined without the media to amplify their messages". This organisation is using the media to its advantage because it reaches a much larger audience than the movement's personal networks and publications. This organisation through its collective email uses the space opened by competition between local and provincial government by also sending messages to members of the provincial government including the Gauteng economic Legislature Economic development Portfolio Committee. This is a strategy to legitimate the position of the provincial government to take over policy making for street traders which will reflect developmental principles that are not reflected by the local level of government. This strategy by the organisation leadership works because Edmund is often a good contact for the media as he has done a number of interviews. He also acts as a broker by giving the media other people[8] to contact other than himself.

[8] Edmund gave "Leihlo La Sechaba" (a television programme on SABC 2) documentary producers my contact so that I could be interviewed on the status of street trading in

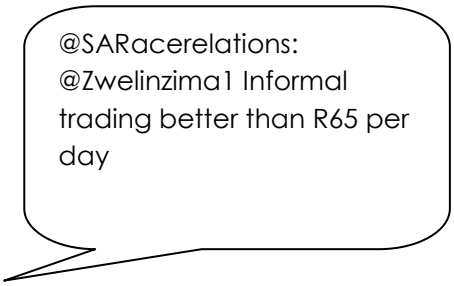
Grassroot activists who are advocating for the cause of street traders are also added to the list of recipients to keep them updated on how street traders are treated in Johannesburg so that they can come up with strategies of how to lobby government. The organisation also sent messages to national government personnel including the presidency so that they are aware of what is going on at the local level of government and intervene to change the situation. This is to show national government that local government is contradicting job creation and poverty alleviation encouraged at the national level through the vuk'uzenzele[9] initiative. Activists, nongovernmental organisations and legal expert are also emailed so that they take a stand against the punitive law enforcement against poor people who are trying to make a living on the streets, an initiative encouraged by the national government.

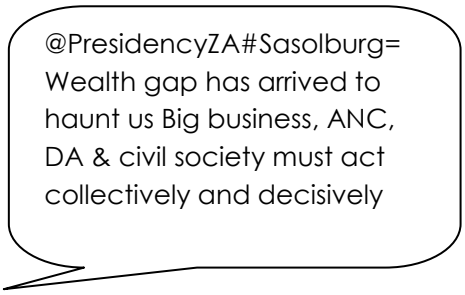
The media in 2012 has responded by doing a series of interviews with Edmund to understand better what the issues are. A number of newspapers have responded by writing a series of articles on street trading and the conditions within which street traders operate under. Radio stations such as Talk Radio 702 have also conducted interviews with this leader on the issues of street trading and what he thinks should be done to encourage this economic activity to ensure job creation and poverty alleviation. Debates around street trading and informal trading in general including spaza shops were also initiated on a number of radio stations to ascertain how the local government can treat better the informal traders. The leader of this organisation has also appeared on television in the news and talk shows to convey his message and also garner support from the general public by making them aware of the issues traders are faced with on a daily basis including harassment and confiscation of their goods by the JMPD. It is however not always Edmund talking in the media, he is good at giving contacts to people in the media when something has happened because he is informed of many things that happen to traders. For instance, Edmund will give the media contact of a trader whose goods have been confiscated and that particular trader will be interviewed. The traders also agree to the interviews because they know that Edmund can solve their issues.

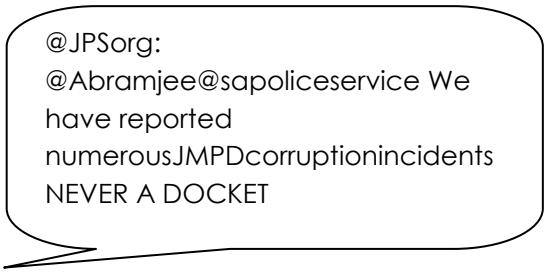
Johannesburg from a researcher' point of view and to propose some strategies that the CoJ can adopt to improve conditions within which street traders operate under.

[9] Meaning wake up and do it yourself, is a government initiative for people to sustain their own income by starting their own businesses.

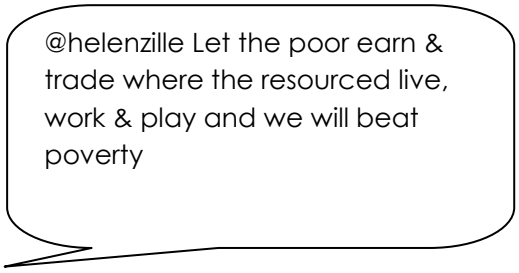
The organisation leadership also draws on social networking sites such as twitter to convey its message and reach a wide variety of people who can support the cause of the street traders. The messages that the leadership sends out on this social networking sites serve the purpose of making it public the way government especially CoJ treats informal traders particularly those operating in public spaces. The tweets are directed at high rank politicians including the presidency and media personalities in the country so that the issue of street traders can be taken seriously and engaged with in debates. The following are some of the messages that Edmund Elias sent out on the twitter social networking site.

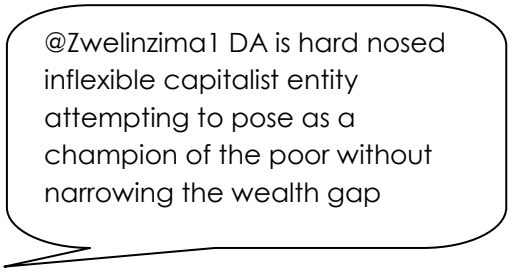






The organisation leadership is also surfing on the general political climate which has a different function from the emails. The social networking sites are a way to update the public on current issues that are taking place within informal trading.





Some of the messages are to show the ANC that Edmund still supports the ANC in spite of being very critical of its policies. The one tweet is sent to Helen Zille to criticize the way she deals with street traders in the Western Cape while the other tweet is sent to the general secretary of COSATU alleges that the DA is not doing much to help change the situation of the poor in the country and this is a message to the ANC to start doing something about this so that they can be the champion of the poor in the country.

4.2.3. OVOAHA

OVOAHA relies on marches directed at Council and the different agencies responsible for their management including the JMPD and MTC officials and a certain level of cooperation between the organisation leadership and in particular the DED official through Xolani who is mandated to manage street trading. This mixture of mass mobilisation which adopts confrontational tactics and tight cooperation with City officials illustrates the many ways in which this organisation accesses the state. Benit-Gbaffou and Oldfield (2011) argue that the inability of the poor to change state policies and implementation has resulted in the adoption of practices of negotiation and the seeking of favours as opposed to rights, which allows people to access scarce resources from the state. The seeking of favours through personalised relationship between state officials and people who in this case are street traders in turn undermines the ability of the traders to influence and change policy but also prevents the formation of radical social movements (*ibid*.; Benit-Gbaffou, 2011).

A number of marches were held by this organisation during the course of 2012 but I only managed to attend two which were held on the 15 and 21 November 2012. The march on the 15 November was directed at the JMPD, SAPS and the Johannesburg Property Company (JPC) a company that has recently become responsible for the management of street traders after disbanding of the MTC. The main grievances that were contained in the memorandum were on harassment and impoundment. The following is the memorandum of grievances handed to JPC executive manager.

Memorandum of grievances: directed to Brigadier Ntandane Tundzi of SAPS

- We demand that SAPS and the magistrate court to stop corruption
- SAPS must stop accusing hawkers by making false accusations about police murders
- SAPS must stop assaulting hawkers for no reason
- SAPS must stop exploiting, harassing and abusing hawkers
- SAPS must stop insulting hawkers and calling them names like *amakwerekwere* (derogatory name for foreigners) and influencing xenophobia
- SAPS must stop destroying our goods with knives
- SAPS must focus on crime and leave traders to do their business
- SAPS must stop beating traders with shamboks and spraying them with tear gas like criminals
- SAPS must stop taking bribes from crime syndicates
- SAPS must stop promoting crime by taking bribes from traders selling illegal goods
- Police must stop dissemination and racism
- Brigadier must resign because he is failing to control the police he is in charge of

This written memorandum was addressed only to SAPS but normally it should be addressed to the JMPD which are the City's enforcement agents. Even though the memorandum was only directed to SAPS, the message was also directed to JMPD and JPC as well through speech by the 'president' of this organisation and songs by the organisation members who were participating in the march.

At the march, songs like "*awuleth'istoko sam*"[10]; "*amaMetro izinja*"[11] and "*phansi ngamagundwane phansi*"[12] were sung to convey a message and to garner support from the general society. The songs were generally directed at the JMPD and their actions and they were a way for the street traders to challenge the power and authority of these enforcement agents. Together with the songs, banners and placards were held up with messages such as "*bring back my tomatoes*". This grabbed the attention of ordinary citizens who started enquiring what the march was all about. Attention was also aroused because the march was along Wolmarans street which is a street leading to Gautrain station in ParkStation and the metro centre where council offices are located.

[10] bring back my stock
[11] metro police are dogs
[12] down with the rats down meaning street traders who are not joining the struggle

The executive members of the organisation were also using this platform to garner support and recruit new members into joining the organisation. Members were giving testimonies of how the organisation has helped them and how it can help those who are not members when they join. Slogans like *"viva One Voice viva"* were used to gain support. They were disregarding other organisations as being illegitimate, undemocratic and not registered as formal organisations representing street traders and not doing anything to help traders. OVOAHA was proclaimed by its members as being the legitimate representative of street traders and can get things done and solve issues of traders. They also mentioned that the organisation has achieved a lot and gained members over the years unlike other organisations. There was a song which was sung most of the time which said that *"One Voice ayilalanga ikuqe ngamadolo"*[13]. T-shirts which act as branding, is another strategy that this organisation uses to advertise and recruit members which is a different strategy to the other organisations. This organisation is clearly choosing a different strategy than the others, a different niche which is an implicit critique of the other organisations.

When the street traders got to the JPC offices, the gates were locked and the place was surrounded by JMPD and SAPS agents. The marching street traders had to stand outside the gates where the president of OVOAHA, Zachariah Ramutula read the memorandum of grievances addressed to Brigadier of SAPS. As the president of this organisation was reading the memorandum addressed to SAPS, he was also adding points about the JMPD and JPC. As they were standing outside the gates, the traders were chanting and swearing at the JMPD, SAPS and MTC officials and accusing them of corruption. A demand was made on the spot which was not included in the memorandum that JPC should get rid of all MTC officials and that they should go to other city departments and work there because they have no idea what they are doing with the street traders. The memorandum was handed over to Sandile Ndlungwane (executive manager at JPC) to acknowledge receipt and was urged to deal with the issues outlined in the memorandum and that if he does not the City will be ungovernable.

[13] One Voice is not sleeping; it is on its knees doing something about its issues

Another march held on the 21 November 2012 was directed at Region F councillors. The march took place at corner of Miriam Makeba and Bree Streets which is one of the City's busiest streets leading to a taxi rank.

