The role and influence of street trader leaders in urban governance

The case of Gauteng metros with reflections from Ahmedabad, India

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Declaration

I declare that this thesis is my own unaided work. It is being submitted for the Degree of Doctor of Philosophy to the University of the Witwatersrand. It has not been submitted before for any degree or examination to any other University.

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(Signature of Candidate)

10 December 2021

Abstract

Street traders' agency, where acknowledged, it is from the premise that their struggle is characterised by 'atomised forms of resistance' and quiet encroachment as opposed to collective claim making. This narrative fails to consider the ways in which street traders organise and collectively mobilise, how they relate to local authorities and attempt to influence decision-making. Analysing how street traders organise and mobilise through various structures and practices helps us understand the ways in which their organisations function, sometimes opportunistically to their own gain rather than to the advantage of the traders they say they represent. This study builds on research work that has been undertaken by the Centre for Urbanism and Built Environment Studies (CUBES) on street trading governance in Johannesburg and subsequent work under the Practices of the State in Urban Governance Programme to investigate the role and influence of street trader leaders in the everyday management of street trade. The study uses three sites in South Africa– Johannesburg, Tshwane and Ekurhuleni – and one in Ahmedabad in India.

The main research question that this study asks is what is the role and influence of street trader leaders in the everyday management of street trade? This broad question is broken down into the following sub-questions that guided the study: What are the prevailing street trader representative structures in the case study areas? What are the various configurations of these representative structures and their internal dynamics? How do the leaders relate to state actors and how do these relations translate to the extent of leaders' participation in everyday management of street trade? What are the leaders' roles in the governance of street trade? The study argues that there are various configurations of street traders' representative structures with different organising dynamics that allow for diverse interactions with state actors. There are representative structures whose leaders operate on the margins of the state and those that act as quasi-state bureaucrats and this has an effect on the dynamics of interface with state actors and the extent of their participation in urban governance. While both antagonism and cooperation are used at varying degrees, leaders on the margins of the state tend to rely on the former while quasi-state bureaucrats rely mainly on the latter to access the state. Quasi-state bureaucrats have been formally included in the everyday management of street trade by delegating certain official duties such as allocating trading spaces and managing waiting lists. Leaders on the margins on the other hand, are excluded from official processes but find ways of inserting themselves.

Key words: Collective mobilisation, street trader leaders, margins of the state, quasi-state bureaucrats, participation, urban governance, everyday management.

Dedications

To my late brother Madiba and grandparents, Ntate le Mme Matlala. I am forever grateful for the unconditional love and unmatched support.

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Acronyms

ACHIB: African Council of Hawkers and Informal Businesses

AMC: Ahmedabad Municipal Corporation

ANC: African National Congress

CBD: Central Business District

CEPT: Centre for Environmental Planning and Technology

COSATU: Confederation of South African Trade Unions

CUBES: Centre for Urbanism and Built Environment Studies

DA: Democratic Alliance

DED: Department of Economic Development

EFF: Economic Freedom Fighters

EMPD: Ekurhuleni Metro police Division

GCRO: Gauteng City-Region Observatory

GEMTRAP: Germiston Traders Partnership

GPGDED: Gauteng Provincial Government Department of Economic Development

IEC: Independent Electoral Commission

ITRC: Informal Traders Representative Committee

JMPD: Johannesburg Metro police Division

JPC: Johannesburg Property Company

LED: Local Economic Development

MBO: Membership Based Organisation

MoU: Memorandum of Understanding

MTC: Metro Trading Company

NAFCOC: National African Federated Chamber of Commerce

NASVI: National Association of Street Vendors in India

NPO: Non-Profit Organisation

OVOAHA: One Voice of All Hawkers Association

PSUG: Practices of the State in Urban Governance

SABC: South African Broadcasting Corporation

SAITF: South African Informal Traders Forum

SALGA: South African Local Government Association

SANTRA: South African National Traders Retail Alliance

SEWA: Self Employed Womens Association

SoAP: School of Architecture and Planning

StatsSA: Statistics South Africa

TMPD: Tshwane Metro police Division

TITCO: Tshwane Informal Traders Council

TITF: Tshwane Informal Traders Forum

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Chapter 1: The role and influence of street trader leaders in everyday management practices: An introduction

1.1 Introduction

The informal sector remains a critical income generation avenue for many people across the world and contributes significantly towards addressing the triple challenge of unemployment, poverty and inequality (SALGA, 2018). Street trading, defined as 'economic activity undertaken by entrepreneurs who sell legal goods and services within a space…' deemed a street (SALGA, 2012:5), constitutes a prominent but contested part of the informal sector across the globe, and South Africa is no exception. It is contested because interests held by various stakeholders are contradictory (SALGA, 2012) and state officials can have negative attitudes towards street trading. Street trading often proliferates in inner cities and this comes with management challenges for local authorities. Authorities sometimes run beautification schemes to maintain the image of cities, particularly inner cities as 'shop window[s]' (Bénit and Gervais-Lambony, 2005:1).

The complexity of street trade management is exacerbated by the aspiration of many local governments in cities of the global south to attain world class status (Bénit and Lambony, 2005; Mahadevia, Vyas and Mishra, 2014; Skinner and Watson, 2018). This is a vision that is unsympathetic to the informal sector which is often viewed as a site of backwardness and underdevelopment (Dewar, 2015). This view has often resulted in evictions and relocations of street traders to maintain order and control even in instances where street traders have taken measures to address some of the urban management issues associated with their economic activity (WIEGO, 2015).

Widespread repressive management approaches to street trading and negative attitudes held by some state authorities has spurred the establishment of street trader organisations to address issues they face on a daily basis (Motala, 2002; Lindell, 2010a; 2010b). There has been an increasing significance of street trader organisations participating in urban governance and acting as important avenues through which the voice of streets traders is amplified. These organisations claim and fight for the rights of street traders and the place of their economic activity in cities.

The stance of authorities can be ambivalent. While the one approach towards street trading is repression to maintain shop windows, some local governments try and keep a balance between supporting the activity while ensuring functional streets that accommodate other

activities and users. Balancing the support for the activity with other needs is an approach that some local governments are striving towards, especially in a context of increasing street trading due to rising levels of unemployment and poverty. It is becoming apparent to local governments to support street trading in order to find suitable management practices that maintains order in the streets while also promoting job creation. Organisations play an important role in ensuring that a balance is struck between supporting the co-existence of street trading and other activities in streets.

This research seeks to investigate the role and influence of street trader organisations and their leaders in urban governance processes using Gauteng's three metropolitan municipalities, namely, Ekurhuleni, Johannesburg and Tshwane. It also incorporates findings from a research trip to Ahmedabad, India. This introductory chapter is divided into five sections including the presentation of the problem statement and research rationale, background, research questions, case study areas and outline of the thesis.

1.2 Problem Statement

Lindell (2010a; 2010b) argues that street traders' agency as a topic of study has been neglected for decades in cities of the global south. In cases where this aspect is considered, it is from the premise that their struggle is characterised by atomised 'everyday forms of resistance' (Scott, 1985:33) and 'quiet encroachment' (Bayat, 1997:533). These approaches argue that informal actors mainly use passive networks, such as not complying with regulations, as opposed to relying on collective mobilisation to challenge state actors and the status quo. This thesis was subsequently challenged by scholars such as Lindell (2010a; 2010b) who illustrate traders' ability to engage in collective claim making through their organised structures. Their collective mobilisation is often directed at representing their interests in the face of repressive state practices that cripple their ability to operate.

While collective claim making by street traders has multiplied, there are ongoing concerns by state actors regarding the role and influence of these organisations on decision making. The ability of organisations to represent their members is often raised as the main issue by authorities. Officials argue that most organisation leaders have 'assumed representation' (Houtzager and Lavalle, 2009:3), meaning that they have installed themselves into positions without any democratic elections taking place. This aspect is often used by state actors to discredit these organisations and limit their role and influence in urban governance. Other issues internal to organisations, including their fragmentation, lack of collective voice and strategic vision, are often cited by scholars as key issues hampering their influence (Lindell, 2010a; Bénit-Gbaffou, 2016).

Studies show various instances where street trader organisations have lacked influence in urban governance. The City of Johannesburg's Informal Trading Forum is a case in point where multiple street trader organisations engaged the state through this platform but lacked influence on decision making (Matjomane, 2013; Khwashaba, 2019). Most of the street trader organisation leaders in the forum criticised the platform for being a 'talk show' with no real changes. Meanwhile officials in the forum attributed this lack of influence to the fragmentation, divisions and competition between various street trader organisations and their leaders (Matjomane, 2013). Bénit-Gbaffou (2016) contributes to this debate by arguing that street trader organisations' ability to act as a social movement was hampered by the competitive nature of their jobs; and their ability to act as a trade union (or corporation) was limited by their spatial dispersion.

Engagement between street trader leaders and state actors is often characterised by antagonism. In municipalities where institutionalised engagement platforms exist to facilitate collective decision making by traders and the state, these have not yielded positive outcomes that benefit the sector. Some local government officials convene these engagements to divide and rule, co-opt as well as sedate traders so that they do not mobilise against municipal plans (Matjomane, 2013). While these negative outcomes dominate engagement spaces between street traders and state actors, there are also instances where various configurations of non-state actors participate in urban governance through multiple avenues. The current research seeks to investigate instances where street trader leaders interface with state actors and participate in the everyday management of street trade in various ways.

1.3 Background to the study

This research was inspired by ongoing research in the Centre for Urbanism and Built Environment Studies (CUBES)[1] and ongoing engagement with street trader organisations since 2012. CUBES brought different street trader organisations together to forge ways forward and consolidate joint submissions to the state at different levels when invited to do so. CUBES offered research support and advocacy to street trader organisations operating in Johannesburg, who united under the banner of 'Save the Hawkers Campaign'[2] during Operation Clean Sweep[3]. This advocacy campaign saw the development of a Street Trading

[1] CUBES 'is a platform for urban research, learning, and civic engagement located in the School of Architecture and Planning at the University of the Witwatersrand' (UrbanAfrica, Net, 2021: unpaginated).

[2] The main street trading organisations operating in the Johannesburg inner city that are part of this campaign include: South African National Traders Retail Alliance, South African Informal Traders Forum, One Voice of All Hawkers, ACHIB, African Traders Association, Ethiopian Traders Association and Faraday Market traders. They are supported by COSATU and CUBES.

[3] This was a mayoral clean-up initiative to rid the city of crime and grime, which saw the displacement of thousands of traders in the Johannesburg inner city in 2013 (Ndletyana 2013; Bénit-Gbaffou,

Charter[4] in 2015 illustrating the contribution that street trading makes toward safe and vibrant streets if properly managed and advocated for the adoption of progressive models of street trading management in African cities. The research and advocacy role that CUBES played was aimed at giving alternative perspectives on street trading and ensuring the broader public acknowledges the crucial role played by street trading and its contribution to the economy.

A variety of research initiatives were also undertaken in CUBES through research collectives such as the street trading research group and Practices of the State in Urban Governance Programme (2015-2017). The street trading research group was active between 2012 and 2015 and involved a number of students and academic staff with vested interest in informality in cities in general and street trading in particular. This group provided a platform for collective thinking about issues pertaining to street trading, peer learning through seminars, reading groups and workshops that provided crucial research materials to draw from.

The Practices of the State in Urban Governance Programme was a research programme funded by the National Research Foundation from 2015 to 2017. It included a wide variety of students and academics interested in understanding the black box of the state through two entry points 1) understanding the state from within (i.e. what influences state officials' practices) and 2) understanding the state from its borders using the city as an object (i.e. the impacts of state practices on society). The Practices of the State in Urban Governance group was particularly useful for the current study as it created a platform to build conversations, reading groups and seminars for collective discussions on various research topics. The group, made up of various PhD fellows and academics from both the University of the Witwatersrand, South Africa and Sheffield University, United Kingdom, brought together people interested in state practices in the post-apartheid context and largely focused on the framing of research on the state and cities. The programme encouraged interdisciplinary research by engaging and interrogating different literature threads from different disciplines and their relevance for the city.

My employment as a researcher at the Gauteng City-Region Observatory (GCRO)[5] since January 2017 also played a role in the direction of the current study. The organisation with its attention to policy and effects in the Gauteng City Region prompted an interest in street trading

2016). This event dubbed 'the purge of the poor' by Ndletyana (2013: unpaginated), exemplified the repressive treatment of street traders in this context.

[4] For details of the Charter see http://www.wiego.org/sites/default/files/resources/files/Save-the-Hawkers-Campaign-Charter-Street-Trading-African-City-Inclusive-Sustainable-Street-Trade-Management-2015.pdf.

[5] GCRO is a research organisation that was developed through a partnership between University of the Witwatersrand, University of Johannesburg, Gauteng Provincial Government and organised local government in Gauteng.

governance and management practices in this context. In addition to Johannesburg, Ekurhuleni and Tshwane, were also included as case study areas to inform an understanding of street trading management in the Gauteng context. This institutional affiliation also stimulated a comparative analysis of Gauteng's three metropolitan areas which is where street trading proliferates and management challenges are most evident.

The current study developed from research I conducted for my Masters degree (between 2012 and 2013), which examined strategies used by informal trader leaders in the City of Johannesburg to influence informal trading policy and implementation. It reflected on the municipality's informal trading policy, its implementation and the influence of street trader organisations therein. At first glance, the City of Johannesburg's Informal Trading Policy (2009) appears progressive, as 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). However, while informal trading is formally acknowledged by municipal authorities as a crucial part of the economy within the municipality, translation of the policy into bylaws is restrictive and emphasizes enforcement and punitive regulation (Matjomane, 2013). While the informal trading policy encourages engagement between officials and street traders to collectively address issues, authorities still have the sole power to make major decisions without consultation. For instance, authorities have the power to demarcate prohibited trading zones without any consultation with street traders and their representatives.

In this context, my Masters research concluded that engagement between informal traders and the state at different levels and scales in Johannesburg does not result in any real change (Matjomane, 2013). Participatory governance of street traders in Johannesburg seems to be a public relations or tick box exercise, as inputs by street traders are seldom taken into account when formulating policies. Street trader organisations do not only engage at local level but have also attempted to scale up to the provincial and national levels. Unfortunately, these attempts have met the same fate where street traders have no real influence on decision making that affects their livelihoods (Matjomane, 2013). Therefore, even though street trader organisations in Johannesburg have continuously engagedwith government at various levels, they have failed to influence policy and its implementation meaningfully.