Memorandum of grievances directed to Modiegi Mwelase, general manager of Johannesburg Region F councillors

- Councillors must stop undermining and disrespecting leaders of traders` organisations like Yeoville councillor doesn't respect One Voice elected president Zacharia Ramutula
- Demand councillors must work with leaders of registered organisations only
- Region F must stop restricting areas and must open them up for informal trading
- Councillor must know where they come from, they used to eat pap and salt and water
- Region F must instruct MTC to give report of Ernest and Young Law firm of corruption because One Voice is the complainant
- The general manager of Johannesburg councillors must take grievances very seriously and deliver services to traders
- Councillors must call hawkers to public meetings because they are part of the community
- Councillors must treat traders as human being not dogs
- Councillors must stop taking decisions for hawkers without hawkers
- Region F must build more markets, stalls and demarcate more trading spaces
- Councillors must stop behaving like we are still in apartheid local government
- There should be service delivery to the hawkers by councillors and any councillor who doesn't must be axed
- Region F must not promote corruption like the MTC was doing-like allocating trading spaces to one foreign national Nigerians on De Villiers Street between Hoek and Klein Streets
- Metro police must stop taking money from traders selling illegal goods
- Metro police must stop confiscating goods of traders and selling them for their own benefit
- Metro police must stop defaming traders and calling them amakwerekwere
- Metro police must stop assaulting traders
- Demand an immediate moratorium on metro police in all places which are negotiation to be developed by the DED
- JMPD must be taught how to implement informal trading bylaws
- DED must demarcate trading spaces near BRT stations and accommodate more traders
- Metro police, DED and JPC must stop fighting each other
- There should be more demarcation and issuing of licenses to traders
- Memorandum of grievances should be answered within 7 working days otherwise the city will be ungovernable

The memorandum starts with the president of the organisation mentioning that the councillors do not recognise organisation leaders of street traders at the neighbourhood level and the issue of legitimacy of organisations representing street traders in order to put pressure on the councillor. This point is personalised conflict but can exert some pressure and revenge on the individual councillor pointed out. Another issue that the organisation leader reiterated on was the competition of trading spaces brought about on local traders by immigrants. This shows advancement of xenophobic sentiments by the organisation leader. The coordination of governance is also repeated in the memorandum as a way to show the importance of this issue. The memorandum reveals that the real agenda of the movement is to demand to be included in decision making processes with councillors and the implementation of policy but not making any changes to the current informal trading policy. The memorandum talks about the corruption of the MTC and JMPD but does not say anything about the DED under which these two agencies fall and report to.

It is not clear what impact these marches convened by this street traders' organisation have and the influence on policy because there was no meaningful response from the JPC officials and councillors. The manager of JPC and the councillors said they will look at the memorandum and get back to the traders in due course. There was no media coverage of this march because it did not cause a massive uproar. Street traders from other organisations were invited to come to the march but did not come and as such only a few members of the OVOAHA joined in. This did not cover mass mobilisation because this is difficult to organise for street traders.

Rumours, in particular from some street traders' organisation leaders, allege that this organisation has a close working relationship with the enforcement agents of the City which the organisation uses as a strategy to advance its position ahead of other organisations. This strategy yields certain advantages for this organisation's leadership. Pezzano (2012) argues there are instances where some organization leaders are collecting 'protection fees' from members promising to protect them from JMPD harassment and confiscation of their goods. This has been argued by other street traders' organisation leaders such as the one below who states that:

> *"One Voice went to Lenasia and it has been going there every month collecting traders` money for their organization. The traders saw that this was*

> *too much because they had to pay the MTC as well, they realised that they couldn't pay money to two entities every month. They stopped paying the organization and told them that they could only pay once a year and the president of One Voice refused. When he refused the proposal he told the traders that he will teach them a lesson. Since this instance the JMPD started confiscating traders` goods in the same week and has continued to do so each and every day" (Respondent 2 , organisation leader: 2012).*

This shows how some leaders might use their positions to extort money from organization members, as if the legal authorisation to trade was a favour granted by One Voice and not a right granted by the permit and payment. The above also suggests that OVOAHA is very close to JMPD and that they might act together illegally to extort money from street traders. Benit-Gbaffou and Oldfield (2011) argue that there are personal linkages between residents and state agents at the local level relying on the politics of favours. The organisation can use the JMPD to harass and confiscate goods of traders who are not willing to pay the 'protection fees'.

Added to being 'punished', when one does not pay the 'protection fees', is having the organisation leader ignoring any grievances brought forward by a street trader who does not pay any money. This is illustrated in the statement below:

> *"...the founder of that organisation is a problem.. His problem is that he says that he can only help a trader who has money; if you don't give him money he won't help you even if you are an organization member..." (Respondent 2, organisation leader: 2012).*

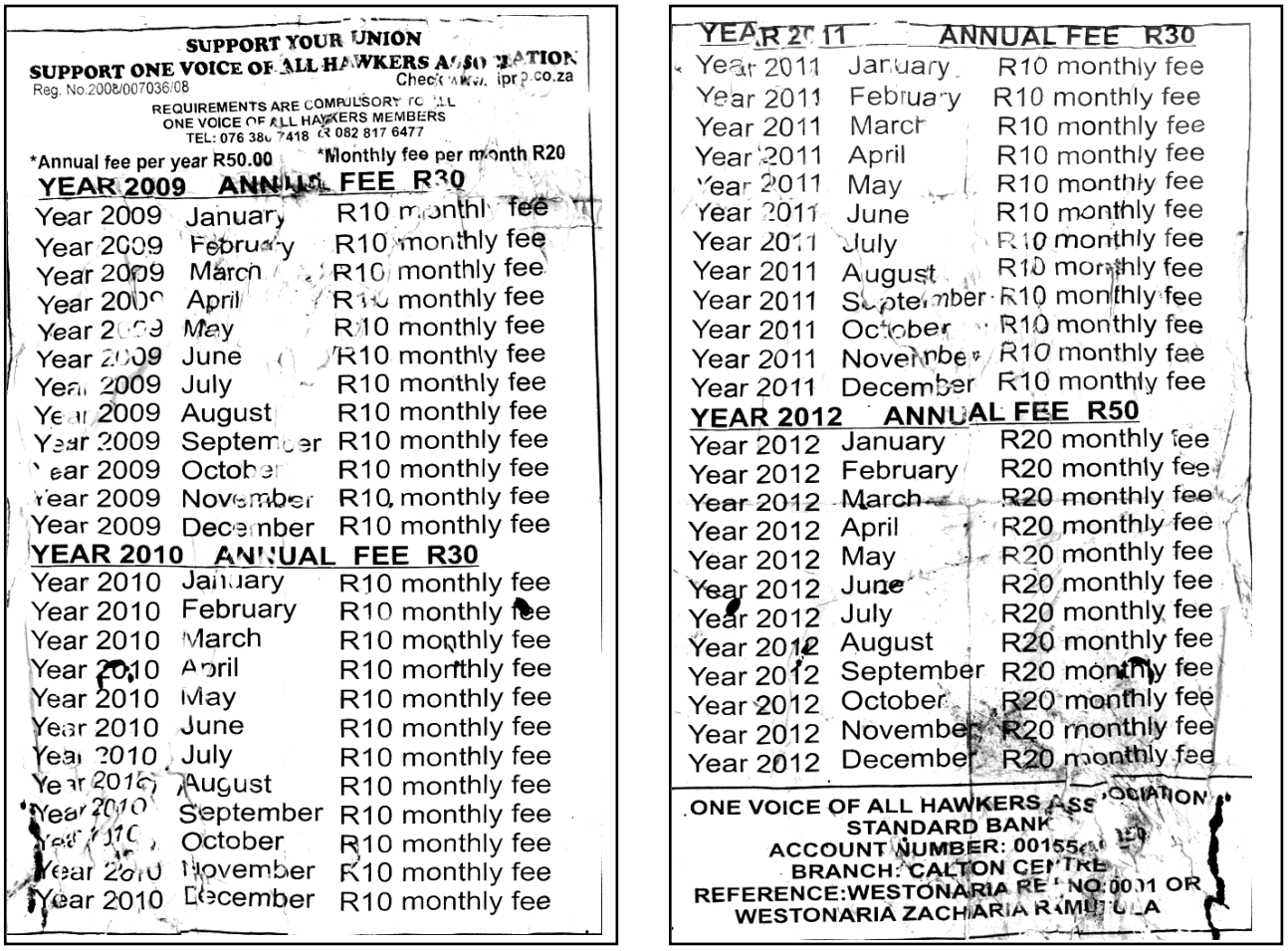
At a march held on the 15 November 2012 which I attended, I was asked to give the organisation a "donation" of R10 to help pay for things that are needed for the march such as batteries for the two loud speakers, airtime so that certain people can be send messages or called, to print out the pamphlets advertising the march and make copies of the memorandum. When other people were coming in they were also requested to pay out the donation but I later realised that this was not voluntary, traders were in a sense forced to take out the "donation" because one of the executive members openly said that if they don't pay, when the City allocates trading spaces, whoever did not take out the money will not get a trading space and when the metro police harasses them the organisation will not help them in any way.

(Notes from fieldwork, 15 November 2012)

Some street traders also allege that this organisation does not only have a close relationship with the City's enforcement agents but with a certain DED official who is aware of the abuse of street traders by this organisation leadership and condones it.

> *"One Voice organisation has given hawkers [membership fee] accounts since 2009 and told them if they do not pay all their arrears they will lose their spots. They are working in conjunction with officials at the Department of Economic Development and they have no right to make memberships feel that an organisation is compulsory in relation to whether you will get a stall or not, that is corruption" (respondent 1, organisation leader: 2012).*

The claim by the respondent above is supported by a pamphlet obtained from one street trader in Berea who is a member of OVOAHA. The pamphlet clearly shows that organisation members are urged to pay a monthly of R20 and an annual fee of R50 and all those who have defaulted from 2009 need to pay up their arrears by also stating the monthly and annual fee from 2009 until 2012.



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Reg. No.2008/007036/08

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ONE VOICE OF ALL HAWKERS MEMBERS
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*Annual fee per year R50.00 *Monthly fee per month R20

YEAR 2009	**ANNUAL FEE R30**	
Year 2009	January	R10 monthly fee
Year 2009	February	R10 monthly fee
Year 2009	March	R10 monthly fee
Year 2009	April	R10 monthly fee
Year 2009	May	R10 monthly fee
Year 2009	June	R10 monthly fee
Year 2009	July	R10 monthly fee
Year 2009	August	R10 monthly fee
Year 2009	September	R10 monthly fee
Year 2009	October	R10 monthly fee
Year 2009	November	R10 monthly fee
Year 2009	December	R10 monthly fee
YEAR 2010	**ANNUAL FEE R30**	
Year 2010	January	R10 monthly fee
Year 2010	February	R10 monthly fee
Year 2010	March	R10 monthly fee
Year 2010	April	R10 monthly fee
Year 2010	May	R10 monthly fee
Year 2010	June	R10 monthly fee
Year 2010	July	R10 monthly fee
Year 2010	August	R10 monthly fee
Year 2010	September	R10 monthly fee
Year 2010	October	R10 monthly fee
Year 2010	November	R10 monthly fee
Year 2010	December	R10 monthly fee

YEAR 2011	**ANNUAL FEE R30**	
Year 2011	January	R10 monthly fee
Year 2011	February	R10 monthly fee
Year 2011	March	R10 monthly fee
Year 2011	April	R10 monthly fee
Year 2011	May	R10 monthly fee
Year 2011	June	R10 monthly fee
Year 2011	July	R10 monthly fee
Year 2011	August	R10 monthly fee
Year 2011	September	R10 monthly fee
Year 2011	October	R10 monthly fee
Year 2011	November	R10 monthly fee
Year 2011	December	R10 monthly fee
YEAR 2012	**ANNUAL FEE R50**	
Year 2012	January	R20 monthly fee
Year 2012	February	R20 monthly fee
Year 2012	March	R20 monthly fee
Year 2012	April	R20 monthly fee
Year 2012	May	R20 monthly fee
Year 2012	June	R20 monthly fee
Year 2012	July	R20 monthly fee
Year 2012	August	R20 monthly fee
Year 2012	September	R20 monthly fee
Year 2012	October	R20 monthly fee
Year 2012	November	R20 monthly fee
Year 2012	December	R20 monthly fee

ONE VOICE OF ALL HAWKERS ASSOCIATION
STANDARD BANK
ACCOUNT NUMBER: 00155
BRANCH: CALTON CENTRE
REFERENCE:WESTONARIA RE NO:0011 OR
WESTONARIA ZACHARIA RAMUTLA

Figure 4.2: OVOAHA pamphlets showing monthly and annual fees for organisation members

The above respondent continues to state that:

> *"They also have been allocating spaces in President Street and Pritchard street and they appear to be asking R200; money for the stall" (Respondent 1, organisation leader: 2012).*

Even the members of OVOAHA mention the power that their organisation has with regards to allocating trading spaces. One of the organisation executive members at the march held on the 15 November 2012 mentioned that:

> *"There is no other organisation that can give you a yellow line [demarcation] except One Voice".*
>
> *"In the last meeting of the forum, Berea didn't have demarcation and traders' goods were always confiscated. At the last meeting, the president [Zacharia Ramutula] told Xolani [DED official] it's the last time that he is gonna tell him about this problem. When the meeting finished, the Berea traders remained behind and Xolani took them to region F offices and met with the councillor. They called the JMPD and Xolani told them to stop confiscation, the councillor is humane shame. I thank the forum, even if the JMPD takes goods by mistake, he calls Xolani and goes to his office to get the goods back without any payment" (Respondent 7, organisation leader: 2012).*

The above illustrates the cooperative relationship this organisation leadership has with municipal officials. This Pezzano (2011:6) argues implies "connivance between municipal authorities and association leaders". This informal arrangement based on favours with the City by the organization leaders does not however mean that the leaders are betraying their constituents but in a way getting them concrete results in the form of trading spaces and no harassment by the JMPD. The leader is able to deliver because of the relationship with the City. He gets as favours what should be obtained as rights and gets the benefits of being the broker in the form of money.

Demarcation of trading stalls which is a task performed by City officials has been delegated informally to street traders' organisation leaders of OVOAHA. The demarcation of trading spaces in the streets mentioned above has given the organisation leaders the power to decide who gets the trading space according to the criteria they set for themselves not that set by the City. This is what Benit-Gbaffou (2011) argues is the distribution of scarce resources, which in this case is trading spaces, through discrete ways which are not necessarily acceptable locally. This illustrates connivance between municipal authorities and some of the street traders' organisation leaders where favours are granted to those who cooperate. This also

shows the issue of cooption by the City of some street traders' organisations and the power this gives them, for their own benefit and not the traders.

The 'connivance' between municipal authorities and this traders' organisation leaders is illustrated again by a statement by the president of OVOAHA at the march held on the 15 November 2012, that as an organisation they managed to move a forum meeting that was scheduled on the same day as the march to the next day. They simply told Xolani, DED official, that they will have a march and he moved the forum meeting to the following day. This shows that Xolani does not feel very threatened by the march. The march does not attack the DED directly for instance but displaces it to the JPC whilst MTC was under the leadership of DED. This also shows that the leaders have power to make things happen with the support and cooperation of municipal authorities. Other executive members in the organisation also mentioned that they hold top positions in the City (being informal trading forum task team members) and sit in boardrooms with people of power and that this would not have happened had they not have the relationship they do with officials.

Benjamin (2004) argues in cities of the South context that the municipal legislative framework is not responsive to the context which is characterised by high rates of informality. He argues that given this context, certain officials specifically at the lower level adopt flexible land use practices to respond pragmatically to what is happening on the ground. Legislative frameworks should be there to guide development not restrict it which is why Benjamin (2004) advocates for flexibility in implementation of municipal legislative framework. This is a case where local authorities try to find loopholes in legislative framework so that its implementation is flexible and not based on ideals that are not in touch with reality. This view by Benjamin (2004) on flexibility of municipal framework is not necessarily progressive in this case. The municipal authorities encourage flexibility by delegating demarcation of trading spaces to the street traders' organisation leaders mentioned above which results in corruption.

The flexibility that Benjamin (2004) is talking about is what he refers to as 'porous bureaucracy' which is bureaucracy which has holes in order to respond to reality. Rigidly formulated regulations should be flexibly implemented by understanding the day to day strategies used by informal traders. Benjamin (2004) argues that in Cities of the South real power lies in implementation not policy formulation. Benjamin

(2004) also talks about the 'politics by stealth' where local people negotiate with local level officials who are also embedded in society with some of them also involved in informal activities to generate an income. Local people bargain with local authorities to flexibly apply rigid policy so that it responds to the context.

Chatterjee (2004) goes further to differentiate between political and civil society where he argues that political society refers to residents who do not have full citizenship because part of their lives is characterised by informality especially with regard to the relationship with the state and as a result their engagement with the state relies on favours not rights as is the case with civil society. This political society is, because of its dependence on local level politics, unable to make radical changes through contention (Chatterjee, 2004; Benit-Gbaffou and Oldfield, 2011). Chatterjee (2004:60) argues that "[t]he success of claims [by political society] depends on the ability of particular population groups to mobilise support to influence the implementation of governmental policy in their favour". This is the case with this particular organisation above which mobilises support from a state representative, [DED official] so that the implementation of policy works in their favour through 'bending' or 'stretching' of the rules.

4.3 Conclusion

The three organisations above have specific modes and channels of action they adopt either to influence policy or its implementation. The South African Informal Traders Forum (SAITF) convenes strategic meetings and invites other organisation members to join in to consolidate a common position and vision for street traders when engaging with government. The strategic meetings are only convened prior to engagement with the provincial level of government. The South African National Informal Traders Retail Alliance (SANTRA) relies on press releases through collective emails sent to different categories of recipients including the media; different levels government; activists; academics; lawyers and nongovernmental organisations. One Voice of All Hawkers Association (OVOAHA) relies on mass mobilisation through marches as a mode of action and cooperation with City officials sometimes involving agreements and financial exchanges.

SAITF directs most of its efforts towards the provincial level of government. This is illustrated by how the organisation leaders convene strategic meetings with traders

prior to meetings with the Gauteng Provincial Legislature Economic Development Portfolio Committee. They have never held a meeting to strategise on issues to be raised or a position on street trading when they engage with the local government. The leadership of this organisation is also always present at meetings organised by the provincial level of government. This is because the organisation leadership feels that this is the level of government that has the power to influence the local government on issues of policy. SANTRA directs most of its efforts at higher levels of government because of the feeling that the City will never move and so it is better to address issues at other scales of government. The organisation leadership is also playing the different level of government in order to gain advantage and position in accessing the state and influencing the policy making and implementation. The leaders of this organisation are also always present at meetings convened at the provincial level of government but also at the local level. OVOAHA puts more effort at the local level of government. This is illustrated by the personalised relationship with local state representatives including the JMPD and DED officials. The organisation leaders are able to use the relationship they have with state representatives to activate favours such as getting the JMPD to harass and confiscate goods of traders who do not pay membership fees and also being able to demarcate trading spaces to their constituents, a task that is supposed to be undertaken by DED officials only. The organisation leadership goes to meetings convened by the provincial legislature only occasionally (I have only seen the leaders attending two meetings at the Provincial Legislature, the Economic Development Summit and the Stakeholders workshop). At the Provincial level meetings, the leadership of OVOAHA is not so vocal as in the municipal level where they feel to be in a protected and favourable setting.

SAITF and SANTRA are focused on policy influence while OVOAHA focuses its attention on influencing implementation of policy. The leaders of the two former organisations are very articulate and are able to convey their ideas on policy change and have a clear vision of what aspects of policy should change to reflect developmental principles. The two organisations' leadership also make written submissions to government clearly stating what the issues they want to address are. The OVOAHA leadership on the other hand does not make written submissions on positions developed by the organisations, the only time the organisation features in a submission is when it is a collective one with other organisations or in

memorandums of its marches. The leader of this organisation when raising issues in meetings focuses on area based issues not on the broader picture which is the case with SAITF and SANTRA.

SAITF mainly mobilises networks at the provincial level of government as a source to lobby the local government on informal trading policy. SANTRA mobilises a variety of networks from stakeholders that are sympathetic to informal traders. These include all sympathetic individuals from the different levels of government; the media; nongovernmental organisations; research institutions and academics; lawyers and the private sector. OVOAHA activates networks at the local level of government through a clientelist relationship with state agents.

There is a complementary relationship between SANTRA and SAITF where if SAITF calls a strategic meeting, SANTRA leadership attends and when SANTRA leadership raises points of importance in meetings they are supported by the SAITF leadership. This is not the case with OVOAHA, it works alone in most cases and boycotts meetings organised by SAITF. This comes out from the aim of OVOAHA leadership to focus on delivery more than on representation of interest and needs of traders.

Chapter 5: Street Traders' Organisations as a Social Movement



Street traders in Johannesburg inner city marching to JPC offices against police harassment and impoundment on the 15 November 2012 (The Author, 2012)

5.1. Mobilisation of Street Traders: Construction of a Social Movement?

Brown, Lyons and Dankoco (2010) argue that decentralisation has given rise to a new political platform for the poor to engage in and voice out their needs. This has been advocated by the shift from emphasis on government to new forms of governance wherein the state does not hold monopoly over power in decision making processes (Lindell, 2008; Brown, Lyons and Dankoco, 2010). Participatory governance has afforded non state actors the ability to voice out their needs and interests through invited spaces of participation by the state. In cases where these invited participatory spaces by government do not yield desired outcomes for those that participate, they respond by creating 'invented' spaces of participation which Miraftab (2009) argues are spaces created by civil society out of the frustration with the ineffectiveness of the invited spaces. Invented spaces "are those [spaces], also occupied by the grassroots and claimed by their collective action, but directly confronting the authorities and the status quo" (Miraftab, 2009:1).

The voicing out of interests by non state actors is dependent to a large part on the formation of organised collectives to influence the decision making of authorities (Lindell, 2008). Chatterjee (2004) however, through his definition of 'political society' argues that all people who are infringing laws and regulations are not full citizens. He argues that this political society is seldom able to openly claim rights, and rather engages in fragmented and informal arrangements with dominant local authorities in particular local politicians and officials.

Many authors such as Wafer (2011) and Pezzano (2012) have argued that in Johannesburg there is no social movement of traders because they are fragmented; divided; driven by personal interests; corrupt and not able to form long lasting coalitions. Some people such as Pernegger (2012) have even gone to the extent of calling street traders marches 'popcorn protests'. The reason why Pernegger (2012) termed street traders' march as 'popcorn protest' is because:

> *"protest seems to be so at heart and spontaneous and you know unpredictable…and you can't always tell where they are going to pop up…there is no sense or a concerted effort by the street traders sector and all of its different associations to come together and really come up with alternatives, come up with a strategy on how they are going to engage the City" (Pernegger, 2012).*

The term 'popcorn protest', used to characterise street traders marches can be seen as derogatory as if it was not focused on vision, structural changes but rather mobilisation which is unsustainable, uncoordinated and lacking a clear vision of what the street traders want to achieve. Contrary to the above authors, I argue that street traders' organisations in Johannesburg can be characterised as a social movement although marked by challenges of fragmentation because they exhibit some characteristics of social movements which are illustrated in the definitions below.