1.4 India as a source of inspiration and exploration

Having conducted research in the Johannesburg context, I then searched for instances where street traders have played a significant role in influencing decision making processes in the global south. In an effort to find alternative sustainable models of street trading management,

Bénit-Gbaffou (2015) conducted a desktop study of management models[6] in cities around the world, including New York, Bangkok and Ahmedabad. She found that the dominant trend in street trade management is repression and the logic of limiting the number of trading spaces is adopted by authorities, rendering many street traders 'illegal'. Her research highlights the importance of documenting and analysing progressive models of street trading management in the global south. The Indian story in particular emerged as an important source of inspiration and exploration because street trader organisations played a crucial role in policy making processes which resulted in the adoption of a progressive National Policy on Urban Street Vendors (promulgated in 2004 and amended in 2009) and the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. The policy making process and its contents were particularly useful for understanding how bottom-up approaches and participatory engagement of street trader organisations was central to the making of policy documents.

The inclusion of organisations in the policy processes and victory achieved is perhaps exemplified by the mobilisation of street traders in India through organisations such as the Self Employed Women's Association (SEWA) and the National Association of Street Vendors of India (NASVI). The resulting policy documents have been lauded as a victory for street traders in India by a number of scholars (Brown *et al*, 2012; Alva, 2013; Mehta and Gohil, 2013; Bénit-Gbaffou, 2015). This example of the state and street trader organisations adopting bottom-up approaches to policy-making to create an inclusive national policy, prompted me to further investigate the processes that led to the inclusion of street traders and the adoption of the progressive policy. At the early stages of the research process, I was interested in exploring how street trader organisations in Ahmedabad were able to influence policy processes and outcomes over a long period of struggle, and to what extent this has led to effective implementation.

This was motivated by a long standing research puzzle, which was how is it that street trader organisations in Ahmedabad were able to influence policy processes, which resulted in the adoption of inclusive national policy when their counterparts in the City of Johannesburg have not been able to achieve this (even after traders' continued engagement with government at different levels). Using Bénit-Gbaffou's (2015) study as a starting point, I conducted extensive desktop research as an attempt to resolve this puzzle but it became apparent that I needed to undertake a research trip to Ahmedabad to understand the dynamics of these processes in

[6] For more details of this report see https://www.wits.ac.za/media/wits-university/faculties-and-schools/-engineering-and-the-built-environment/research-entities/cubes/documents/In%20quest%20for%20sustainable%20models%20of%20street%20trading%20management.pdf.

engagement with the concerned organisations and their leaders. The excursion, which was between October and December 2017, provided me with a sense of the critical role played by street trader organisations and their leaders in the policy processes, as well as their continual influence on the everyday management of street trading in natural markets[7], which is something I did not anticipate[8].

An example showing continual influence of street traders on the everyday management of street trade transpired in the 1970s in Manek *Chowk*[9], one of the largest and oldest street markets in Ahmedabad, where street vendors were threatened with evictions by the Ahmedabad Municipal Corporation (AMC) (Parikh, 2015). Street traders in this market did not have trading licenses even though they had been conducting their businesses there for years. The street traders were being prosecuted under s.231 of the Bombay Provincial Municipal Corporation Act (1949) which facilitates the removal without notice of articles exposed for sale without license. In light of these issues, SEWA filed a law suit against AMC in the Gujarat High Court in the 1970s on behalf of the traders and the court granted the request to issue licenses to the traders in Manek Chowk. As a result of the law suit, the AMC received a restraining order from the High Court not to evict the traders. The judgment was based on the legal argument that the AMC's mandate is to issue licenses for trading in public spaces but it had not fulfilled this mandate. Since the victory in the 1970s, a number of such cases were referred to court by street trader organisations to prevent the AMC from evicting and relocating street traders without valid reasons.

These legal struggles facilitated some engagement between street trader organisations and the AMC, which over time resulted in the implementation of a series of pilot projects which focused on the management of street trading in the city in the early 1990s. These pilot projects were initiated by street trader organisations in Ahmedabad as well as the local authorities in charge of regulating and managing this economic activity. During the implementation of these pilot projects, the principle of 'natural markets' was introduced for the first time into vocabularies of the authorities.

Street trader organisations and their leaders in consultation with state officials participated in identifying these natural markets and finding suitable ways to manage them. SEWA created the Jamalpur natural market development committee in the 1990s to carry out a survey and

[7] These are trading sites 'where sellers and buyers have traditionally congregated for the sale of products or services' (Ministry of Law and Justice, 2014:2).
[8] I explore this aspect in greater detail in Chapter 3.
[9] Chowk is a Hindu word meaning square.

census of existing traders in the market to understand their needs. Based on the survey results, a schematic plan was created outlining the spatial organisation of traders in the market. The plan was presented to the AMC Standing Committee and the Municipal Commissioner[10]. After a series of lobbying and public interest litigation cases, SEWA lobbied AMC to demarcate trading spaces for traders in 1996 (Grest, 2012).

What transpired in India and the influence that street trader organisations in this context have on street trading management inspired an investigation of the role and influence of street trader organisations in the everyday management of street trade in Gauteng, South Africa. In this context, CUBES together with Johannesburg based street trader organisations were working together and exploring policy reform and pilot project on street trade management. As an example, in the wake of Operation Clean Sweep one of the prominent street trader organisations in Johannesburg – South African National Traders and Retail Alliance (SANTRA) – partnered with the Central Johannesburg Partnership (CJP)[11] to develop a pilot model of street trading management in the inner city's Park Station precinct (Lande 2014). This bottom-up street trading management pilot project initiated by the SANTRA-CJP partnership was submitted to the City of Johannesburg to illustrate ways in which street trading can be managed in a busy inner city. However the pilot project was never adopted, mainly because the major stakeholders could not agree on a management structure. The failure to take up the pilot initiative illustrates the difficulty of incorporating bottom-up approaches in management practices. What started out as an investigation of the role in trader organisations in policy making processes in India ended up being about the participation and influence of street trader leaders in the everyday management in both the Indian context and Gauteng's three metropolitan municipalities[12].

1.5 Locating the study and Conceptual Framework

My Masters research, which was primarily located in the social movement studies, focused on informal traders' mobilisation and ways in which they interface with various parts of the state in order to influence practices. This relationship between the fragmented informal trading organisations and the state, the variety of strategies adopted by the competing trader leaders, led to an analysis on the 'politics of the governed' (Chatterjee, 2004) and revealed insights

[10] In India the Municipal Commissioner is appointed by the State government to head the administrative staff of the Municipal Corporation. Therefore the person appointed into this position is the *de facto* head of the Municipal Corporation as they make implementation decisions and prepare an annual budget.
[11] CJP is a private company with the main aim of finding solutions to inner city decay. The partnership has identified issues that require attention in order to curb urban decay, including safety and security and informal trading among others.
[12] This research focuses on dynamics of street trading between 2012 and 2018 and thus excludes the current COVID-19 context which has its own dynamics and challenges that go beyond the scope of this research.

into the contradictory workings of the state. It also revealed important reflections on corruption and adoption of informal practices in the implementation of unrealistic urban policies.

The current research moves from the social movement studies to urban governance themes. This move shifted from the focus on community to city politics, to better understand informal economy governance and management practices to contribute to approaches that make cities of the global south more inclusive. My research in this field has both political and theoretical implications, particularly in the broad field of anthropology of the state where studies of the state's actual practices is emerging and broadening from the global south.

The current study is located at the intersection of various literature themes including street trading studies, collective organisation and mobilisation, urban governance and state practices (Figure 1). The street trading studies thread argues that there are various approaches to street trade management adopted in cities of the global south. The main approaches shift between repression and inclusion, with some actors at certain moments being punitive while others trying to be more positive in accommodating street trade. Repressive approaches generally focus on criminalising and punishing non-compliance through law enforcement while inclusionary approaches are geared towards finding and implementing progressive governance solutions for street trading. The adoption of a certain management approach over another is mainly impacted by state officials' perceptions and attitudes as well as the political environment.

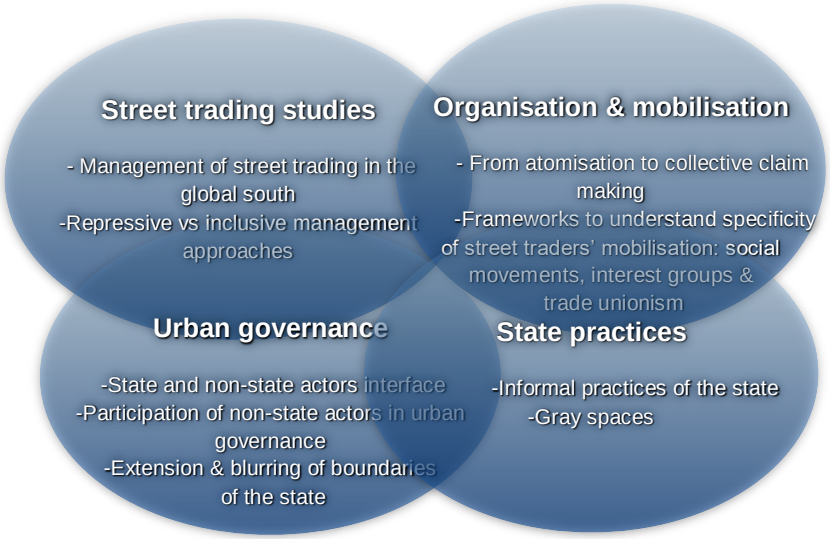


Figure 1: Intersection of various literature themes.

The collective organisation and mobilisation literature thread is useful as it focuses on the specificity of street traders' collective mobilisation. It juxtaposes long standing debates of atomised action and emerging literature on informal actors' collective claim making. The literature usefully uses three frameworks to unpack and understand the specificity of street traders' mobilisation: social movements, interest groups and trade unionism. These frameworks offer ways to conceptualise street traders' collective claim making, modes of action and how they influence state practices.

The urban governance and state practice literature offer useful concepts that help bring to light actual practices that are at play in cities of the global south. Concepts such as 'state in society' (Migdal, 2001:1), 'privatizing the state' and governing by 'discharge' (Hibou, 2004; 1), 'twilight institutions' (Lund, 2006: 685) and 'negotiated statehood' (Hagmann and Peclard, 2010:539) are used to investigate the interface between state and non-state actors and the effects of such interactions on urban governance. The literature offers avenues to understand and explain the participation of non-state in urban governance and how this impacts on the practices of the state in urban governance.

The various literature themes offer useful concepts to analyse the role and influence of street trader leaders in urban governance. Some of these concepts are illustrated in the conceptual framework in Figure 2. The conceptual framework depicts the interface between state and non-state actors that this research examines and concepts highlighted here are further developed in the next chapter. The framework presents how this interface is characterised by points of collaboration and confrontation in addressing urban governance issues. It also examines various dynamics of state informalisation and formalisation of non-state actors. It shows how state actors use various means such as governing by discharge and informal practices to address practical issues on the ground. These practices of the state have an impact on its interface with non-state actors.

Similarly, society is characterised by various organisations that mobilise to widen the space of interface with the state so that it can influence decision making processes that affect their lives. Concepts such as twilight institutions[13], co-production[14] and quasi-state bureaucrats[15] help us understand how this interface space is constituted and what happens to the state and society through these spaces of interaction.

[13] This concept is used to refer to governance arrangements where non-state actors exercise public authority alongside state actors.
[14] This concept is used to refer to ways in which non-state actors play a part in providing public services in collaboration with state actors.
[15] This concept is used to refer to street trader leaders that enjoy a certain level of recognition by authorities and are included as part of the state apparatus in various ways.

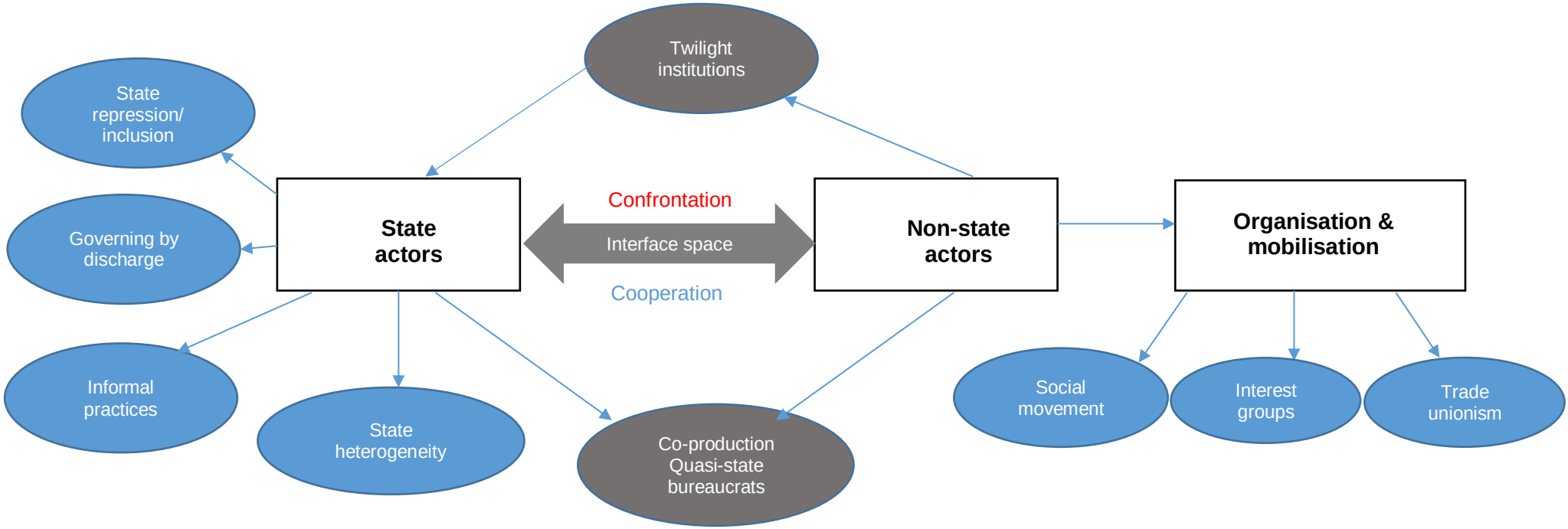


Figure 2: Conceptual framework.