According to Goodwin and Jasper (2009:4) a social movement is a

> "...collective, organised, sustained, and noninstitutional challenge to authorities, powerholders, or cultural beliefs and practices".

This definition is useful because it categorises a social movement as being an organised challenge to authorities and practices motivated by a shared feeling of grievances. This definition applies to street traders because they are challenging the way the informal trading policy is being applied resulting in the limitation of their economic activity. Another definition put forward by Ballard, Habib, Valodia and Zuern (2006:3) of a social movement is that it is

> "...politically and or socially directed collectives, often involving multiple organisations and networks, focused on changing one or more elements of the social, political and economic system within which they are located".

This definition is also relevant to this research as it takes into account that a social movement can be made up of multiple organisations (without being very precise on the nature of the links uniting them, and the degree to which this multiplicity can lead to internal tensions or to fragmentation) which is the case with the street traders in Johannesburg. Their social movement is made up of a number of street traders' organisations which are sometimes coming together to influence informal trading policy and implementation practices by authorities but sometimes pursuing their own agendas.

A contrast between the two definitions is the place (central in the former, not specified in the latter) of confrontation or challenges to authorities in the essence of social movements. Many authors would argue that the relationship between social movements and the state is mainly conflictual with participants in the movement

adopting confrontation as a tactic to voice out their needs (Blumer, 1995; Goodwin and jasper, 2009). However, in some cases there is collaboration with the state as a strategy to achieve goals that the movement is sets to achieve. This is the case with street traders when confronting the state, in some cases they do this through confrontation while in others they cooperate with the state. In most cases, cooperation and negotiation is adopted first and if there are no changes then confrontation follows.

Ballard *et al* (2006) argue that in South Africa, social movements are centred on contestations of post-apartheid policies that have been adopted by City authorities. One of such social movements consists of street traders in the City of Johannesburg which is contesting the informal trading policy and bylaws which are meant to regulate their operation. They are constantly searching for alternatives to policy that impact negatively on their livelihoods.

There are challenges inherent in any social movement and these include internal tensions and conflicts between participants, especially between the leaders and constituents (Blumer, 1995; Ballard *et al*, 2006; Goodwin and Jasper, 2009). In most cases the conflicts ensure because the leadership of the movement is changing the course or the goals that the movement was set to achieve in its initial stages. There is also competition that takes place between the participants in the quest to gain recognition from both the constituents and the state. These challenges of social movements are also evident in the traders' movement.

5.2. Street Traders' Organisations in Johannesburg: Barriers to Mobilisation

Street traders are forming associations that are concerned with voicing out their collective interests (Lindell, 2008). There are a number of street trading organisations that street traders have joined with effort of being represented in decision making processes that affect their lives and their operation (Lindell, 2008) but most directly to respond to crisis of repressive implementation such as harassment.

The organisations are a way for street traders to have a voice in policy formulations and its implementation to ensure that it does not cripple their income generating strategies but not all have an explicit objective of intervening in policy as argued in

chapter 4. This is a difference also between civic organisations which focus on immediate problems and finding quick solutions and social movement which are focused on policy change beyond the local and specific issue of the trader.

In Johannesburg in the late 1980s, street traders started exercising their agency as collectives (Pezzano, 2011; 2012). This period was raising a lot of anxieties and discontent among the street traders and this opened the space for the formation of informal traders' organisations which were mainly developed to ensure demarcation of more legal trading spaces in viable trading sites of the city. The informal traders' organisations during this time used their advocacy and agency to force the City Council to allow more informal trading in its area of jurisdiction. The City Council started accepting the proliferation of informal trading in the city but there was still restriction of this economic activity through trade free areas in the inner city resulting in only a few traders benefiting from the changing attitude of Council officials.

This carried on until 1988 when a radical change took place facilitated by the African Council of Hawkers and Informal Business (ACHIB), an informal traders' organisation established in 1986 in Johannesburg aimed at promoting interests of informal traders, reducing police harassment on the informal traders and ensuring simplified informal trading license application processes (Pezzano, 2011; 2012). Through ACHIB's initiatives "[t]housands of licenses were released and 14000 hawkers, including those working for formal retailers, were operating in Johannesburg by mid-1988" (Pezzano, 2011: 4).

ACHIB as the most vocal informal traders' organisation at the time called a conference to negotiate with municipal authorities (Pezzano, 2011). While this was taking place, informal traders operating in the inner city were being harassed by enforcement agents of the City. This illustrates that the council was not prepared to have genuine engagement around issues of harassment and confiscation. This Pezzano (2011) argues illustrates the double agenda of the municipality because while making efforts to accommodate informal traders on the one hand, on the other hand the officials are trying to manage the streets suitable for a 'world class city'. The double agenda historically is the permission and deregulation versus tightening of policy implementation and enforcement of law; an acknowledgement of informal traders but in an order and security framework.

Given the change brought about by ACHIB, many informal traders joined this organization. It was not long after this that other informal trading organisations started emerging and adopting a persistent strategy similar to that of ACHIB since the 1990s (Pezzano, 2011). Pernegger (2012) also states that the newly developed street trading organizations embarked on service delivery protests in 1997 and 1998 where they marched to the Council offices demanding less enforcement of the bylaws as they were crippling their economic activity. During this time of increased confrontation between the City and the street traders, the City formed the Gauteng Informal Sector Forum (GISFOR) as a platform where the City and the street traders could engage on issues (Pernegger, 2012), a platform similar to the informal trading forum. This was an organization put in place to talk about the challenges in the sector and proposed solutions but was shortly disbanded in 1999. It also made it easier for the City to talk to a single organisation of traders instead of different groups. Organisations of street traders such as ACHIB still existed and GISFOR was a platform for engagement with their leadership.

Recently, a number of organisations of street traders have started to emerge which claim to be strengthening the voice of the street traders in order to deal with the challenges that they face including the restrictive implementation of policy (Tissington, 2009; Pezzano, 2011). The figure below illustrates the creation of street traders' organisations and policy on street trading.

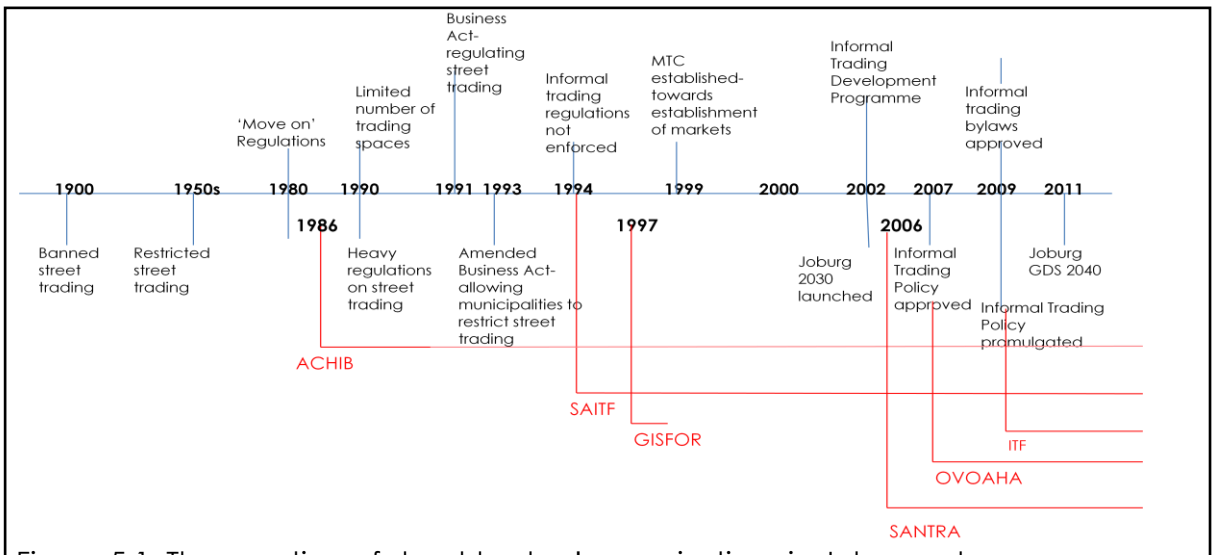


Figure 5.1: The creation of street traders' organizations in Johannesburg

[Adapted from Tissington, 2009; Pezzano, 2011; Pernegger, 2012; Elias, 2012; Ndlovu, 2012; Ratau, 2012]

5.2.1. Issues of leadership

Even though street traders' organisations were vocal during this period, there were problems associated with their leadership. Pezzano (2011) gives an example of the ACHIB leader, Lawrence Mavundla who represented the interests of the informal traders at the time of his reign between 1986 and 1990. It was not long after the organization's victories that this leader started using his position as the president of ACHIB to venture into black economic empowerment enterprises and join the Chambers of Commerce which is a pronounced business network.

Being involved in the Chambers of Commerce and undertaking black economic empowerment enterprises has made Mavundla the president of the National African Federated Chamber of Commerce and Industry (NAFCOC) (Pezzano, 2012). This leader was able to transform the informal traders association into a profit making company which is now able to provide investment to both informal and informal businesses in Africa. This illustrates how some informal traders' organization leaders can use their position within the organization for political advancement and personal economic enrichment.

While Mavundla was concentrating on bettering his economic situation and political status, ACHIB lost its focus with regard to fighting for informal traders' interests and amplifying the traders' voices. This illustrates 'double dealings' where leaders "fight in the political field as well as the in the social field; for their own political position and as representatives of their mandators" (Benit-Gbaffou and Katsaura, 2012:3). This is a characteristic of many street traders' organisations today where leaders have been using association positions to advance their political and economic ambitions.

This aspect of leadership has resulted in many street traders resort to not joining organizations because they are wary of the benefits of being members (Tissington, 2009). Many street traders feel that the organisations are not helping them in any way because they are still subject to harassment and impoundment by JMPD with the leaders not doing anything to improve their situation. In most cases street traders prefer 'self organization' or traders in close proximity looking out for each other.

Tissington (2009:42) argues that "it is clear that trader organisation is dominated by personalities, and that internal political struggles and perceived individual agendas have often played a divisive role in the sector" This illustrates the challenges of informal leadership and how easy it is to manipulate the divisions between organisations especially in an atmosphere rife with competitive politics and power struggles between various street trading organisations.

5.2.2. Fluidity of street traders

Street trading is an economic activity which is characterized by fluidity, with time, skills and financial resources also adding to the problem (Tissington, 2009). Tissington (2009) adds that street trading is an individualistic economic activity where the main aim is to sell as many goods or services as possible to make an income which leads to unsustainable efforts to organise plus some traders are in and out of trading but also because it is mostly a survivalist economic activity.

Most street traders, especially women are not keen on devoting their time to joining organisations because they see this as a waste of valuable time that they could be devoting to their economic activity (Tissington, 2009). Joining an organisation which often involves attending meetings is not conducive to their economic activity.