The interface between the state and non-state actors is not linear, it is characterised by state actors or non-state actors pushing the boundaries to include or exclude the other in governance arrangements. The state heterogeneity has in some ways made it possible for non-state actors to interpenetrate the state through various means. Different tactics and strategies are used by both the state and non-state actors to achieve desired outcomes in the everyday management of street trade.

1.6 Research Question

The study investigates the following research question: **What is the role and influence of street trader leaders in the everyday management of street trade?**

The following sub-questions guide the study:

- What are the prevailing street trader representative structures in the case study areas?
- What are the various configurations of these representative structures and their internal dynamics?
- How do the leaders relate to state actors and how do these relations translate to the extent of leaders' participation in everyday management of street trade?
- What are the leaders' roles in the governance of street trade?

1.7 Choosing case study areas

The previous sections have detailed the reasons for choosing Ahmedabad as a case study area to understand the role and influence of street trader leaders on street trade governance. The decision to choose Gauteng was motivated by the lack of full access to Ahmedabad and the need to understand the dynamics taking place in the South African context. The following section delves into why I chose the particular research sites and for what purposes as well as the logic for the comparative dimension.

1.7.1 Motivations behind the choice of case studies

The initial research was focused on tracking the street trading policy process in India, particularly the role and influence of street trader organisations with potential lessons for Gauteng street traders. As the research process unfolded and I had an opportunity to visit Ahmedabad on a six week excursion, it became apparent that the questions I was asking did

not resonate with respondents, particularly due to the methodological approach adopted and the research timeframe. The type of questions that I was asking in the Indian context especially with street traders in the market resonated with the questions that were asked by myself and other scholars in the South African context. These questions mainly had to do with the everyday management of street trade in cities, particularly inner cities. The questions that I was asking in the Indian markets begged for a reflection of what is happening in the South African context.

I chose Gauteng as a space to reflect on the reframed research questions because it is a context where street trading proliferates, particularly in busy inner cities. Gauteng is also a context where street trading is a contested feature of the urban landscape and where there has been much debate and research on street trading. It thus provided a space for investigation of the research questions and reflections with the Indian insights.

I chose to focus on Gauteng's three metropolitan municipalities as case study areas because of the proliferation of street trading and the management issues that come with this. For instance, there are approximately 17 800 traders in Johannesburg (MTC, 2008; Tamilika Consulting Services, 2009), 1 437 in Ekurhuleni 15 000 in Tshwane[16] (GPGDED, 2015). This is in relation to an estimated population of 15 million in the whole of Gauteng (StatsSA, 2020). The street trading management challenges in these metropolitan areas have been widely captured in the cities policy documents and other platforms such as the media. Johannesburg and Tshwane metropolitan areas have been the subject of media attention in recent years on the ill treatment of street traders by authorities. For instance, in 2013, there was wide media coverage of Operation Clean Sweep[17], which as noted above was a clean-up campaign initiated by the City of Johannesburg in November 2013 that resulted in the eviction of about 7 000 street traders, both authorised and unauthorised from the inner city (Bénit-Gbaffou, 2018a). Similarly in Tshwane between 2012 and 2014, the streets became areas of contention between street traders and state actors in the form of metro police chasing street traders from

[16] It is important to note that these are estimated 'official' figures by municipalities and do not capture the actual numbers on the ground. These figures are also outdated as most were captured before 2018.

[17] Nicolson, G. and Lekgowa, T. (2013) 'Operation Clean Sweep: not just a clean-up but a purge of the poor' Daily Maverick. 15 November. https://www.dailymaverick.co.za/article/2013-11-15-operation-clean-sweep-not-just-a-clean-up-but-a-purge-of-the-poor/; Staff Reporter (2013) 'Jo'burg informal trader lays assault charge against cops' Mail&Guardian. 28 November. https://mg.co.za/article/2013-11-28-city-of-joburg-trader-drags-metro-cops-to-court/; Staff Reporter (2013) 'Fate still unclear for Jo'burg informal traders' Mail&Guardian. 26 November. https://mg.co.za/article/2013-11-26-fate-still-unclear-for-city-of-jhb-informal-traders/.

their places of business[18]. The relative absence of news coverage of contestation in Ekurhuleni spurred my curiosity to find out what is actually going on in this space. It thus provided an interesting case to investigate and understand in relation to the other two metropolitan areas that were widely covered in the media.

Besides the media coverage, due to the fact that I have been involved in research collectives around street trading issues and also having conducted research in Johannesburg, this case study became an obvious choice for further investigation and reflections. The fact that there is a wealth of knowledge and research material in this context particularly from CUBES, made it worthwhile as a case to explore the current research questions as there are sufficient reference points.

The inclusion of Ekurhuleni and Tshwane was motivated by my institutional links with the GCRO which offered a number of opportunities. First and foremost was the opportunity to access the research sites and officials in particular because the organisation had work done and continues to do work in these contexts. The second opportunity is the organisation's attention to policy and links with policy makers in the province. This stimulated an interest to understand the state of affairs with regards to street trading in the three metropolitan areas and to contribute to debates pertaining to street trade management, and possibly craft Gauteng-wide policy implications for the sector.

As such, the current research was conducted in Gauteng's three metropolitan areas, namely Ekurhuleni, Johannesburg and Tshwane, and Ahmedabad in India. It is in these contexts that street trading is a feature of the urban landscape and an avenue through which various people including the poor, unemployed, retrenched and marginalised sustain their livelihoods. The case study areas are located in central business districts of these metropolitan areas where street trading is prominent and particularly contested. This is the case for all cities except Ekurhuleni which is a 'city of fragments' (Bonner and Nieftagodien, 2012:196), meaning that it is made up of a series of fragmented towns as opposed to a single city centre. This is why the Ekurhuleni case study areas include one of the many towns as well as a township due to the multi nodal nature of the metropolitan city as well as access to respondents[19].

[18] Mudzuli, K. (2014) 'Hawkers threaten to make CBD ungovernable' IOL. 18 June. https://www.iol.co.za/news/hawkers-threaten-to-make-cbd-ungovernable-1704967; Security.co.za (2014) 'Informal trader mayhem in Pretoria. 18 June. https://www.security.co.za/news/28176; SABC Digital News (2014) 'Tshwane Barekisi Forum brought Pretoria CBD to a standstill'. 21 June. https://www.youtube.com/watch?v=fnLziaEymCc.

[19] The aspect of access to respondents is explored in detail in chapter 3.

The case study areas consist of multiple research sites in each area at various scales. At the national level, the case study areas are located in South Africa and India, at the city or metropolitan level, there is Ekurhuleni, Johannesburg, Tshwane and Ahmedabad. In Ekurhuleni, the research sites are Germiston Central Business District (CBD) and Vosloorus; while in Johannesburg, Tshwane and Ahmedabad, these sites are located in CBD areas in multiple street trading sites. In Tshwane, the research sites are Marabastad, Arcadia and the CBD; Noord, Kerk and De Villiers streets in Johannesburg and Bhadra and Jamalpur natural markets in Ahmedabad. See Figure 3 for a landscape of case study areas, research sites as well as the various scales of the research. My focus of interest functions at different scales in the research as indicated in the figure.

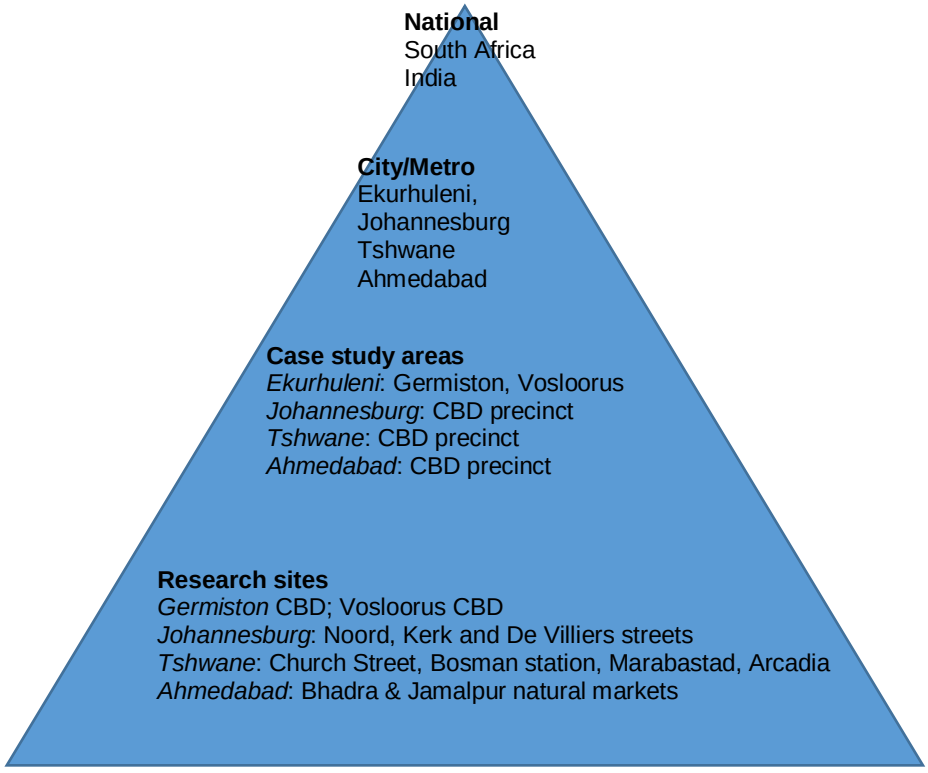


Figure 3: Representation of scale: Landscape of research sites

1.7.2 The comparative dimension

The starting point for the research was important to set the tone for the current study. The initial focus on the Indian context was important because it provided an avenue to escape a parochial South African focus and get exposure and experience in another context. This Indian experience was useful for understanding South African street trading politics in a different way.

While the findings of this study are presented in such a way that India does not feature as a standalone case study, it provided useful reflections for the Gauteng context. The comparative dimension in this research is twofold 1) comparison between Ahmedabad (India) and Gauteng

case studies (South Africa) as two distinctive contexts and 2) comparisons between and within the Gauteng case study areas. Comparison in this instance is useful for thinking across diverse contexts and case studies which have varying starting points. There are variations and similarities across the various case study areas and a comparative analysis assists in elevating these to understand the dynamics of everyday management of street trade. In the comparative analysis, finding distinctiveness, differences and similarities between case study areas is important to unpack and apply various concepts of analysis.

The comparative dimension of this research has brought different urban contexts into conversation to understand the role and influence of street trader leaders in urban governance. The various insights from the Ahmedabad and Gauteng case study areas has opened the door for an understanding of processes that shape urban governance and the everyday management of street trading. The current research treats difference between case studies as an interesting aspect to be investigated further, and adopts varying starting points to understand the role of street trader leaders and their participation in everyday management of street trade.

The case study areas have varying differences. While the Ahmedabad case study is insightful with regard to the contribution of street trader leaders in policy processes, the Gauteng case studies looks specifically at the participation of leaders in everyday management of street trading in varying degrees. There are differences noted between the Gauteng based case studies in terms of insights, access to participants and research materials which made it possible for certain aspects to be elevated in some instances and not in others. This touches on comparative urbanism (discussed in chapter 3) which is a tool used to help think with variations and similarities across different contexts that have multiple starting points.

1.8 City profiles

The following section presents the city profiles where fieldwork was conducted. Figures 4 and 5 illustrate the case study areas' contexts and show some of the research sites where interviews with respondents took place.

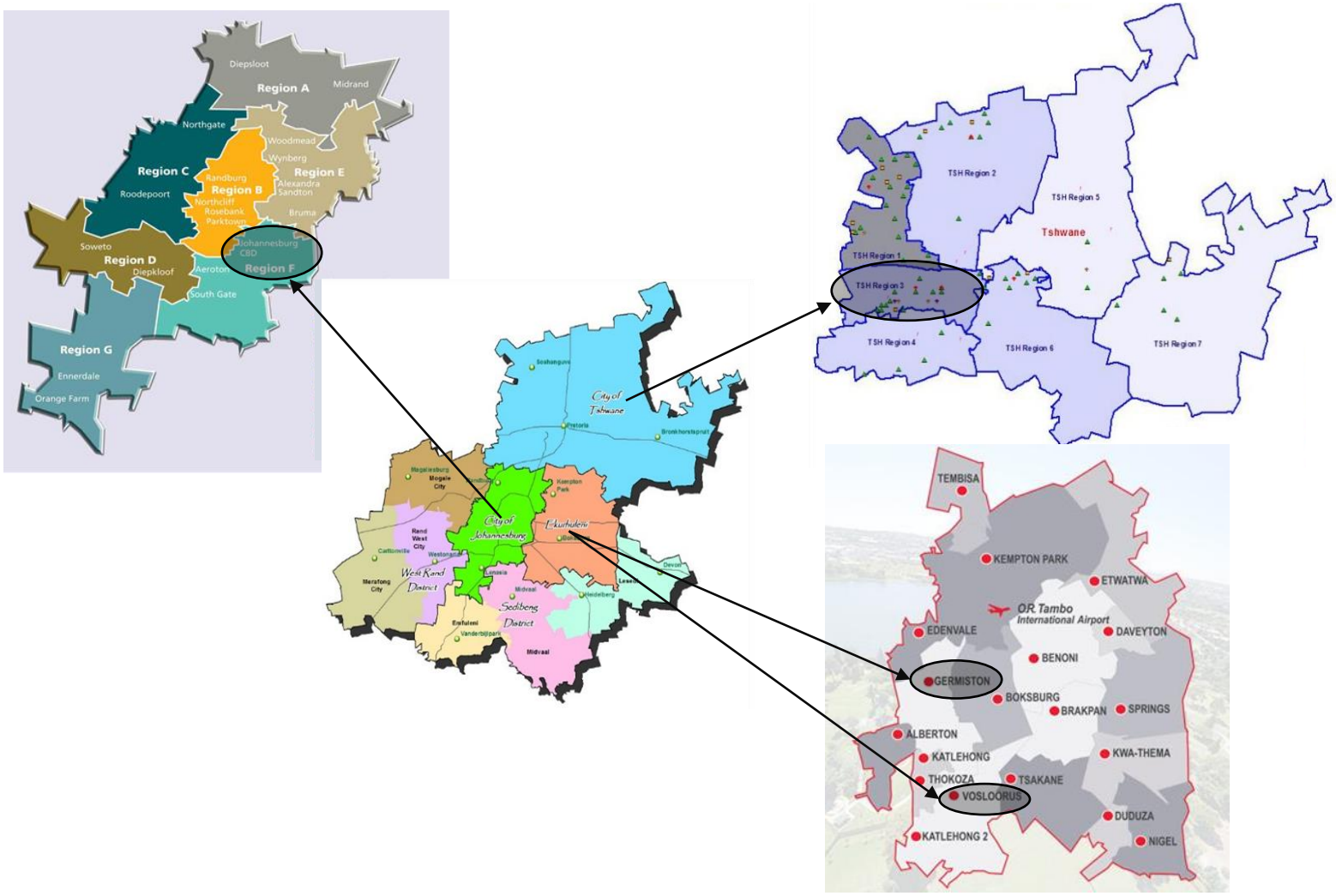


Figure 4: Location of the case study areas in Gauteng (City of Ekurhuleni, 2019; City of Johannesburg, 2020; Hts.org.za, undated).

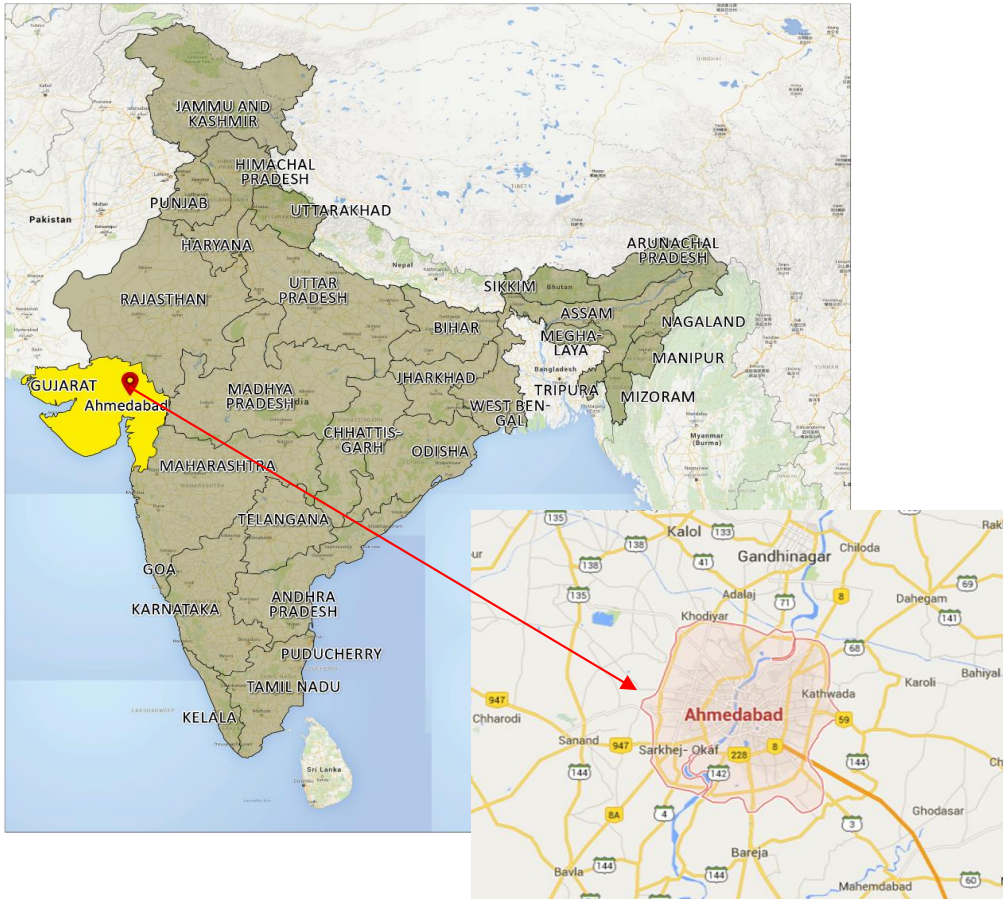


Figure 5: Location of Ahmedabad within the State of Gujarat (adapted from www.googlemaps.com)

1.8.1 Johannesburg

Johannesburg is the biggest metropolitan municipality in South Africa with a population of over five million people in 2021 (StatsSA, 2020). City of Johannesburg is the heartland of the country boasting a number of socio-economic opportunities. The metro experiences high levels of immigration from other provinces in the country as well as beyond South Africa, translating into high numbers of opportunity seekers. The inner city which falls within Region F of Johannesburg metropolitan municipality, is a vibrant central area that is bustling with economic activity, much of which is informal[20]. As a largely populated city in the country, Johannesburg has become the province's epicentre of the informal sector, particularly street trade.

During apartheid, the activity was highly repressed and strictly controlled by authorities through the issuing of a limited number of trading licenses (Rogerson, 1988). Skinner (2008:14) argues that '[i]n South Africa the apartheid state's complex web of national and local laws effectively banned street trading'. Attitudes of officials started shifting from repression towards tolerance and acceptance towards the end of apartheid (Rogerson, 1988; Skinner, 2007; Van der Heijden, 2012). During 1999, Johannesburg was the only municipality in South Africa to have an informal trading policy which ensured the move from a merely regulatory to a more developmental role of the council (Rogerson, 1988; Skinner, 2007). In 2004, the City of Johannesburg promulgated its Street Trading bylaws followed by the Informal Trading policy three years later. The informal trading policy takes in a progressive stance, and acknowledges the role of informal trading in the city (City of Johannesburg, 2009).

Bénit-Gbaffou (2015; 2016) argues that there is no alignment between the progressive rhetoric as expressed in the policy document, and the policy instruments aimed at regulating street trading within local government, that remained repressive and restrictive. The Johannesburg policy, which argues for inclusion of street traders, is let down by the governance of the sector which achieves the opposite of what was intended (Greve, 2017). Heavy restrictions continue to be placed on street trading with street traders often getting evicted and relocated to sites that are not economically viable.

The evictions and relocations are often fuelled by officials' perceptions that traders cause disorder in the CBD. There is a persistent strategy of relocating street traders into designated markets as a quest to control the streets and how they get used. This has in most cases not

[20] It is important to note here that not all informal activity is street trade.

worked because traders go into the markets only to go back to the streets at some point and continue trading. Coupled with the evictions and relocations is the harassment of traders and confiscation of their goods by the Johannesburg Metropolitan Police Department (JMPD) agents (Pezzano, 2011). These agents have become the face of the state to street traders, and many traders consider them to be their enemy as a result of their heavy enforcement of bylaws. JMPD's behaviour is justified as a necessary control for streets where street traders obstruct traffic and pedestrian movement.

In terms of the management of street trading, there is no institution set up specifically for this role (Bénit-Gbaffou, 2015). The management of street trade falls within the mandate of three institutions, namely, Department of Economic Development (DED), previously Metro Trading Company (MTC) now replaced by Johannesburg Property Company (JPC) and Johannesburg Metro Police Division (JMPD). DED plays the role of driving street trading policy and managing street traders through the Informal Trading Forum and associated task teams.

MTC was introduced as a city-owned entity to assist DED in managing market traders as opposed to street traders. In practice, the company also had a mandate from DED to manage streets in collaboration with block leaders[21]. MTC '…dealt with allocation of stalls, rent payments, day to day running of the streets, solving problems on the streets and setting up a structure to ensure that there are people who can solve urgent and immediate issues such as conflicts between traders and that by-laws are being followed' (Khwashaba, 2019:58). The informal mandate of MTC given by DED was often problematic in that the two institutions would duplicate efforts or step on each other's responsibilities. After Operation Clean Sweep, MTC was replaced by JPC which took over its responsibilities due to issues of corruption raised by street traders.

JMPD is yet another stakeholder that deals with managing street trading through by-law enforcement. The main responsibility of JMPD officers is compliance with by-laws. Benit-Gbaffou (2018a:28) argues that there is '…over-reliance on by-law enforcements fuelling dynamics of corruption, patronage and state violence…' Ideally, the three institutions should work together for effective management of street trading but in reality they do not coordinate with one another. Khwashaba (2019:60) argues that the fragmentation of institutions makes it '…easy for officials to manoeuvre around certain processes and procedures because of how the structures of accountability or governance are not clear'.

There are a variety of street trader organisations that operate in the City of Johannesburg. Figure 6 illustrates the various street trader organisations that operate in Johannesburg which

[21] The block leadership structure is explain in detail in Chapter 4.

are registered with the City as participants in the Informal Trading Forum[22]. The figure further shows a concentration of street trader organisations in the inner city such as South African National Traders Retail Alliance, South African Informal Traders Forum and One Voice of All Hawkers Association[23]. This concentration in the inner city might be explained by constant enforcement in this context, hence the need for organisation and mobilisation while there are generally less numbers of traders in the outskirts. Another explanation could be that the organisations in the inner city are located in close proximity to the forum meeting place and hence actively participate in this platform as opposed to those located in the peripheries which might lack access. As such, there might be other street trader organisations that are not represented on Figure 6 simply because they are not registered with the City as attending forum meetings.

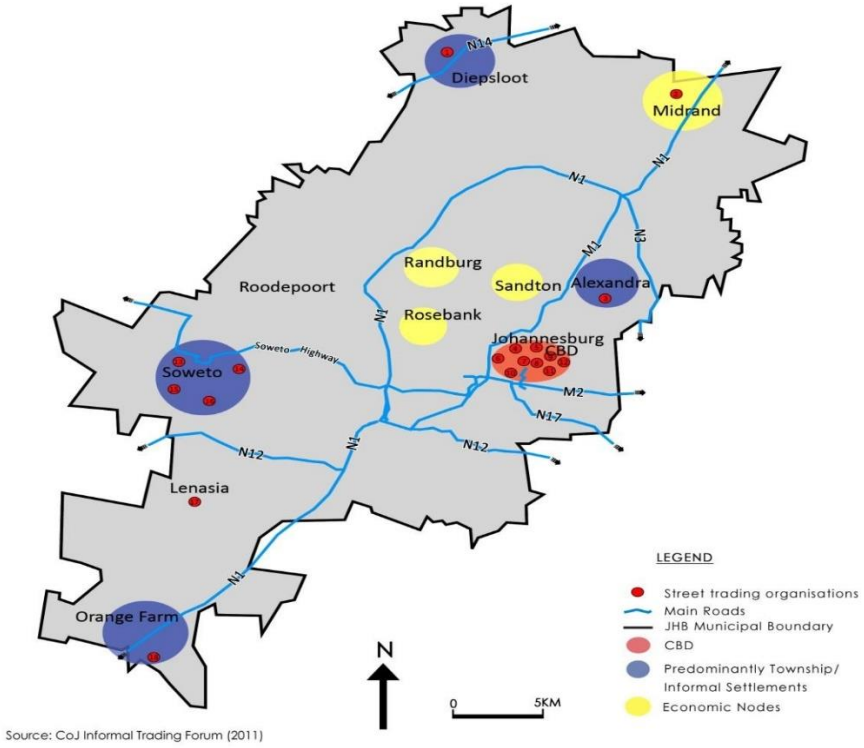


Figure 6: Street trader organisations in Johannesburg concentrated in the CBD (Matjomane, 2013:146).

[22] This is a forum of engagement between street trader representatives and the City. Details of this forum are presented in Chapter 4 and 5.
[23] These are the organisations that I engaged with for the research.

1.8.2 Tshwane

When Tshwane was proclaimed as a metropolitan municipality in 2000, it amalgamated more than 14 major areas that previously formed part of the greater Pretoria administration as well as those that were historically in separate administrations, such as the Bantustan of Bophuthatswana, during the transition period (such as Pretoria, Winterveldt, Temba, Soshanguve, Mamelodi, Mabopane, Atteridgeville, Akasia, Ga-Rankuwa, Centurion, Garsfontein) (City of Tshwane, 2018). The municipality further incorporated the Metsweding district in 2011 made up of Dinokeng tsa Taemane (Cullinan) and Kungwini (Bronkhorstspruit) as part of a vision to reduce the number of municipalities in Gauteng encouraged by the Gauteng Global City Region Strategy. The incorporation of these municipalities has resulted in Tshwane becoming the largest (in terms of surface area) metropolitan municipality in the continent and third largest in the world[24] (*Ibid*.). The metropolitan municipality is the fourth most populated municipality of the eight metros in the country with a population of approximately three million people (StatsSA, 2020).

The metro is the second largest contributor (25%) to the province's economy after Johannesburg (City of Tshwane, 2018). In 2012, the metropolitan municipality contributed approximately 8% towards South Africa's Gross Domestic Product and 9% towards the country's economic output in 2015 (StatsSA 2015). The City of Tshwane (2018) states that approximately 70% of its economy is made up of government and its services as it is the administrative capital city of the country. Other main economic sectors in the municipality include manufacturing, commerce and agriculture as a result of the incorporation of the Metsweding District Municipality in 2011 (ABN Digital, 2012).

The informal sector plays a critical role in the municipality's economy as it contributes to the tax base and creates employment opportunities for residents. It is 'one of the biggest contributing sectors in fighting poverty and unemployment' (Business Support Operations, 2013: unpaginated) in the city. Informal traders contribute to the city's economy through revenue generated from trading licenses and stocking at the Fresh Produce Market (City of Tshwane, 2013). The Business Support Operation (2013) estimates that the contribution of informal traders to the city's tax base is approximately R600 million which is generated from trading licenses and permits as well as purchases from the Fresh Produce Market.

[24] It is the third largest in the world after New York in the United State of America and Yokohama/Tokyo in Japan.