5.2.3. Fragmentation of street traders' movement

Street traders' organisations are vocal but their voices and the extent of their influence has been limited by fragmentation and divisions between and within organizations which have limited their mobilisation efforts and ultimately their influence on policy (Tissington, 2009; Pezzano, 2011, 2012).

Lindell (2008) argues that there is competition among civil society groups to influence government policies by voicing out their interests through collective bargaining and negotiation with the state. Street traders have also formed organisations to represent their interests, lobby the state and contest policies which are deemed restrictive to their operation but often in an individualistic manner. The individualistic nature of the organisations contributes to the fragmentation of the street traders' organisations. This is mainly caused by a degree of competition

between different street trading organisations and their leaders with apparent power struggles between them.

There are competitive politics of street traders' organisation leadership in the quest to construct their political legitimacy (Benit-Gbaffou and Katsaura, 2012). The different organisation leaders have suspicious and jealous attitudes towards other organisations leading to petty squabbles and further fragmentation of organisations in the sector. This is illustrated by the following street traders' organisation leaders:

> *"You see me? I am a bad person. You see X (name of trading leader)? He is an enemy to other trading leaders…Many leaders are against Y (organisation name) because they don't stand for the truth and what is right"* (Respondent 2, *organisation leader*: 2012).
>
> "They have jealousy because they can see that Y (organisation name) works and achieves things that their organisations have not achieved" (Respondent 6, organisation leader: 2012).

The international Coordinator of StreetNet International also notes the competitions between street traders' organisations which are fuelled by state agents.

> *"There is often competition between the street traders` organisations and some of this has been because there has been divide and rule tactics by municipalities where they offer incentives to some groups at the expense of others which causes and enhances the divisions"(Horn: 2012).*

There are many street trading organisations in Johannesburg listed in the Informal trading forum attendance register which are recognised by the City as legitimate organisation listed in the table below. The spatial distribution of the registered street traders' organisations in the informal trading forum is illustrated in the map below.

Street Traders' Organisations registered in the CoJ Informal Trading Forum: Concentration of Organisations in the CBD

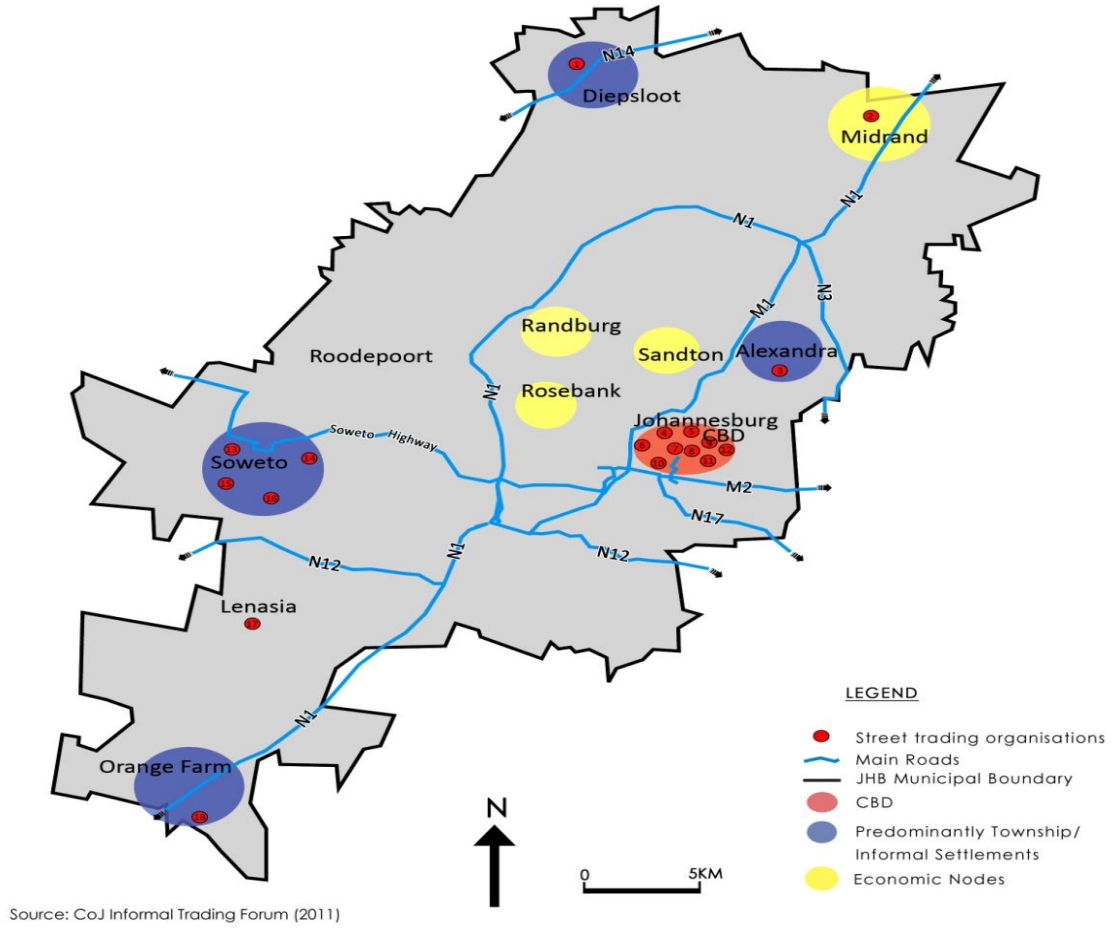


Figure 5.2: Street Traders' Organisations registered in the CoJ Informal Trading

Numbers on map	Street traders` organisation names
1	Diepsloot Traders Association
2	JNTA Midrand Hawkers Association
3	Alexandra Traders Organisation
4	SANTRA
5	SAITF
6	OVOAHA
7	Betrams Traders Organisation
8	Hillbrow Hawkers
9	Yeoville Traders Hawkers Association

10	Fashion District traders
11	Bree Street Traders
12	ACHIB
13	Qendindlala
14	Orlando East Traders Association
15	Greater Kliptown Traders Association
16	Dobsonville Hawkers Association
17	Lenasia Hawkers Association
18	Orange Farm Traders Association

Table 5.1: Street Traders' Organisations in JHB (City of Johannesburg, 2011)

The map locates the different street traders' organisations within Johannesburg that are registered by the City as engaging in the Informal Trading Forum with their names shown in the table below. From the map it is evident that majority of the street traders' organisations participating in the municipal forum are in the inner city. This might be because there is a concentration of street traders in the inner city which has aroused enforcement hence the need to mobilise is higher while in the periphery there are generally less street traders. The organisations in the inner city are registered as actively attending the informal trading forum because they are in close proximity while those in the periphery might lack access to the engagement platform due to its location. There might however be more street traders' organisations in Johannesburg which may not be registered by the City because they do not attend the meetings organised through the informal trading forum.

Street traders' organisation leaders have stated that the sector is fragmented and that this is weakening their ability to negotiate with the state. This is illustrated by several street traders' organisation leaders who state that:

> *"We've got a very serious problem. We as an organization and traders are not united, we got very big problem. We are not united on the ground like hawkers in Pretoria; now those are organized and united" (Respondent 6, organisation leader: 2012).*

> *"As traders we are not united and most of the time we are so divided as traders" (respondent 2, organisation leader: 2012).*

> *"These little groups divide the sector. Having so many street traders' organizations fragments the sector instead of uniting it" (Respondent 1, organisation leader: 2012).*

The COSATU Campaigns organiser in Gauteng province also notes the fragmentation of the street traders' organisations in Johannesburg.

> *"Street traders have strong bargaining power but this is limited by conflicts between and within organisations... They are highly fragmented and they are city based and sometimes they are area based" (Mahlangu, COSATU representative: 2012).*

5.2.4. Issues of Legitimation and Delegitimation

Houtzager and Lavalle (2009) and Benit-Gbaffou and Katsaura (2012) argue that organsations act as mediators between civil society and the state but their leadership constantly need to build their legitimacy. The authors argue that democratic elections of leaders are not the only democratic constitution which gives leaders legitimacy but that there are different forms of 'democratic constitution' which leaders use to claim legitimacy and accountability. Houtzager and Lavalle (2009) argue that organisations leaders that have not been democratically elected engage in what they have termed 'assumed representation' but that this does not disregard their legitimacy. There are other channels that leaders use to build their legitimacy and accountability to their constituents.

Houtzager and Lavalle (2009:2) argue that "new political representatives appear to fall well short of the long established and widely accepted formula for democratic political representation" and this is why their legitimacy and accountability to constituents is being questioned. The following street traders' organization leaders question the legitimacy of other street traders' organisations and their leaders based on these 'long standing ideas about democratic legitimacy' which Houtzager and Lavalle (2009) are challenging.

> *"There are too many fly-by-nights; I can't say they are organizations. How can you say you are on an organization if you're not registered?" (Respondent 6, organisation leader: 2012).*

> *"Organizations are in some cases not democratically constituted, there is no real accountability, they are driven by traditional leaders" (Respondent 1, organisation leader: 2012).*

> *"How can you say you represent all the traders' organizations but when you go to traders they don't know you, you go to the municipality and claim you are representing traders? I can say they are hijacking the traders' struggle. They represent organizations without our consent"* (Respondent 6; *organisation leader*: 2012).

> *"X [name of organization] also tries, it's better. It also tries to fight for traders like getting demarcation but I don't see the person who used to do that...the main leader, what's his name again...Y [organization leader]. He doesn't even come to the meetings [informal trading forum] so I don't know what X does anymore"* (Respondent 6, *organisation leader*: 2012).

It has not been proven that organisation leaders who are not democratically elected are not accountable to their constituents and therefore arguments that no democratic elections and no membership of organisations leads to weaker claims to legitimacy do not hold ground (Houtzager and Lavalle, 2009). The authors argue that there is no criteria that can be used to assess representativeness, legitimacy and accountability of organisations because some interests are represented even though the leaders of those organisations are not authorized by the constituents. "The new layer of representatives define their own constituencies and speak implicitly or explicitly in the name of direct or indirect "beneficiaries" (*ibid.*: 8). Even though the leaders of some street traders' organisations are argued to be one man animals, they might still represent to some extend the voice of the traders and the issues inherent in street trading. The absence of criteria to assess the legitimacy of organisations and their leaders "should not be a basis for dismissing, or ignoring, the forms of political representation civil organizations undertake" (*ibid.*: 26). Questioning of legitimacy of other organizations are fueled by competition between the different organizations as the ultimate representatives of the informal sector.

The street trader organisation leader below is delegitimizing another organisation leader based on the justifications or conditions of representing his constituents.

> *"…the founder of that organization is the problem… his problem is that he says that he can only help a trader who has money, if you don't give him money*

> *he won't help you even if you are an organization member" (Respondent 1, organisation leader :2012)*

All organisations are trying to discredit the others (horizontal competition) on the ground of elective representation or the idea of democracy, whilst Houtzager and Lavalle (2009) have shown that there are other forms of democratic legitimacy for social movements that are not based on elections.

Certain organisation leaders question the legitimacy of other organizations by legitimising their own organisations as true representatives of people on the ground. This is the case where the leadership of organisations legitimizes their organisations by stating their "accessibility…and flexibility of policy/ solutions/ responses to issues…" (Benit-Gbaffou and Katsaura, 2012: 2). This is illustrated by the statements made below.