The various strategic documents[25] indicate that the municipality is moving towards a culture of accommodating street traders as opposed to restriction due to the acknowledgement of the crucial role played by these actors in the economy. This comes after heavy handedness towards informal traders between 2012 and 2015 which culminated in street traders being evicted off the streets of Tshwane through Operation Reclaim. This clean-up campaign, similar to Operation Clean Sweep in Johannesburg, was initiated in 2012 and resulted in the eviction of both authorised and unauthorised traders. This led to confrontation between the City of Tshwane and informal trader organisations and representatives who were against the inner city-wide evictions of traders[26]. During this time, traders and officials, particularly the Tshwane Metro Police Division agents were constantly at loggerheads especially in inner city areas. Street traders' goods were being confiscated and they were constantly harassed by the law enforcement agents with some facing arrests. There was also a devastating case where one of the traders was shot and killed by law enforcement agents while resisting eviction from his trading space[27].

The Department of Local Economic Development (LED) is the institution that manages street trading across the City of Tshwane. The Tshwane Metro Police Division (TMPD) is also another entity that assists the LED to manage street trading. Similar to Johannesburg, the role of JMPD is to check non-compliance of street traders through law enforcement. For instance, in cases where there are unauthorised traders, TMPD is mobilised to enforce the by-laws and evict traders or confiscate their goods. There are reported instances of clashes between TMPD officers and street traders[28].

The terrain of street trader organisations in Tshwane is dominated by organisations operating in the inner city which is where street trade dominates (see Figure 7). There are also other organisations that operate on the more peripheral parts of the city which are often smaller than their inner city counterparts. While there is a variety of organisations across the city, engagement with these is per region as there is no city-wide street trade governance structure to engage all traders as was the case in Johannesburg through the Informal Trading Forum.

[25] These include the creation of a Tshwane Informal Trade Apex Body, City of Tshwane Informal Trading Policy and the draft City of Tshwane Informal Trading Allocation Policy.
[26] Mudzuli, K. (2014) 'Hawkers threaten to make CBD ungovernable'. IOL. 18 June. https://www.iol.co.za/news/hawkers-threaten-to-make-cbd-ungovernable-1704967; Security.co.za (2014) 'Informal trader mayhem in Pretoria. 18 June. https://www.security.co.za/news/28176.
[27] ENCA (2014) 'Vendor shot dead by metro police'. ENCA. 9 January. https://www.enca.com/south-africa/vendor-shot-dead-metro-police; EWN (2014) 'Tshwane fast-tracks trader death probe'. EWN. 10 January. https://ewn.co.za/2014/01/10/Tshwane-fast-tracks-trader-death-inquiry.
[28] SAPA (2014) 'Violent clashes between Tshwane metro police and informal traders'. Sunday Times. 9 October. https://www.timeslive.co.za/news/south-africa/2014-10-09-violent-clash-between-tshwane-metro-police-and-informal-traders/.

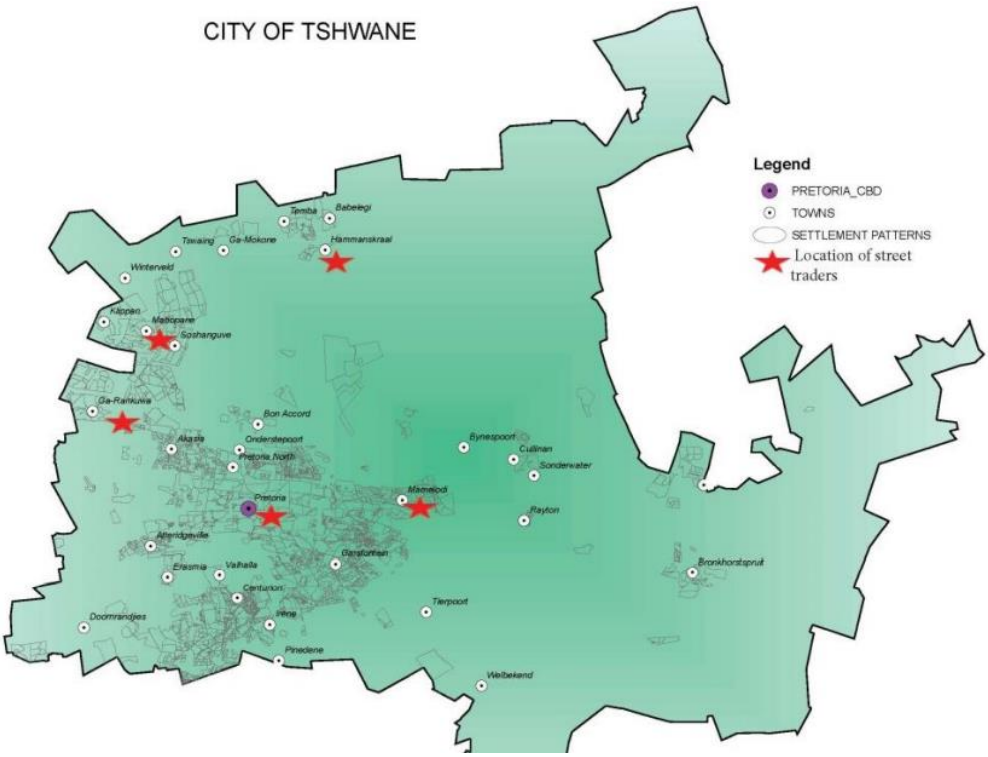


Figure 7: The terrain of street trader organisations in Tshwane (Khwashaba, 2019: 64).

Region 3, where the current research took place, has a number of street trader organisations with the dominant ones being Tshwane Barekisi Forum, Tshwane Micro League, Tshwane NAFCOC, Tshwane Informal Traders Forum and Tshwane Informal Trading Cooperative. These organisations generally have larger constituencies as opposed to their counterparts in the peripheries. While there is a wealth of organisations in this context, the municipality only engages with elected street trader representatives that form part of the Region 3 Tshwane Informal Trading Representative Committee[29].

1.8.3 Ekurhuleni

Ekurhuleni Metropolitan Municipality, formerly known as the East Rand region was established as a metropolitan municipality in December 2000 (Bonner and Nieftagodien, 2012). This metro is different from the other five metros[30] as it has no single city centre but characterised an amalgamation of nine fragmented towns[31] and historically deprived township areas such as Tembisa, Tsakane, Thokoza and Vosloorus (Todes, Karam, Klug and Malaza, 2010; Bonner and Nieftagodien, 2012). Bonner and Nieftagodien (2012:198) argue that "Ekurhuleni has been deemed to 'lack a clear identity' and is instead characterised by multiple urban identities".

[29] I explain this aspect further in Chapter 4 and 5.
[30] Johannesburg, Tshwane, eThekwini, Cape Town and Buffalo City.
[31] These towns are Alberton, Bedfordview, Benoni, Boksburg, Brakpan, Edenvale, Germiston, Kempton Park and Springs.

Germiston is the municipality's important industrial centre which became the administrative centre of local government. Many of the towns are characterised by decay and economic stagnation as a result of urban flights and out migration of the white middle class (Bonner and Nieftagodien, 2012).

Ekurhuleni has been an important manufacturing area with Germiston as the hub of this activity (Barchiesi 2010; Bonner and Nieftagodien, 2012). The metro accounts for nearly a quarter of the province's Gross Geographic Product and over 7.5% of the country's Gross Domestic Product (City of Ekurhuleni, 2017). It has a large number of people and housed a quarter (over four million people) of the province's population in 2020 (StatsSA, 2020). The region was affected by industrial restructuring in the 1990s which resulted in the decline in manufacturing activities, impacting on the absorption of labour. Some industrial growth in the 2000s could no longer create the much needed employment opportunities (Barchiesi, 2010).

This jobless growth led to increases in informality where the number of people employed in the informal sector was recorded at 158 000 (StatsSA, 2015). Street traders are a prominent segment of the informal sector and feature as part of the city's landscape where in 2012, the City recorded approximately 800 traders in the Germiston CBD (City of Ekurhuleni, 2017). GPGDED (2015) argues that the recorded number of informal businesses (including street traders) stands at 1437 but that the number may not be accurate as the City's databases are not regularly updated.

The City of Tshwane considers street trading as a contributor to the local economy and assisting to address challenges of unemployment and poverty. Street trading is acknowledged as a feature of the urban landscape exemplifying the spatial and economic changes of the municipality (Ekurhuleni Metropolitan Municipality, 2008). Therefore, the municipality committed to creating a conducive environment for street traders to operate as legitimate businesses with effective management, control and law enforcement.

During 2012, the municipality implemented an Informal Trade Sector Plan for Region A, where both Germiston and Boksburg were identified as informal trading hubs in the metro with high concentrations of street traders. The plan proposed building urban markets that will be located in viable business locations such as taxi ranks to attract the maximum number of customers for the traders (*Ibid*; Metroplan Town and Regional Planners, 2012).

While the positive role of street traders is recognised, there is huge emphasis on ensuring that their behaviour is closely monitored so as to protect the image of the municipality to its

residents and other stakeholders. Policy documents clearly state that unruly behaviour of street traders will be viewed as misconduct and dealt with accordingly (Ekurhuleni Metropolitan Municipality, 2008). The Ekurhuleni Police Services By-laws of 2004 seeks to maintain order in the city and regulates street trading in this manner (GPGDED, 2015). In instances where regulations are contravened, confiscation of goods and harassment of traders come into effect. In 2012, the municipality together with the Benoni Chamber of Commerce restricted street trading on Voortrekker Street in Benoni by demarcating a limited number of stalls. This was reportedly '…part of the plan to allow limited and controlled street trading activity'[32].

Similar to Tshwane, Ekurhuleni street traders are managed by the Department of Local Economic Development (LED) together with Ekurhuleni Metro Police Division (EMPD) as the law enforcement agents. LED is mandated to manage street trading as well as deal with the day to day allocations of spaces and registering traders on database. The EMPD's role is to ensure that there is compliance with the City's by-laws and other street trade regulations in place.

1.8.4 Ahmedabad

Ahmedabad is the largest city in the State of Gujarat located in western India and acts as its judicial capital (Mahadevia, Desai and Vyas, 2014). It is the seventh largest metropolitan area in India, with an estimated population of 5.8 million in 2011. Since 2010, the State of Gujarat is governed by the Bharatiya Janata Party, a right-wing party with ideological links to the Hindu ethnic group, which is one of the two major political parties in the country. From the 1970s to the 1990s, the State of Gujarat experienced major decline in formal employment due to the decline in industrial and manufacturing sectors (Bhatt, undated; Mahadvia, Desai and Vyas, 2014). This decline in formal employment resulted in an increase in the service sector which was largely informal. Street trading increased significantly during this time and has since been on the rise as more and more people could not find formal employment. Bhowmik (2000) argues that by the year 2000, the number of street traders in the city had reached approximately 80 000, which was equivalent to two percent of the total population of Ahmedabad.

The city is administered by the AMC which is one of the autonomous municipal councils in the country (Grest, 2012; Mahadevia, Desai and Vyas, 2014). Administrative powers over the city are exercised by the AMC Commissioner who is appointed by the state government. The

[32] Muteme, T. (2013) 'Formalising street trading'. Benoni City Times. 5 September. http://benonicitytimes.co.za/150161/formalizing-street-trading/.

political head of the AMC is the Mayor who is elected into office by the elected councillors. The suburban areas which are beyond the city's boundaries are administered by the Ahmedabad Urban Development Authority which is the government body responsible for overseeing construction and development of suburbs across Ahmedabad (*Ibid*.).

Street traders have been subject to constant harassment from local authorities, city and traffic police and have faced threats of evictions from their trading spaces over the years (Mahadevia, Vyas and Mishra, 2014; Parikh, 2015). This has mainly been due to the lack of a conducive regulatory environment with street traders being subject to a number of conflicting and fragmented legislations at different levels such as the Indian Penal Code (1860), Bombay Police Act (1951), Gujarat Town Planning and Urban Development Act (1978) and Motor Vehicle Act (1988) (Grest, 2012; Mahadevia *et al*, 2012). The legislation was not directed at street traders but regulated the use of public space, which had an impact on the activity as it is carried out in public spaces.

Street traders have also been affected by relocation and evictions due to beautification schemes since the 1970s as the city was developing rapidly as a result of globalization and its aspirations of becoming a global mega city (Grest, 2012). In this instance, street traders are viewed by authorities as a nuisance and obstruction, which has to be controlled and limited. A number of street vendor organisations including the Self-Employed Women's Association and National Association of Street Vendors in India have formed to represent the rights and needs of traders in the city. These organisations have fought against evictions and relocation of street traders using a number of avenues.

1.9 Thesis outline

The thesis consists of seven chapters in total. After the introduction follows the literature review chapter. The chapter engages debates related to street trader collective organisation and mobilisation and state-society interface in urban governance to offer concepts that help understand how the state and representatives of street traders engage in the everyday management of the activity.

Chapter three presents the methodology of the study and explains the various data collection and analysis methods used to gain insights. The study is qualitative and comparative in nature and uses methods such as documentary analysis, semi-structured interviews as well as observations to understand the dynamics of street trader leaders' participation in the everyday management of the activity. In this chapter I explore the research design, its suitability for

gaining relevant insights, its merits and limitations and some ethical considerations, starting with a brief reflection of my positionality.

Chapter four introduces the various street trader representative structures and their internal organising dynamics. It shows how these structures act as important avenues through which traders voice their interests and how leaders within these organisations can act as a bridge between street traders and the state. The chapter argues that there are varying configurations of street traders' representative structures in the case study areas with varying relations with their members and the state.

Chapter five explores the relationship between street trader leaders and state actors. Concepts such as 'the margins' of the state and 'quasi-state bureaucrats' are used to unpack various relationships between state and non-state actors. It also examines how these relationships impact the extent of street trader leaders' participation in governance arrangements. The chapter shows how the configurations of representative structures have a significant effect on state and non-state actors' encounters and how these stakeholders engage with each other.

Chapter six presents the extent to which street trader leaders participate in the everyday management of street trading. It investigates dynamics of leaders' powers to allocate trading spaces in their contexts, their specific roles and how they shape and penetrate official processes of the state. This chapter excavates specific allocation practices through state legitimised street trader leaders and considers how these dynamics play out on the ground in the various case studies. It shows how roles that were once the sole mandate of officials have been delegated to street trader leaders to varying degrees.

Chapter seven offers conclusions and the contribution of the study to theory and practice. It discusses the dynamics explored in the previous chapters and how the findings of the research contribute to the workings of the state and its practices in urban governance more generally and on street trading in particular.

Chapter 2: Interface between state and non-state actors in urban governance

2.1. Introduction

The literature review focuses on broad thematic areas at the intersection of which lies the research. These include: street trading studies with a focus on management in the global south, collective organisation and mobilisation of street traders, interface between state and non-state actors in urban governance and state practices. These broad threads are located in various disciplines including policy studies, sociology, planning and urban studies and are utilised to explore the various aspects that the research unveils.

There are a multitude of approaches to street trading management in the global south. Some of these can be placed on a continuum from repression to inclusion. Repressive approaches generally focus on law enforcement and criminalising non-compliance of actors while inclusion is about finding sustainable solutions that maximise street trading as an economic activity. Unlike repressive approaches to street trading management, inclusionary ones are not sufficiently documented in research, are less explored by the government and mostly short-lived when implemented. It is also important to note that repression and inclusion are two extremes of a continuum of approaches with variations in between that offer state actors space to manoeuvre. The adoption of one approach over another is dictated by the socio-economic as well as political context within which state officials are acting. The role of other interest groups is also important, with various users of the city attempting to secure their space. Perceptions and attitudes of officials also play a critical role in determining which approaches are adopted to manage street trading in any given space. There are also other dimensions of state behaviours which are implied in the continuum including indifference and turning a blind eye as well as opportunistic behaviour by state actors (i.e. extracting bribes). These are not driven by idealistic thinking about whether street traders should be included or repressed, but rather more pragmatic responses to their existence.

The literature thread on collective organisation and mobilisation largely focuses on the specificity of street traders' collective mobilisation tactics. Contrary to long standing views of street traders engaging in atomised action, emerging literature by scholars in the global south illustrates ways in which they are collectively organising through membership based organisations and other collective structures that act as vessels to convey their interests. The literature uses various frameworks of civil society organisation to probe the specificity of street traders' collective organisations and ways in which they wield influence including social movements, interest groups and trade unionism. These frameworks are useful as they offer

ways to conceptualise street traders' collective claim making, and their modes of action and how they influence state practices.

Urban governance in the global south is often interpreted through concepts such as clientelism, corruption and illegal practices. While useful in some ways, these concepts obscure actual governance practices and how the state is continuously constructed during interfaces with non-state actors. The literature offers avenues to analyse the participation of non-state actors in urban governance using multiple concepts such as 'state in society' (Migdal, 2001:1), 'privatizing the state' and governing by 'discharge' (Hibou, 2004; 1), 'twilight institutions' (Lund, 2006: 685) and 'negotiated statehood' (Hagmann, 2010:539) to criticise the notions of the failing state in the global south. Rather, the literature shows how non-state actors exercise public authority and in so doing redeploy and extend boundaries of the state as well as influence its practices in various ways. The involvement of non-state actors in urban governance ultimately results in the blurring of boundaries between the roles of state and non-state actors. In other instances non-state actors penetrate the state through various means (such as getting income from the state) and blurring the boundaries between state and non-state actors.

2.2. Approaches to street trading management in cities of the global south

Before presenting approaches to street trading management, it is important to first understand the difference between 'management' and 'governance'. Bénit-Gbaffou (2018a:4) usefully distinguishes the two concepts by arguing the management of street trading refers to the '…the norms, rules and usual practices that frame and regulate the way street trading takes place every day in the city. Street trading management is part of the government of street trading, however focuses on how the sector is regulated locally on an everyday basis, more than on what strategic direction street trading is taking as a sector of activity or realm of urban development'. Governance of street trading on the other hand refers to '…[t]he ways in which a variety of stakeholders, beyond the state, intervene through negotiations, contestations, alliances or opposition, in governing street trading'. This distinction between the two related concepts is useful for this research because while it broadly addresses governance issues, it leans more towards understanding the actual everyday practices that regulate street trading.

The management of street trading has, to a large extent, been shaped by authorities' understanding of it as an economic activity and attitudes towards it by various stakeholders, particularly state actors. There are a variety of approaches by authorities to manage street trading and they are in most cases navigating incoherence within or between policies and practice (Bénit-Gbaffou, 2018a; Skinner and Watson, 2018). Many governments across the world view informality as an indication of backwardness, and street trading in particular as a

site of marginalisation (Dewar, 2005). This view impacts the ways in which authorities manage the activity.

Local government officials who are mandated to regulate and manage the activity face the challenge of striking a balance between developmental approaches to street trading and accommodating other land uses (Skinner and Watson, 2018). Bénit-Gbaffou (2018a) uses the City of Johannesburg to analyse contradictory mandates of local government and the difficulties of a fluid and multidimensional sector, and explains how and why this makes street trading particularly difficult to govern.

Street trading has been considered as a problematic sector because it is assumed to contribute to crime, grime and conflict in public space between traders, pedestrians and vehicles (Bromley, 2000). In South African cities during colonial and apartheid eras, the streets were designed to accommodate a certain number of people and activities with street trading not being catered for. These initial designs are being altered in the post-apartheid era due to the increase in urbanisation rates. More and more people are moving to cities in search of better socio-economic opportunities. In a context of scarce formal employment opportunities, some of these migrants resort to street trading as an income generation strategy.

With street trading providing a safety net for masses of unemployed people, this income generating activity has often increased in times of economic hardship. This is met with varying attitudes and responses by authorities who regulate and manage street trading. There are various approaches to street trading, which can be conceptualised as a continuum from repression to inclusion with variations in between (SALGA, 2018). Figure 8 below depicts the continuum of street trading management approaches.

Figure 8: A continuum of street trading management approaches (SALGA, 2018).

Repressive management approaches are the most dominant in cities of the global south (Bénit-Gbaffou, 2015). This approach manifests in street trading management practices that are largely 'enforcement oriented' (Parikh, 2015: 1) and focus on disciplining street traders who contravene regulations. The state's response to (unmanaged) street trading has largely been in the form of large scale clean up campaigns (such as Operation Clean Sweep in Johannesburg and Operation Reclaim in Tshwane), sporadic event-driven evictions and ongoing lower level harassment of street traders and confiscation of their goods (Parikh, 2015; Skinner, 2008; SoAP, 2014; Bénit-Gbaffou, 2016).

Repressive approaches have resulted in the reduction of trading licenses and permits to curb the number of street traders occupying public spaces (Bénit-Gbaffou, 2018a; Parikh, 2015). The quest to reduce the number of authorised traders[33] has resulted in an increase in the number of unauthorised traders[34]. This approach facilitates the criminalisation of the poor by denying them official trading documents and rendering them 'illegal' in the eyes of authorities.

There is also an ongoing attempt to replace street trading with market trading, where people who used to sell on the streets are pushed into enclosed spaces (Rice, 2006; Bénit-Gbaffou, 2018a). In the 1950s in Mexico, street traders were relocated into enclosed markets and the state prohibited any forms of street trading particularly in the Historic Centre (Crossa, 2009). This was a project initiated by Mayor, Ernesto Uruchurtu (1954-66) who was known for his repression of street traders during his reign. According to state actors, markets are an improvement in the physical environment for street traders to operate in and for other users who want trader free streets. Markets are suitable for certain trading activities but are not sufficient on their own as a management approach to address prevailing issues. Pushing street traders into markets, especially those attracting impulse buyers, has a number of negative effects on their business including loss of clientele resulting in loss of profits. Moving of street traders into markets does not solve the issues of management but results in traders relocating to where they were previously removed or other traders claiming that territory.

Repressive approaches to street trade management are also spurred by the vested interests of officials to nurse their patronage and corruption networks with non-state actors, which partly explains the reluctance to explore alternative approaches (Bénit-Gbaffou, 2018a). Bénit-Gbaffou (2018a:6) argues that '…[s]uch vested interests are grounded firstly in the rent derived from what I call 'the public production of scarcity'…the planned and deliberate restriction of legal trading sites by the state which, contrasted with existing trading sites, opens

[33] Authorised traders refers to street traders who have trading licenses or permits and are trading in areas where the activity is permitted.
[34] Unauthorised traders refers to street traders who do not have trading licenses and/or permits and are trading in areas where the activity is prohibited.

opportunities for corrupt practices (from clientelism to bribery, arbitrary application of the law, and bouts of violence). It can also be linked to the politician developer-speculator nexus, where officials are part of a growth coalition generally unsympathetic to informal trading, considered a symptom and a cause of urban decay'.

Apart from the extreme approach of repression, authorities sometimes display a certain level of tolerance or ignorance as a means to manage street trading (Lindell, 2008; Benit-Gbaffou, 2015; 2018a; 2018b). In this instance, street trading is seen by authorities as temporary with the hope that it will disappear when the economic situation improves. While this may be true to some extent, street trading is also made up of survivalists who engage in the activity to sustain their daily needs as opposed to aspiring entrepreneurs concerned with long term growth of their businesses (Chen, 2015; Benit-Gbaffou, 2015; 2018a; WIEGO, 2015). Street trading does not always enable all participants to enjoy upward social mobility and even to the extent that some traders 'graduate' out of street trade, there are others who are seeking livelihood opportunities who would replace them.

In the current context, there is a move from tolerance or neglect to a level of acceptance of street trading as a feature of the urban landscape (SoAP, 2014). This is a stage where authorities are starting to acknowledge that street trading is a permanent feature of city landscapes in the global south, even though they may still consider it as unattractive. Authorities are starting to realise that it is here to stay and, as such, alternative approaches are required to manage street trading. Benit-Gbaffou (2018b) argues that this has neither led to any significant reshaping of state institutions that deal with street trading nor has it had an effect on key policy instruments.

The level of acceptance has often been encouraged at the national sphereof government where street trading is seen as a poverty alleviation strategy. As much as this understanding of the role and place of street trading is positive, it also acknowledges that this activity should be considered in relation to other rights of other actors who utilise the streets (Simone, 2004). Parikh (2015) supports the above statement and argues that the right of street traders is not the only right that should be accommodated and that this activity should be promoted without compromising the use of public spaces by others.

Developmental approaches to street trading that lead to inclusive management practices are less implemented around the globe (SoAP, 2014; Benit-Gbaffou, 2015; 2018a; 2018b). While authorities might acknowledge the role of street trading, they are still reluctant to adopt progressive management approaches. The adoption of inclusive management approaches requires effort on the part of authorities to support and nurture street trading in developmental ways (Budlender, Skinner and Valodia, 2004). Skinner (2008) notes an example of an

inclusive street trading approach in Dar es Salaam in the early 1990s where street traders were issued with licenses and allowed to operate in a well-managed space in the CBD. A project was initiated in 1992 under the Sustainable Dar es Salaam project which saw a shift from repressive to inclusive street trading management by the state. The initiative was a collaboration between the United Nations agencies and the state which placed trading as a key issue which needed to be addressed (Nnkya, 2006). As part of the project, a Working Group on Managing Informal Micro-Trade was established in the mid-1990s to identify issues faced by traders and devise strategies on how to address these. One of their recommendations included the development of steel shelves for street food traders to display their goods in order to address health concerns raised by authorities. The Working Group also assisted in 1997 in the creation and adoption of the Guidelines for Petty Trade, which is a framework for street trading management (Nnkya, 2006).

The main issue with the adoption of inclusive management approaches is that their implementation is inconsistent and at times short lived (Skinner, 2007; 2008). Nnkya (2006) notes that even though the Dar es Salaam framework for street trading management is inclusive, its actualisation was riddled with inconsistencies. He argues that there are instances where certain traders, mostly women, were excluded from trading in lucrative sites.

Skinner (2008) notes a case where inclusive street trading management was short lived in eThekwini municipality in South Africa. While inclusive street trading management approaches were adopted in 2001, the implementation was short-lived due to changes in the local government structure. The municipality was battling to strike a balance between the imperative of supporting the livelihoods of the poor as well as presenting well managed streets to attract investment.

Huang, Xue and Li (2013) in their study of the changing politics of street trading in Guangzhou, China, show how the state was initially hostile, but turned a blind eye when traders encroached the streets. The case shows how the state adopted an ambivalent approach to street trading in a context of resistance by street traders but how this did not change the restrictive environment. The authors argue that street traders have been excluded from the urban landscape since the 1990s as part of the National Sanitary City campaign. This was a campaign mainly aimed at eradicating 'undesirable groups'[35] (Huang, Xue and Li, 2013: 171) from public spaces in order to maintain the city's image and attract investment to grow the economy. This is coupled with state actors turning a blind eye on

[35] This includes street traders, homeless people and beggars.

street traders by allowing them to continue trading in contexts where there is no uproar by them, contributing to crime and grime.

Scholars argue that there is some discourse shift from repressive approaches towards inclusive approaches to street trading and the informal economy in general, although this remains at a rhetorical level (Rogerson, 1988; Bénit-Gbaffou, 2018b; Skinner and Watson, 2018). Kraemer-Mbula and Konte (2016) argue that even with the shift in discourse, only a limited number of local governments are developing inclusive approaches to the informal economy and in cases where these are developed, they remain undocumented (Bénit-Gbaffou, 2015; 2018a).

While the continuum in Figure 7 is useful to decipher approaches to street trading, it is important to note that these are not fixed in any given time and context. The constant shift in approaches is influenced by a number of factors. Authorities' direction towards one side of the continuum is influenced to a large extent by the political climate (Skinner and Watson, 2018). The ambiguous policy climate in South Africa has provided leeway for authorities to oscillate between repression and inclusion (Rogan and Skinner, 2017; Bénit-Gbaffou, 2018a; 2018b). Authorities also do not take decisions regarding street trading on their own, they engage multiple stakeholders with varying interests. This shapes the approaches they can adopt at a given time and space.

Contradictory approaches may be adopted by authorities at the same time (SoAP, 2014). For example, authorities might adopt repressive practices and evict traders in one context while tolerating them in another (Lindell, 2010; Mitullah, 2010). Authorities might also allocate trading spaces and later on evict the very same traders. Different departments might also adopt incoherent approaches where one supports street trading and another adopts repressive practices (SoAP, 2014). The research contributes to an understanding of what constitutes inclusive and practical approaches to street trading management. This is done by excavating the practices of everyday management of street trading in the Gauteng context and the role played by street trader leaders in these processes.