> *"Always when they have problems they come to us for help. There`s no organization they go to except (ours)"* (Respondent 2, *organisation leader*: 2012).

The above leader is legitimizing his organization as being able to solve issues that other organizations cannot solve. He is using the proximity justification to legitimize his organization as it is accessible to the street traders that need help.

> *"Many of them are against us because we have achieved and still continue to get things done for our members...* We have achieved so many things like getting the council to give us trading spaces (Respondent 7, *organisation leader*: 2012).

This street trader organization leader is using the service justification to authorize and legitimate his accountability and representativeness of his constituents. This leader are building their legitimacy 'from the bottom' (Benit-Gbaffou and Katsaura, 2012) by getting constituents trading spaces.

Cornwall *et al* (2007) argue that there are multiplicities of claims to legitimacy which are put forward by civil society. Legitimacy of organization leaders rests upon the "representatives' *subject commitment* to the people they represent, rather than on institutional mechanisms of authorization" Houtzager and Lavalle (2009:4). Legitimacy of the leaders is based on the justifications that they give for claiming representation and commitment to the interests of their constituents. Relying on a case study in Brazil of a wide variety of civil society organisations, the authors

identified other mechanisms that the leaders use to authorize their representativeness and accountability to their constituencies. These ingredients for legitimacy include electoral where leaders are elected by the represented; membership which argues that when members establish an organization, their interests are also established; identity where both the leader and the represented share the same identity and therefore the leader knows what the interests are; proximity which relies on the leader's closeness and accessibility to the constituents; mediation where the leader mediates between the represented and the state and service where leaders' legitimacy is illustrated by the ability to deliver to their constituencies (Houtzager and Lavalle, 2009).

5.3. Network mobilisation by street traders' organisation leaders

Social movements, including the one of street traders' organisations in Johannesburg, depend on resource and network mobilisation to sustain collective action and garner support for their cause. Resource mobilisation depends on networks within the movement but also the political resources at the movement's disposal which are outside the movement (Blumer, 1995; Goodwin and Jasper, 2009). Given the challenges and limitations faced by street traders' organisations in the invited spaces of participation offered by government, they gain support from a range of organisations to amplify their voice and visibility.

Street traders' organisations in Johannesburg utilise strategic alliances with a number of organisations and institutions. These include the country's largest trade union, Congress of South African Trade Unions (COSATU); international organisation such as StreetNet International; research and academic institutions such as University of the Witwatersrand Centre for Urbanism and Built Environment Studies (CUBES); Khanya Aicdd and Ecumenical Service for Socio-Economic Transformation (ESSET).

5.3.1. COSATU and StreetNet forging relations with street traders' organisations

There has been recent engagement and alliances formed between informal workers and trade unions in many African countries including South Africa (Andrae and Beckman, 2010; Jimu, 2010). This is attributed to the rise of neoliberalism which has resulted in increasing informalisation of work. The informalisation of work has resulted in membership of trade unions to decline (Andrae and Beckman, 2010; Jimu, 2010; Chinguno, 2011). Trade unions have thus resorted to 'forging new forms

of solidarity' with workers in the informal economy by passing resolutions aimed at organising workers in this domain of the economy. Chinguno (2011: 370) argues that "[t]rade unions in many countries have been forced to rethink their priorities and look into the informal economy as a space in which to offset their lost ground". Some authors such as Andrae and Beckman (2010) and Jimu(2010) argue that the main motivation of trade unions to forge relations with the informal workers is to regain membership that they have lost due to informalisation.

The Congress of South African Trade Unions is a federation of unions aimed at representing the interests of various workers in South Africa (Chinguno, 2011. This trade union strengthened its position during the apartheid era by being a major role player in the struggle against apartheid. This was done through the organisation of a number of strikes which were mobilising support for liberation and democracy as well as the struggles of wage workers across the country. The ability of this trade union to mobilise masses resulted in a number of workers becoming members in order to be represented (*ibid.*).

StreetNet International is an independent organisation aimed at organising informal workers around the world (StreetNet International, undated). This organisation was launched in the year 2002 in Durban with the aim of promoting the organisation of informal traders so that they can share experiences on issues they face; ideas on how they can organise and to facilitate engagement between these various informal traders and government officials to ensure proper dialogue on policy matters. The organisation has since grown to be affiliated with trade unions; cooperatives and street traders' organisations. The overall purpose is to enhance the conditions within which informal traders operate such as the policy environment. StreetNet International is an internationally acclaimed organisation which has affiliates in forty countries around the world including the United States of America, Sierra Leone, India, Spain, Swaziland and Mozambique (*ibid.*).

Mitullah (2010) argues that informal traders have formed alliances with international organisations in order to gain support and influence government decisions. Garnering support from international organisations can provide a source of support for local organisations which are struggling to wield influence on policy decision making processes. Some street traders' organisations in South Africa including those

in Johannesburg have affiliations with international organisations such as StreetNet International which they utilise as a strategy to influence government policies and attitudes on informal trading.

5.3.2. Pushing for up scaling of issues

Both COSATU and StreetNet are pushing for up scaling of issues through the construction of forums at the metropolitan, provincial and national scales. StreetNet also pushes for up scaling of issues at an international scale which might be seen more as a request from the funders than a request from the traders themselves. This might also be a prerequisite for political efficiency.

StreetNet together with COSATU have put in place a number of initiatives to amplify the voice of informal traders so that their grievances are taken into account by government officials who are mandated to regulate their economic activity. These initiatives include the World Class Cities Campaign and planning for the creation of the South African National Alliance of Street Traders. StreetNet has a working relationship with COSATU because the two are concerned with organising informal traders in South Africa. Both COSATU and StreetNet have worked together on the world Class Cities Campaign and continue to work together to establish the South African National Alliance of Street Traders. This relationship is illustrated by the statements made by the COSATU Campaigns Organiser who states that:

> *"We have had collaborative work with StreetNet on a number of campaigns particularly from 2010 when host cities signed agreements through our country to host 2010 World Cup" (Mahlangu, COSATU representative: 2012).*

> *"One of the strategic alliances we have is with trade unions and particularly with the unions of municipal workers who then assist in the process of encouraging street traders to work together and to speak with one voice" (Horn, StreetNet international coordinator: 2012).*

The World Class Cities Campaign was launched in 2007 prior to the 2010 FIFA World Cup hosted in many cities in South Africa (Tissington, 2009; Haysom, 2010). The campaign had several aims to achieve in relation to informal traders which included the creation of an inclusive society which takes into account informal traders, to prevent xenophobia because the world cup was going to attract a number of immigrants who were also be looking for opportunities and for municipalities to establish engagement forums with informal traders' organisation leaders so that

proper dialogue can take place and the poor included in the plans and opportunities that will come with the world cup. This campaign was launched at a time when

> "[m]any host cities' municipal authorities [were] literally "sweeping" informal traders off the streets and declaring exclusion zones so that "the games can begin" (Haysom,2010: unpaginated).

The campaign managed to achieve a number of things in the country particularly in Johannesburg where in February 2010

> "the city and the Department of Economic Development announced a programme to create opportunities for informal traders during the Games. It includes training and accreditation for food traders. Informal traders will be able to apply to trade at "demarcated" areas such as fan parks, public viewing stations, park and ride points, and at parallel events hosted by the city. The first priority is to include women food traders who normally trade at events but will be unable to earn an income at the stadiums or in the FIFA exclusion and commercial restriction zones" (Haysom, 2010: unpaginated).

The street traders' organisation leaders interviewed did not talk about this. Maybe they were not part of this initiative during the world cup, or maybe the initiative was short lived or only restricted to a few.

Another initiative put forward by StreetNet partnering with COSATU has been to establish a National Alliance of Street Traders since 2003. The aim of this initiative is to organise and unite street traders so that they are able to put as much pressure on government as possible and to force government to involve them in decision making processes that impact on their economic activity. This initiative is an effort by both COSATU and StreetNet to up scale the issues of street traders where focus is not put on the ground but at the national scale.

This is stated by the international coordinator of the organisation below:

> *"StreetNet is setting up a national alliance of street traders where different organisations come together to act together in unity. That vision applies to all countries including South Africa so because Johannesburg is part of South Africa then the street traders are part of our alliance to form a national alliance of street traders of South Africa" (Horn: 2012).*

A conference was held in Mangaung at the end of March 2012 between StreetNet, COSATU and delegates of street traders' organisations from the nine provinces. The

aim of the conference was to establish the progress towards establishing the national alliance of street traders and the provincial alliance and the way forward. The Gauteng provincial alliance was not moving forward as compared to the other provinces and this is mainly because Johannesburg traders are the only ones working closely with COSATU and StreeNet, as there are no efforts to unite traders from Ekurhuleni, West Rand and Sedibeng and Tshwane with those in Johannesburg thus making it difficult to create a provincial structure which is a prerequisite for the national alliance of street traders. The purpose of the conference in Mangaung is stated by the respondent below:

> *"We involved traders from the 9 provinces to plan for the national alliance of street traders that I mentioned to you. So Johannesburg is part of Gauteng and there were delegates from Johannesburg. It was a national meeting in order to set up the national alliance of street traders" (Horn: 2012).*

Some street traders' organisation leaders also mention the issues encountered at the conference especially with regards to Johannesburg.

> *"From what I can understand that was part of the process and was not strictly focusing on policies it was more to unite the sector internationally. What they did, from what I can understand is appointed nine provincial coordinator but they are having difficulties with this side of Gauteng. Gauteng coordinators have been influenced by Xolani [DED* deputy director for SMME development] *not to have much to do with COSATU, but all the eight provinces seemed to be in track" (Respondent 1, organisation leader: 2012).*

Added to the working relationship that StreetNet has with COSATU, it is also working with other renowned organisations or social movements that understand and can support the cause of the street traders. This organisation has forged alliances with other organisations which have similar agendas and are widely recognised social movements to amplify the voice of informal traders.

> *"What we have done is we have an international campaign of street traders and other groups of the poor like slum dwellers, like children`s rights organisations..." (Horn: 2012).*

5.3.3. Supporting Street Traders' in their endeavours and challenges

COSATU asserts that it is currently addressing issues being faced by workers in the informal economy including informal traders because of the realisation that organisation of informal traders is not sustainable, there are divisions and fragmentations between and within organisations which limit mobilisation (Pillay,

2008). Maodzwa, Singini and Dengu (2012) argue that the COSATU's role in this regard is to uncover and amplify the informal traders' struggle. This trade union is trying to build increasing visibility for the street traders because it is an established social movement and "possess social and political capital from the tripartite alliance" (Maodzwa et al, 2012: 25). This trade union carries some political clout and influence to help resolve the struggles faced by traders as well as to assist in unifying the sector (Tissington, 2009; Maodzwa *et al*, 2012).