2.3 Collective organisation and mobilisation of street traders

The voice and agency of street traders have largely been ignored by urban studies scholars for decades (Lindell, 2010a; 2010b). The political dimension of the sector has seldom been examined with street traders' agency being interpreted in various and sometimes contradictory ways. This section engages in debates on the specificity of street traders' organisation and mobilisation. Understanding the ways in which street traders organise and mobilise and the specificity with which this is done is critical to this research. This section traces traders' politics

from an earlier conception of atomised forms of resistance to a much more developed literature which indicates that they can rely on collective claim making to influence practice.

2.3.1 The idea of agency

Hitlin and Elder (2007) argue that the question in sociology is not whether agency exists but the extent to which it is exercised. This is coupled with the context within which people act, which either facilitates or hinders action. Scholars have largely been interested in the agency of the underdogs of society referred to in various ways such as 'excluded groups' (Crossa, 2009: 43), 'poor communities' (Boonyabancha, Carcellar and Kerr, 2012: 441), 'subordinate groups' (Huang, Xue and Li, 2013: 171), 'subaltern groups' (Dawson, 2014: 518) and/or 'informal proletariat' (Gillespie, 2017: 977). This is a move away from literature that portrayed the poor as lost, helpless and waiting for others, particularly the state to rescue them. This literature challenges the notion that the poor are passive recipients of development without exercising participation in any way to change their situation. Huang, Xue and Li (2013:172) argue that '[d]ownplayed in the literature, however, are the ways in which those who face removal resist, challenge and even subvert the exclusionary practices…'.

In instances where 'counter forces to exclusionary practices' (Huang, Xue and Li 2013:171) are acknowledged, resistance and opposition are dominant forms of agency that are documented. While agency mainly manifests through resistance, there are various other ways in which stakeholders take action and therefore agency does not always equate to confrontation. Other 'nuanced forms of resistance to structural constraints by the subordinated, other than political and social movement, have been explored' (*Ibid*: 172).

2.3.2 Mobilisation of street traders: From atomised forms of resistance to collective claim making

Scholars such as Scott (1985) emphasise the poor's individualistic forms of resistance and claim making. He argues that in contexts where open protests and confrontation tactics are absent, individual resistance is the main form of political struggle. Bayat (1997: 57) also takes a similar approach by viewing street traders' struggle as taking the form of 'quiet encroachment', which is the everyday practices of ordinary people who appropriate space for their convenience. This 'quiet encroachment', similar to Scott's (1985:33) 'everyday forms of resistance', is covert resistance characterised by small scale individual action rather than overt collective claim making on a large scale. It is a widely held view that street traders would '…act in a quiet and atomized fashion to address their immediate need…[r]ather than engaging in collective demand making' (Lindell, 2010b:2). Illustrating Scott (1985) and Bayat's (1997) covert claim making, Bromley (2000:18) posits that '[v]endors disappear when they

think they may be subject to persecution, and they reappear when the inspectors and police have given up'.

However, Lindell (2010b:2) counters this long prevailing view by arguing that although these everyday practices of ordinary people are essential, they 'are not the only kind of political practices in which informal actors engage, or even their preferred mode of politics'. A recent body of work which is contrary to the quiet and atomized actions of the poor is emerging. The shift in conceptualisation from quiet and atomised forms of resistance to the ability of the poor to collectively organise and mobilise is not a linear progression, as actors utilise different modes of agency at different times and scales. Lindell (2010b: 8) argues that '[t]his is a more fruitful way of looking at the agency of informal workers than assuming that they prefer, or are consigned to, one particular kind of political practice or another'.

This body of work emphasises the ability of the poor and disadvantaged to collectively mobilise through organisations (Lindell, 2010b; Huang, Xue and Li, 2013; Gillespie, 2017). The literature illustrates how street traders are moving beyond individualised quiet encroachment to collective action to fight for their rights to earn a living. Gillespie (2017:975) argues that the move from quiet encroachment to collective claim making, constitutes 'the possibility of bold acts of encroachment of urban space'. Organisations of people in the informal sector have become avenues through which their collective visions are developed and articulated. Street trader organisations play an important role in governing traders' practices and act as mobilising agents that interfaces with the state. These organisations represent the interest of traders in a structured way, especially in institutionalised platforms of engagement with authorities (Lindell, 2008; 2010a; 2010b).

The 'bold encroachment' (Gillespie, 2017:975) of space by informal actors often takes place in a context of threat, particularly eviction and relocation (Crossa, 2009; Gillespie, 2017). There has been a wave of studies that focuses on organised resistance to forced removals in informal spaces (Huchzermeyer, 2011). Crossa (2009) illustrates how street traders in the Mexico City's Historic Centre were threatened with evictions in the face of *Programa de Rescate*[36]*.* This programme was geared towards beautifying and revitalising the city streets and buildings to improve the quality of life of residents, however with dire effects on the livelihoods of street traders. In the face of these threats, street traders resisted, subverted and in other instances negotiated these exclusionary practices.

In the above instances and others, street traders have developed various strategies, from quiet to bold encroachment, through challenging, undermining, subverting and negotiating to

[36] This means the Rescue Programme.

maintain their place in the streets. In these instances, resistance takes on many faces and is exercised in multiple ways simultaneously (Crossa, 2009) but is '…to maintain a livelihood rather than to overturn the established rule' (Huang *et al* 2013:180). The resistance tactics are in most instances defensive as opposed to proactive with the aim of overturning repressive practices that hinder livelihoods (Chan, 2014).

Even though there is increasing organisation, there are still those traders who do not belong to any organisations and as such their interests are not represented (Lindell, 2008). There are various reasons why this occurs. First, individual traders are concerned with ensuring that their businesses thrive as opposed to trying to change authorities' perceptions of the sector. They are confronted with the challenge of achieving their day-to-day sales that will sustain their livelihoods and, as such, do not concern themselves with the bigger picture of changing the *status quo* (Bénit-Gbaffou, 2016; 2018a). Second, individual traders mostly see the benefit of joining organisations only during times of crisis resulting in short lived collective action. Bromley (2000:14) argues that '[s]ometimes street vendors will band together, most notably in the face of police brutality, new draconian official regulations, or a media blitz against street vending'. Third, in some contexts such as China, street traders cannot join any organisations because they are unauthorised. They also cannot form their own organisations because of 'restrictive regulation of civil society organizations' and as such '…demonstrate a flexible, atomized and small-scale activism to survive exclusionary practices' (Huang, Xue and Li, 2013: 178).

Lindell (2010b) argues that collective organisation efforts of street traders are multiplying in the context of transforming political and economic contexts in cities of the south. This is contrary to the widely held view that street traders collectively mobilise only when they are confronted with crisis and are seeking immediate relief. However, even during crises in some contexts, street trader organisations are not able to forge a collective. A dimension of this is documented by Bénit-Gbaffou (2016) who argues that the entrepreneurial dimension of street trader identity at times plays against their ability to organise as a social movement. She theorizes that this tension is intrinsic to street trader movements, which makes these movements more fragile and fragmented than others. Even during Operation Clean Sweep in 2013, organisations in Johannesburg were not able to successfully mobilise and create a sense of unity in the sector. The majority of the street trader organisations in the Johannesburg inner city were still reluctant to make a strong and explicit claim for universal legislation for existing traders. Their mode of operation was limited to blocking state actors' abuse (*Ibid*).

The literature by Indian scholars such as Bhowmik (2000); Brown, Lyons, Mahadevia and Vyas (2012); Mahadevia (2014), Parikh (2015), and others indicate how street trader

organisations in India have been able to have some level of influence on policy by actively lobbying government on issues that are important. The literature shows how street trader organisations in this context have demonstrated endurance by engaging tirelessly on issues and employing a multitude of strategies, sometimes complementary at other times conflictual, to exert influence on policy processes. This literature illustrates that street traders are able to collectively mobilise and this is not always short lived but can be sustained over a period of time in the quest to influence certain decisions (Lyons and Brown, 2007; Lindell, 2010a; 2010b).

There are various types of organisations that street traders form and join, in an effort to advance their voice and influence on practice. One such type is membership-based organisations which according to Chen, Jhabvala, Kanbur and Richards (2006:3) are organisations '…in which the members elect their leaders and which operate on democratic principles that hold the elected officers accountable to the general membership'. These organisations have democratic governance structures, which are intended to provide internal accountability as leaders are elected, and external legitimacy through representation of constituencies by the leaders (Chen *et al*, 2006; Bonner and Spooner, 2012). The constitution of membership-based organisations thus relies on 'long established and widely accepted formula for democratic political representation' (Houtzager and Lavalle, 2009:2), which sometimes falls short in the context of street trading organisations.

While the democratic election of leaders into positions is emphasised by state actors and street traders, in reality not all adopt democratic governance structures. While this challenges the fundamental principles of membership-based organisations, Houtzager and Lavalle (2009) argue that democratic election of leaders is not the only way to ensure leaders' accountability and their claim to legitimacy. Leaders that have not been democratically elected engage in 'assumed representation' (*Ibid*: 3) of their constituents who they are accountable to in various ways. Therefore, the criteria used to assess representativeness, accountability and legitimacy of membership based organisations is not sufficient as it tends to regard un-democratically elected leaders as unaccountable and illegitimate.

There are various types of street trader membership-based organisations which vary in size, scope, character and structure (Chen *et al*, 2006; Bonner and Spooner, 2012). These include primary organisations, federations and networks of membership-based organisations. Primary organisations include trade unions, cooperatives, voluntary associations and unregistered organisations, which do not have formal constitutions but rely on democratic elections as a fundamental principle. Important to note here is that when discussing membership-based organisations in the informal economy, the definition and principles are expanded to include

organisations that are not registered, have no legal or formal constitution and might not be recognised by the state. There is a challenge of disseminating information across time and scales and there is seldom regular reporting by leaders to members (Bonner and Spooner, 2012; Benit-Gbaffou, 2016; Horn, 2016). Benit-Gbaffou (2016) shows how street trader organisations respond to the challenges through various means. These include for instance leaders rotating between several trading sites, executive committee comprising of representatives from various sites where they have members and leaders limiting, explicitly or implicitly, the number of general meetings.

These organisations are considered membership-based organisations if they rest on principles including collective benefit to and ownership by members. This is an important inclusion because most street trader organisations are not formally registered and do not follow formal democratic processes to confer leaders. These membership-based organisations are usually accountable and respond to the needs of members and are organised around certain issues and identities (Chen *et al*, 2006; Bonner and Spooner, 2012). Street traders usually join these organisations as they are organised around their identity as workers and are geared towards representing their interests.

2.3.3 Frameworks to understand specificity of traders' mobilisation

There are different frameworks which can be used to understand the ways in which street traders organise and mobilise. For the purposes of this research, three possible frameworks are explored: viewing street trader organisations as social movements, interest groups and trade unions. These frameworks, which are both competing and complementary, will be used to conceptualise street trader organisations and their modes of action in quest of influencing urban governance. Using these three lenses to analyse street trader organisations and their mobilisation reveals a number of useful characteristics such as how their mode of action changes over time and across various scales and where the balance between discrete lobby and antagonistic street politics shifts depending on opportunity.

i) Street trader organisations as social movements

Tilly (1985; 735-6 quoted in Ballard *et al*, 2006) argues that a social movement is composed of a number of demands or challenges to power-holders. Social movements are however also able to make demands proactively. A more relevant definition for this research is offered by Zirakzadeh (1997:24) who posits that 'a plurality of [social movement] participants intentionally seeks a far reaching restructuring of the society'. Zirakzadeh (1997) emphasizes the broader impact that social movements have on society by arguing that they are not only a challenge to decisions by power-holders but does this with the intent of making long lasting, large scale and significant changes. Ballard *et al* (2006: 3) posit that 'social movements are politically

and/or socially directed collectives, often involving multiple organizations and networks, focused on changing one or more elements of the social, political and economic system within which they are located'. This definition puts emphasis on an important element of social movements which is that they may constitute multiple organisations that work together towards realising common goals.

A number of scholars in the context of the global south have argued that street traders do not constitute a social movement as they are too fragmented, divided and unable to form long term coalitions that influence governance of street trading. For instance, Wafer (2011) and Pezzano (2012), writing in the Johannesburg context argued that no social movement of street traders exists in this context as various street trader organisations are fragmented, divided, driven by personal interests and unable to form long lasting coalitions. The voices and extent of influence of these street trader organisations have been limited by the fragmentation and divisions not only between organisations but within them as well. This has effectively limited their collective mobilisation efforts and ultimately their overall influence on policy and practice. The fragmentation and division of street trader organisations is often fuelled by the competition that exists between various groups (Lindell, 2008). Individual organisations are concerned with having a sole influence on state policies which is driven by competition and ignores the advantages of collective bargaining. This individualistic nature of street trader organisations has contributed to fragmentation and divisions within the sector which ultimately results in no constitution of a social movement.

Contrary to Wafer (2011) and Pezzano (2012), Matjomane (2013) and Bénit-Gbaffou (2016) illustrate how some street trader organisations operating in the Johannesburg inner city constitute a social movement in spite of their fragmentation and internal divisions. The authors argue that fragmentation and internal divisions are inherent in any other social movement and as such these characteristics of street trader organisations cannot be used to deny street traders their political identity. These organisations exhibit some of the characteristics associated with social movements such as the challenge to power holders' practices, activation of networks and alliances to amplify their voice and continuity in repertoires of action they adopt to influence policy and state actors' practices.

Denying that street trader organisations can be a form of social movement has resulted in certain aspects of their collective organisation and mobilisation being overlooked. Bénit-Gbaffou (2016) argues that it might help to consider street traders as a social movement at times, as the social movement literature helps reflect on organisational structures, political strategies and tactics and the notion of constituency and of political niche. Drawing on Bénit-Gbaffou's (2016) paper, it is useful for this research to consider street traders as a social

movement to help understand their role and influence in the everyday management of street trade.