The trade union took socio economic resolutions in its sixth national congress held in 1997 to create decent work and reduce poverty in the country through facilitating job creation more especially in the informal economy. This is illustrated by the COSATU Campaigns Organiser in Gauteng who states that:

> *"COSATU is trying to unite traders, remember we have had various resolutions, socio economic resolutions [at the sixth national congress]. Part of those socio economic resolutions was meant to deploy COSATU's resources including personnel to organise vulnerable workers, to organise the unorganised...I want to indicate that those we understand and consider to be vulnerable are domestic workers, farm workers, now of late we have had a very 3 years intense relationship with street traders` organisations" (Mahlangu: 2012).*

> *"The previous central committee, which was the fourth central committee of COSATU took resolutions on the informal economy, so there's lot of serious consideration by COSATU on this because remember that we are aware of the economic African conditions particularly SADC [Southern African Development Community] and our country and we are aware that 70% of employment opportunities in Africa are going to come from informal economy. So there is no way that we as COSATU will definitely sort of undermine this kind of sector and these kinds of developments... So that's why COSATU is advocating and it has been on the forefront of the informal economy workers` rights…we've got the vision of organising the sector because we view it as part and parcel of working class solidarity actions that's one, two as an integral part of economic development and we view that as also contributing to job creation decent work also poverty alleviation" (Mahlangu: 2012).*

There are possible contradictions between poverty alleviation and decent work that COSATU is trying to promote at the same time. These are different agendas that are promoted at the same time by this trade union. Decent work may be interpreted as suggesting that there will be measures put in place to ensure that everyone gets a well paying job and works under amicable conditions while poverty alleviation and

job creation means helping people make a living but not emphasising the working conditions.

The vision with regard to the informal workers has led COSATU to be in a close working relationship with various street traders' organisations not only in Johannesburg but throughout the country. COSATU has in this regard developed initiatives to make its vision a reality. This has included facilitating efforts by street traders` organisations when engage with different levels of government and preparing submission documents together with the traders to ensure that their positions on this economic activity are aligned. The vision is translated into practice through the convention of a number of meetings and workshops geared towards uniting the street traders' organisation. The convention of meetings by COSATU shows commitment to the traders which in turn results in trust being earned among the traders that the trade union is really trying to help improve their situation. There were in fact a number of meetings organised by COSATU and held at their offices in 2012 which included various and interested street traders' organisations to consolidate a common vision for the sector and feedback on any meetings that might have been attended by street traders so that COSATU is in tune with what is happening in the sector. These include having a COSATU representative sometimes attending CoJ informal trading forum meetings; a representative in the Gauteng Provincial Legislature Economic Development Portfolio Committee meetings on informal trading; COSATU facilitating informal traders' inputs into the Joburg 2040 GDS outreach programme; participatory workshop in preparation for the SALGA workshop and a feedback session to COSATU on a number of meetings attended by street traders' organisation leaders and COSATU-StreetNet initiative of forming a national informal traders' alliance.

The meeting in preparation for the SALGA workshop was held on the 13th March 2012 at COSATU offices. This was a participatory workshop focused on informal trading bylaws and how they can be changed so that they are developmental and supportive to informal trading. Present in this participatory workshop were some street traders' organisation leaders from SANTRA; SAITF; OVOAHA and Qedindlala; representatives from Khanya-Aicdd; Wits CUBES and COSATU members. The president of OVOAHA boycotted the meeting because he is critical of efforts by

COSATU to organise and unite street traders' organisations. When interviewed about the role COSATU plays in organising street traders he stated that:

> *"To tell the truth, I don't see its role, there's nothing we have achieved through COSATU as One Voice. We as One Voice fight for ourselves as an organisation. COSATU has not done anything for us. We don't even attend meetings organised by COSATU because we don't see the point. I don't wanna lie; I don't see its role" (Ramutula, organisation leader: 2012).*

Some of the street traders' organisation leaders boycott meetings organised by COSATU because:

> *"...some of them have got political undertones where when COSATU wants to get involved, some of the workers who perhaps would hold different political views with some of the constituencies will definitely be sceptical of COSATU`s interventions and support because they think that perhaps COSATU wants to hijack their struggles..." (Mahlangu: 2012).*

The meeting was chaired by George Mahlangu who is the campaigns organiser at COSATU and the main aim of this meeting was to discuss and comment on a document developed by SALGA on the informal sector in the country. The SALGA document is an effort to develop national informal trading policy guidelines with uniform informal trading bylaws for all municipalities in the country. The stakeholders present agreed that overall the document comes from good intentions but the policy principles are not developmental. There are a number of important issues that are omitted from the document such as the models of management of street trading and the document generally did not really engage with what is happening in reality.

In this meeting, Mahlangu pledged solidarity between street traders and COSATU by stating that:

> *"The best strategy is to form alliances with informal traders` organisations and help them with their issues because currently the main problem is with the bylaws which are restrictive. Street traders are seen as being a nuisance and this is derogatory" (Mahlangu: 2012).*

The participatory workshop helped in uniting a social movement because at the beginning of the workshop, COSATU's role was quite contested by some of the street traders' organisation leaders present but eventually a written submission with some degree of participation was done collectively and inputs sent to SALGA.

Participants present were all given a chance to raise their concerns with the SALGA document and what they think the solution should be to the problem they have identified. Generally the participants agreed on what needed to be done. They reached a consensus which resulted in a consolidated submission to SALGA for the informal trading workshop[14].

This meeting showed that COSATU is committed to organising and uniting street traders' organisations so that they present their issues with coordination rather than contradictions. COSATU wants to influence informal trading policy so that it is developmental and reflects the socio economic resolutions that it took in the sixth national congress which emphasise decent work; job creation and poverty alleviation.

> At this meeting I got a sense that the street traders were united and backing each other up when raising issues. For instance, Edmund Elias, one of the street traders' organisation leaders present at the meeting raised a point that the document regards informal trading as temporary and that this is not reality. He also stressed that there should be management first and by laws enforcement should be the last resort and all the other stakeholders present including the other street traders' organisation leaders agreed with him and even clapped their hands to show their support and consensus on issues. COSATU gave stakeholders the opportunity to speak their minds and make inputs. This illustrated that COSATU is really committed to unite the traders and take their struggle forward through influencing informal trading policy to change from its restrictive nature and adopt a more developmental approach.
>
> (Notes from fieldwork, 13 March 2012)

Another meeting organised by COSATU was a feedback session from street traders' organisation leaders who attended various meetings including a meeting between SANTRA; ESSET and Tshwane street traders who held a march in August 2012 and the JMPD workshop which was held at Faraday with various street traders' organisations. The agenda included a feedback from Tshwane street traders march; the JMPD workshop and discussions on progress of establishing the national street traders' alliance. This meeting, held on the 5th September 2012 at COSATU offices, was generally dealing with the issues faced by traders and how COSATU can come to the fore and assist the traders.

[14] More on the outcomes of this action in chapter 3

Present at this meeting were street traders; organisation leaders from SANTRA; SAITF and Qedindlala; ESSET which is a nongovernmental organisation fighting for socio-economic justice (Tissington, 2009) and COSATU representatives. OVOAHA leaders did not attend this meeting. George Mahlangu of COSATU was chairing the meeting and gave time to street traders to give reports on the Tshwane meeting first followed by the JMPD workshop and the COSATU representatives gave feedback on the progress of the national alliance of street traders.

This meeting was also an effort by COSATU to construct a social movement of street traders' organisation where they are able to discuss issues and give each other feedback on meetings that they have attended. This was a space where the traders were able to communicate with each other and COSATU's role was giving a platform where the different street traders' organisations are able to share information consolidating a culture of reporting back to each other.

> The meeting was not focused on informal trading policy or consolidating any position for submission but was rather a series of feedbacks from traders and COSATU on the progress they are making in uniting the sector and the challenges they face when doing this. This was a platform for traders to give feedback to each other under one roof facilitated by COSATU.
>
> (Notes from fieldwork, 5 September 2012)

COSATU focuses its interventions at the national and provincial levels of government rather than at the local level. It is not 'on the ground' and as such does not give support to their affiliates confronted with a local issue. This issue of scaling of COSATU action is a specific challenge confronting the trade union when organising street traders. This is evident when COSATU made submissions at the SALGA workshop together with StreetNet to establish a national alliance of street traders. The challenge has become how local COSATU can go because there was an instance where the COSATU representative, George Mahlangu was called to mediate Yeoville informal trading issues and he never showed up because it was too local. This particular COSATU representative has a provincial position and deployment goes to national and provincial efforts in policy dimensions not on the ground.

COSATU also believes that it should not be too involved but should act as technical support because it does not want to be seen as hijacking the struggles of the street traders. With this being said, the street traders still need some form of guidance and support in other aspects of their development.

> *"The challenge becomes how much to be involved...It's just that we want them to be on their own, they are the ones who must provide guidance and all those sorts of things...they are practical, they are experienced, they understand the sector very well but the research capacity, the policy development capacity is absent because the sector is also constrained by certain percentage and levels of illiteracy" (Mahlangu,COSATU representative: 2012).*

> ***"**We are not traders so we can't get too involved. We support the cause but we can't take the lead. We fill in the gap of leadership. We play an assistance role. The effort is to create a street vendors' alliance in the province and to fight for a permanent informal trading forum. We must insist on business being part of the alliance. COSATU uses municipal resources for hawkers' benefit" (Mashinini, COSATU representative: 2012.)*

The above statements are supported by Chinguno (2011: 376) who states that COSATU is mainly "inclined toward giving "moral" support to workers in the informal economy..." and this is not enough to build legitimacy for informal traders and their existing organisations. COSATU is interested in the national level through establishing the national street traders' alliance but this contradicts the traders because their issues are at the local level of government. Even given this dimension, COSATU is uniting the social movement of street traders' organisations because it brings them together to discuss informal trading policy, make consolidated submissions to national and provincial government with the hope of ultimately changing the policy climate at the local level of government.

StreetNet is using the local scale to gain support and legitimacy for its actions but trying to have influence on policy at the national level of government. This organisation is more focused on organising street traders and not so much around influencing policy. There is some grounded action by this organisation which is illustrated by the statement below.

> *"StreetNet is an international trading representative body with representatives all over the world and I think in fact have an identical agenda to COSATU with*

> *regard to South Africa. They have intervened in certain instances in the KwaZulu Natal area where street traders have been marginalised and helped them constitute a court action, some of them successful some of them not" (Respondent 1, organisation leader: 2012).*

This illustrates that StreetNet's actions are not grounded in Johannesburg but focused in Durban where the organisation was launched. The statement by the respondent also shows that this organisation acts when confronted with an emergency issue such as street traders being evicted.

5.4. Criticising the efficiency of 'Networks'

The role played by COSATU and StreetNet with regard to organising street traders' organisations has been challenged by the street traders' organisation leaders. The comments on COSATU's role by the street traders' organisation leaders are generally pessimistic. This is illustrated by the following statements from leaders:

> *"When COSATU approached us, it was as if it is going to help us with the problems we are facing because as traders we are not united and most of the times we are so divided as traders... What they promised to do for us, they are not doing it anymore. When we analysed the situation we saw that the officials that we complain about are under SAMWU and the SAMWU that we are speaking about is affiliated to COSATU and COSATU in turn is affiliated to the ANC. It looks like this is a chain because when our problems are not being addressed but COSATU knows about our problems. We suspect they have been sent by the ANC to ensure that our problems don't get solved because we go to COSATU offices everyday but nothing gets done" (Respondent 2, organisation leader: 2012).*

> *"To tell the truth, I don't see its role, there's nothing we have achieved through COSATU... COSATU has not done anything for us" (Respondent 6, organisation leader: 2012).*

The respondents above are pessimistic because they do not believe that COSATU is doing anything to advance their course. There is a sense that nothing will ever change for informal traders although COSATU is involved because it is loyal to the government through the tripartite alliance.

Similarly to COSATU, some of the street traders' organisation leaders interviewed are suspicious of StreeNet's motivations with regard to its involvement with the informal traders. This is illustrated by the following comments:

> *"What we know is that she (Pat Horn of StreetNet) can't spend her money on us for nothing. She also sees an opportunity to benefit from us somehow as traders...StreetNet has many organisations in Durban and when they speak of*

the organisation they don't speak well, when they have problems they don't get help from StreetNet...How does StreetNet benefit from us and it's busy organising a national structure for traders together with COSATU, we don't know their aim" (Respondent 2, organisation leader: 2012).

"It's the same as COSATU; we haven't seen what it does. I haven't seen anything (Respondent 6, organisation leader: 2012).

I don't know it, what do they do? I have never heard of them (Respondent 7, organisation leader: 2012).

> At a meeting held on the 30th October 2012 at the Gauteng Provincial Legislature, when I was conversing with some of the traders after the meeting, I saw a letter that SAITF (by Brian Phaaloh who is the secretary of this organisation) wrote to the StreetNet Coordinator, Pat Horn, stating that the Gauteng informal traders will no longer attend meetings organised by StreetNet because they are still organising themselves and therefore StreetNet shouldn't interfere with their plans.
>
> (Notes from fieldwork, 30 October 2012)

Contrasted to the pessimistic views of COSATU by some street traders' organisation leaders, the following respondent has an optimistic view that the efforts of COSATU will materialise and he is attributing this to the leadership of the trade union that they engage with.

"COSATU has a role because when it organises meetings we affiliate with them. George Mahlangu always at street traders' meetings, this shows that he cares and also COSATU cares about the traders" (Respondent 7, organisation leader: 2012).

5.5. Conclusion

Street traders' organisations are a social movement because they show characteristics of social movements such as using a range of strategies to influence policy and its implementation including resource mobilisation and the activation of networks such as COSATU and StreetNet and there are continuities in the strategies that they use to influence policy and its implementation. The street traders' social movement, like any other movement, is challenging power holders and demanding changes to policy and its implementation. The street traders' movement is confronted by fragmentation and divisions which are features inherent in any other movement.

Chapter 6: Conclusions

Informal trading especially street trading is on the rise in Johannesburg because in a context of massive unemployment, it is an income generating activity for majority of people in South Africa. Street trading in inner city Johannesburg is one of the most contested types of informal trading. This is because of the double agenda that City of Johannesburg is pursuing which is about responding to mass poverty and unemployment while at the same time promoting clean and ordered streets fit for a 'world class city' which is at par with international standards. This vision to achieve status of a 'world class city' is unsympathetic to street trading resulting in this economic activity being limited.

Street trading has been limited and subject to heavy regulations from colonial through to the globalising context. During colonialism, street trading was restricted because it was seen as portraying underdevelopment. The repression continued well into the apartheid era where street trading was highly restricted through the limitation of trading spaces. The small number of traders who were allowed to trade were subject to heavy regulations and police harassment. In the globalising context, attitudes towards street trading are changing even though this might happen mostly at a rhetorical level. In spite of an increasingly inclusive and developmental discourse visible in policies, authorities are obsessed with restricting the number of street traders, in particular through the establishment of off street trading such as building covered markets – through by laws and actual practices of management. There are however changes from colonial and apartheid eras such as the establishment of engagement platforms for street traders geared towards giving the traders a voice.

There is a gap between national priorities of poverty alleviation and Johannesburg's quest for attaining world class status and as a result limiting street trading. This is informed by the dualistic view of the economy which emphasises graduation of informal traders into the formal economy rather the acknowledgement that street trading is here to stay due to general economic and social structures. Even though City of Johannesburg adopts a strategy of repression of street trading, other municipalities such as eThekwini municipality have adopted developmental

approaches to informal trading resting on principles such as the creation of opportunities for traders; support and nurturing of traders; implementing flexible planning and design; basing policy on realities and challenging the conception of the dual economy. Even in eThekwini where informal trading policy of 2001 has adopted progressive principle, its implementation seems to have been short-lived and now subjects to contestations by social movements and nongovernmental organisations.

There seem to be contradictions between municipal rhetoric of an inclusive and developmental city, and its practice of repressive management of informal trading. We argue that this is partly due, or rendered possible, by the fragmentation of urban governance. There are a variety of contradictory policy directions and strategic documents. These policy directions are uncoordinated and do not rest on the same vision, for instance while the Joburg 2030 emphasises economic development and the attraction of private investment, the Joburg 2040 GDS emphasises an inclusive economy which takes informal trading into account. This makes it difficult to ascertain which policy direction is adopted and whether the one supersedes the other or whether they are applied in parallel.

Chapter three explored the invited spaces of participation afforded to street traders' organisation leaders by the different levels of government. I looked at the extent to which these platforms of engagement are useful and constructing or destroying a social movement of street traders' organisations. The extent of efficiency in these platforms depends on the real objectives by both the conveners of the platforms and the street traders' organisation leaders. In the chapter it is argued that the local level of government's objective of convening meetings is to divide and rule traders as well as to coopt and sedate the leaders from mobilising other traders to go against the City's plans. Some of the invited traders at this level of engagement are aware of the divide and rule tactics by the municipal agents and in most cases use confrontation when engaging. Even though the traders' leaders acknowledge that there are no real changes when engaging at this level of government, they still continue to engage as a strategy to get information on the City's plans so that they can mobilise support from other structures or networks. The traders' leaders also attend so that they do not allow other traders' leaders who have personal and clientelist relations with the municipal agents to take over the

platform. The platform however is used to a limited extent for collective awareness of issues and the start or consolidation of a social movement.

The provincial level of government through the Gauteng Provincial Legislature Economic Development Portfolio Committee has made efforts for genuine engagement and the members have a sympathetic ear towards issues of street traders. The efforts for genuine engagement are illustrated by how the legislature convenes feedback sessions after engagements with street traders to ensure that all the issues raised are acknowledged and documented. The traders' organisation leaders commend the efforts of engagement and transparency by this level of government and as a result mostly rely on cooperation rather than contestation which is the case at the local level. The traders' leaders legitimate the province's political position and mandate it to be an alternative for the municipality in terms of informal trading policy formulations. The traders' leaders use this platform to criticise the municipality in terms of adopting a repressive implementation of policy and go to this level of government for democratic checks and balance against the municipal level.

There is competition between the local and provincial levels of government for political legitimacy. The provincial government is under the political threat of being scrapped and is such using the traders to legitimate its position. Usually in meetings at the provincial level of government, the officials criticise the municipality's treatment of street traders. The municipality also delegitimizes the provincial legislature by not attending its meetings with traders' leaders or by sometimes calling meetings at the same time as those organised at the provincial level. The traders' leaders are tapping into and fuelling this competition and political battle between the local and provincial levels of government by going to the higher level of government for support.

At the national scale, SALGA is developing national guidelines for informal trading which municipalities can use to develop their informal trading policies. Traders' leaders have tried to use this platform to engage in formulating national trading policy guidelines, in the hope of influencing local government. This engagement was disappointing as SALGA did not incorporate inputs made by the stakeholders in its final document – showing that traders' participation in this process was not a real priority beyond rhetoric. However, the traders were able to establish networks at this

higher level that they can mobilise for support of their course and potentially influence policy at the local level of government.

The traders' leaders are persisting in engagement with the different levels of government even though there are no immediate results. They also persist in their submissions until they are heard and their inputs taken into account because they acknowledge that decisions by government are not made in the short run. The traders' leaders do not dismiss the platforms of engagement because they contribute in one way or another to the consolidation of a social movement of street traders' organisations.

Chapter four explored the repertoires of action that the three street traders' organisations studied use to influence policy and management of informal trading. Each organisation has a specific mode or channel of action which is directed at achieving certain outcomes.

The South African Informal Traders Forum (SAITF) mainly relies on convening strategic meetings inviting other street traders' organisation leaders prior to engagement with the provincial level of government. This repertoire of action is mainly directed at influencing informal trading policy in invited spaces of participation.

The South African National Traders Retail Alliance (SANTRA) relies on a mixture of strategies such as press releases sent to a variety of stakeholders; television interviews; radio debates; applications of court cases against the local government and use of social networking sites to reach a wide variety of people. Most efforts of this organisation are directed at higher levels of government because of the view that the local government will not change the traders' situation. The strategies of this organisation are focused on influencing informal trading policy, but also shifting public representation and discourses on street trading in the broader society, and playing a watchdog role against abuses in local government practice while also playing an advocacy role.

One Voice of All hawkers Association mainly relies cooperation with municipal agents, and uses carefully framed marches to regularly assert its voice and reputation amongst traders, and its pressure on local government. The organisation puts most of its efforts at the local level of government because its leadership has close relations with municipal agents. The repertoires of action adopted by this

organisation are directed mainly at influencing implementation of informal trading policy, through a clientelist relationship where they are given some power by municipal authorities in allocating trading spaces.

Chapter five argues that street traders' organisations constitute a social movement in spite of their fragmentation. All social movements are confronted by internal divisions and this is particularly the case for street traders' social movement. Street traders' organisations are argued to constitute a social movement because they are challenging power holders' policies and practices; rely on resource mobilisation and the activation of networks to advance and amplify their voice as well as the continuities in the strategies they use to influence policy and management of informal trading. The street traders' organisation leaders have been able to mobilise support from COSATU and StreetNet which are pushing for upscaling of the traders' issues through a number of initiatives to amplify the voice of traders including the World Class Cities Campaign and the establishment of a national alliance of street traders geared towards uniting the sector. These networks that street traders' organisation leaders are activating also support the street traders in their endeavours and challenges through convention of meetings and workshops where traders' leaders are able to collectively define issues and develop a common vision for street trading.

This research is contributing to the understanding of informal leadership through street traders' organisations. It argues that informal leaders' legitimacy and accountability cannot be dismissed because they are not democratic elected. There are other channels that these leaders use to build their legitimacy and accountability to their constituents and this need to be recognised. They are a form of representativeness as some interests get represented in the process. Street traders' organisation leaders are representing some of the interests of street traders when engaging in government and making written submissions.

Street traders' organisations in this research are argued to constitute a social movement which engages with government through provided platforms but also invents other spaces of participation to influence policy and activates networks that amplify their voice. This is contrary to dominant discourses which view street traders as too fragmented and divided to constitute a social movement. These elements of fragmentation and division are inherent in any other social movement but this should

not be used to rob street traders' organisations of their classification as a social movement.

Planning theory has been discussing informal trading and its management in cities of the South for a number of years, if not decades. This research has started to permeate the field of municipal policies and the participation of street traders' organisation leaders in these. These street traders' organisation leaders invited to policy processes are able to influence policy at higher levels of government through repeated engagement and submission of their position and at the local level some traders' leaders are able to influence practice in their favour through their clientelist relationship with some City officials.

However, there is little evidence that this way of understanding the place and role of informal trading in cities of the South has led to continuous implementation of progressive forms of management of informal trading. The way forward from this research will be to understand what goes into informal trading policy making and why even when a progressive policy has been developed, this is not reflected in implementation. The objective will be to unpack the challenges that go into policy making and the processes involved when formulating policy.

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