In India, different street trader organisations have collectively mobilised to engage policy issues and implementation practices. These organisations have pulled their resources together and worked together to achieve a broader and long term goal of ensuring protection of their livelihoods (Brown *et al*, 2012). Since the early 1990s, these street trader organisations have been part of the policy making process as a result of continued lobbying and negotiation with authorities at different levels of government as well as garnering support from a variety of other non-state actors. The organisations have extended their solidarity to issues that affect them and have constituted participatory governance structures that afford them the opportunity to raise their collective voice. As a result of continued coalition formation between the organisations, they have been afforded the platform to engage with authorities and civil society organisations through the Town Vending Committees[37] which were instituted by the Street Vendors (Protection of Livelihood and Regulation of Street vending) Act, 2014.

ii) Street trader organisations as interest groups

As illustrated in the previous subsection, considering street traders as a social movement reveals ways in which they lobby and wield influence, especially when reflecting on their organisational structures and repertoires of action. While the social movement framework is useful, it is perhaps adequate at times to see street trader organisations as interest groups which opens up other avenues to analyse how they mobilise. Interest groups come up as important stakeholders in policy making processes but the framework is useful in this context to analyse the strategies that street traders adopt to influence decision making.

There are a number of useful definitions for interest groups. According to the Merriam Webster Dictionary (2007 Edition: 301), an 'interest group is a group of persons having a common identifying interest that often provides a basis for action'[38]. This definition highlights that a common interest that people want to pursue is what brings the group together. Another useful definition by Martini (2012:1) argues that '[i]nterest groups are associations of individuals or organizations that on the basis of one or more shared concerns, attempts to influence public policy in its favour usually by lobbying members of the government'. They constitute major channels through which citizens with an identifying interest can express their opinions to decision makers (Dűr and De Bièvre, 2007). These definitions highlight that the group bands

[37] Town Vending Committees are participatory platforms in India made up of a variety of stakeholders including street trader representatives and local authorities which play an advisory role and at times have decision making powers (Grest, 2012; Mehta and Gohil, 2013).

[38] Merriam-Webster Dictionary (2007 Edition, 301) 'interest group'. Merriam-webster. https://www.merriam-webster.com/dictionary/interest%20group.

together around common issues and lobby the state. Street trader organisations also rely on lobbying to influence decision making by the government not only in the policy arena but also in practice. These various definitions of interest groups echo some of the characteristics demonstrated in the social movement literature above. Similar to social movements, interest groups are collectives of individuals or organisations coming together to pursue a certain agenda.

Interest groups operate in spaces with other conflicting interests as well as powerful and dominant ones and as such it becomes difficult for them to have significant influence, which is why they adopt a number of strategies to sustain their influence (Baumgartner and Leech, 2001; Birkland, 2011; Martini, 2012). This is the case for street traders who adopt a number of strategies to wield influence over outcomes in a context riddled with multiple and contradictory interests. One of the main strategies adopted by interest groups is the formation of coalitions with other interest groups that share similar positions (Dűr and De Bièvre, 2007; Birkland, 2011). These coalitions constitute finding strength in numbers and are formed to break down the power of dominant interests. Forming coalitions with other groups does not necessarily mean that they coalesce based on their core interest, but often on peripheral goals which will be advanced through this coalition. The literature emphasises the importance of networks, alliance and coalition building for political influence on the state, which are some of the strategies adopted by street trader organisations to wield influence.

The interest group literature echoes elite theory which argues that power is captured by the elite, made up of business owners, prominent families and certain political leaders, for their own profit (Domhoff, 2005), and that powerful interests are favoured over the less powerful (Dűr and De Bièvre, 2007; Birkland, 2011). Sometimes street trader organisations, particularly those operating in markets are seen as portraying elements of 'mafias'. In contexts such as Mexico City in the 1950s, street trader organisations had the power to determine who gains access to spaces, as traders were required to register with the organisation in charge of the market (Crossa, 2009). In this context, the organisation leaders were given the mandate to distribute trading permits made possible by relations with the political party in charge of the city administration at the time. In the South African context, Demeestère (2016; 2019[39]) illustrates the lobbying power that NAFCOC has on the Ministry of Small Enterprises and the exclusion of foreign spaza shops through xenophobic legislation in Khayelitsha, Cape Town and beyond. While the example shows that lobbying is key in terms of interest groups, spaza shop owners tend to yield more economic and structural power than street traders who are

[39] This is a draft paper being developed as part of the Practices of the State in Urban Governance book project.

often fragmented and lack unity. Street traders are not sufficiently powerful in economic terms to constitute an interest group in this sense. The less powerful groups have the ability to expand the scope of conflict. This can be done through lobbying outside the state aiming at influencing views of the public and the public debate, even though this does not guarantee garnering support and influencing decision making.

Another strategy adopted by interest groups is venue shopping, which includes seeking alternative sites or venues where they can influence decision making (Richardson, 2000; Birkland, 2011). Venue shopping usually involves playing one level or scale of government (usually higher decision making level of government) against another to influence outcomes in their favour. Venue shopping also involves the activation of direct contact with those in power who might have a sympathetic ear, which touches on patronage/clientelism literature, where the mode of access to the state is through relations with state officials who can guarantee such access. The heterogeneity of the state reflected by its complexities and diversities, gives a platform for low income people (street traders in this case) to access the state by employing a number of strategies such as playing one level of government against the other (Bénit-Gbaffou and Oldfield, 2011; Hill, 2013). Some of these strategies aimed at influencing decision making by interest groups have been adopted by street trader organisations to effect change. It is as such useful to reflect on this literature, which has some resonance on street traders' struggles and offers ways to understand and analyse how they influence urban governance. However, interests groups are also sometimes seen as anti-democratic because they often avoid public debate contrary to public interests, and they act behind the scenes, making them opaque.

iii) Street trader organisations as trade unions

Using trade unions literature can usefully open up avenues to analyse traders' collective action. Trade unions are collectives of workers who band together to enhance their collective interests in the workplace (Chinguno, 2009). In the South African context, trade unions emerged as a form of social movements acting as intermediaries to represent workers in the workplace during apartheid.

Similar to trade unions mobilising slogans such as 'an injury to one is an injury to all', depicting their collectiveness (Von Holdt, 2003; Buhlungu, 2006; Chinguno, 2009), street trader organisations are also increasingly arguing for 'nothing for us without us' as a plea to be included in governance. Trade unions act as the interface between employees and employers in the workplace. In the case of street trader organisations, the interface is not with an employer but an authority that nonetheless has a bearing on their livelihood. What makes street trader organisations similar to trade unions is that the common cause is around job

issues, and that 'workers' are in competition with one another, so building collective bargaining power is a challenge. While there is job competition between workers, the same applies to street traders who are in competition with other street traders to attract customers, and operate in lucrative business sites that yield profits.

Under apartheid, trade unions adopted militant and confrontational tactics to fight for workers' rights as well as emancipation of society in general (Von Holdt, 2002; Buhlungu, 2006). They thus adopted 'social movement unionism' which combines collective bargaining with modes of collective action, recognising that workers' rights are rooted in broader socio-political issues. This allowed for the framing of issues to move away from narrow focus on labour markets to broader political issues in order to build society coalitions (Von Holdt, 2002; Mwilima, 2008; Chinguno, 2009). The aim was to influence both the state at large and employers so as to change the working conditions of employees. During this time, trade unions were not recognised by the state and this was supported by legislation denying black workers rights to form collective representation in the workplace, as was also the case with white workers.

While South African trade unions were autonomous and adopted dynamics of social movements during apartheid, this largely shifted to collaboration with their institutionalisation after 1994 (Von Holdt, 2003; Mwilima, 2008). The integration of trade unions into firms' administrative structures and recognition as social partners occurred in the context of changing legislation and employees' general working conditions. This gave trade unions the platform to voice concerns of workers and engage in industrial issues.

An interesting dynamic that is also relevant to understand in relation to street trader organisations is how trade unions build unity amongst workers in spite of divide, and rule tactics of employers facilitated by job competition between workers. This is an aspect that Botiveau (2017) is particularly interested in by showing the role that leadership played in the National Union of Mineworkers in recruiting and uniting workers. The constant threat of division among workers is similar to that experienced by street trader organisations and their members.

Besides trade unions' general shift in repertoires of action, what else happened to them when they became recognised by the state and integrated into firms' administrative apparatus? Von Holdt (2002) argues that the integration saw unions becoming elitist institutions resulting in distance between leaders and workers in the workplace. Those in leadership positions became concerned with pursuing personal interests and gaining from the transition. Masiya (2014) shows how the Congress of South African Trade Unions (COSATU)[40] leaders gained

[40] This is a trade union federation in South Africa, which was founded in 1985 to represent workers against employers during apartheid.

privileges in the form of financial benefits and political advancement with some becoming African National Congress (ANC)[41] members of parliament, cabinet ministers and government officials.

While there is a general shift from antagonism during apartheid to engagement and collaboration in the post-apartheid era between trade unions and management, some trade union elements are retained. Trade unions still undertake industrial action even though the intensity might be reduced (Von Holdt, 2002). Forms of resistance and collaboration are adopted as strategies to influence decision making depending on context and agenda they want to realise. Chinguno (2009) argues that unions integrated within firms' structures tend to initiate less industrial action and where they do, the magnitude is weaker. Moseotsa and Tshoaedi (2013) illustrate how the inclusion of COSATU into institutions such as the National Economic Development and Labour Council (NEDLAC) usurped antagonistic politics and limited its mobilisation due to its allegiance to the state.

Botiveau (2017) argues that using the above periodisation and classification clouds the continuities between apartheid and the post-apartheid period with regard to trade unions. The continuities between the two periods are useful to understand important aspects of trade unions such as their evolution, characteristics and strategies. While one of the main characteristics of unions is about wage bargaining, they have broadened the focus over the years from workers' issues to include those affecting society as a whole to garner wider public support (*Ibid*.). This characteristic of trade unions is lacking for street trader organisations as they seldom frame their issues with broader societal issues in mind.

2.4 The meaning of 'influence' as conceptualised in various literature

There are various ways in which collective action and mobilisation is explained by different literature and this opens avenues for analysing and understanding street traders' influence on urban governance. This section explores the theorisation of the concept of influence arising from various literature including social movements and interest groups.

There is a division in the scholarship over the influence that social movements and interest groups have on policy and practice. There is disagreement among social movement scholars over the extent to which social movements have an influence on processes of political change. The conventional stance in the political science literature on social movements is that they have little influence on political change, especially when compared to other political actors such as interest groups, institutions and processes (Burstein and Sausner, 2005; Amenta, Caren, Chiarello and Su, 2010; Bidé, 2015). Other scholars however, assert that social

[41] This is a governing political party in South Africa and has been the ruling party since 1994.

movements are generally influential in their quest for political change (Baumgartner and Mahoney, 2005). The disagreement mainly stems from various methodologies that scholars adopt as well as the context within which their respective studies take place.

It is in this light that it is important to understand the meaning of the concept of influence as conceptualised by various literature, such as social movements' and interest groups. The meaning of influence is difficult to pinpoint and there is no universally accepted definition. One definition that has mostly been used in policy studies is by Banfield (1961:3) who argues that influence is the 'ability to get others to act, think, or feel as one intends…'. Another definition that is also adopted by the scholarship in this field is one where influence is synonymous with power. Weaver-Hightower (2013) argues, however, that this is problematic as it bears connotations of 'power over' as opposed to 'power to'. 'Power over' rests on a social control model of power where A is able to get B to do what B would not otherwise have done, while 'power to' rests on the social production model of power where cooperating actors are able to realize shared goals (Stone, 1993). Indeed, many scholars use the concepts of influence and power interchangeably in their studies (Amenta, 2005).

Influence and power are often conflated and mainly conceived as control over political outcomes (Baumgartner and Leech, 2001; Dűr and De Bièvre, 2007). In this instance, influence means the ability of organisations to shape the official position taken by public authorities and therefore, influence is perceived as control over outcomes. The approach adopted by authors such as Dűr and De Bièvre (2007:3) 'regards actors as being powerful if they manage to influence outcomes in a way that brings them closer to their ideal points'.

Added to an understanding of influence as power, some literature also connects influence to success, such as gaining benefits or recognition through public policy (Gamson 1975). This concept of influence as 'success' is limiting as it only considers how goals of a social movement are realised without looking at other unintended benefits to the group (Tilly, 1999; Amenta, 2005; Amenta *et al*, 2010). As Amenta *et al* (2010) state, '[t]he success standard limits the consideration of many political impacts. Challengers may fail to achieve their stated programs—and thus be deemed a failure—but still win substantial new advantages for their constituents' (Amenta *et al*, 2010 quoted in Weaver-Hightower, 2013:117). The success-failure dichotomy caused scholars in urban studies to only examine a movement's stated goals while overlooking the unintended consequences, which are also a form of influence (Amenta, 2005; Weaver-Hightower, 2013; Bidé, 2015). Social movements' goals are in their nature contested by both those who are inside and outside the movement and also change as the movement develops. This makes it difficult to measure influence based on tracking how the stated goals are realised, which according to Gamson (1975) reflects 'success'.

Goals might also shift along the way as preferences are not fixed but are fluid in response to changing contexts (Stone, 1993). Cohen and March (1986) cited in Stone (1993:8), argue that '…we need not treat preferences as fixed; they evolve through experience and therefore are informed by available opportunities'. This is because other options and opportunities might emerge along the way during decision making processes (Stone, 1993). Preferences are shaped by interactions that people have as well as the relationships they form. Since these are fluid, influence cannot be solely based on purposeful action. This discussion illustrates that influence reflects a broader spectrum of impacts which can be *'…*obvious to subtle, positive to negative…' (Weaver-Hightower, 2013:117). Therefore, an understanding of influence as constituting purposeful action is limiting as unintended effects may also reveal dimensions of influence.

Influence can also be regarded as the ability of individuals or organisations to shape official positions taken by public authorities on particular urban governance issues. Political outcomes as a measure for influence which is reflected by the official position taken by public authorities and the actual implementation of the policy adopted (Dűr and De Bièvre, 2007; Weaver-Hightower, 2013).

The way in which influence is conceptualised in various literature reflects how it is measured. Research on political influence of social movements (Amenta, 2005; Weaver-Hightower, 2013; Bidé, 2015) has typically focused on two broad categories of outcomes that social movements may have, these include direct (e.g. adoption of language, principles and ideas used by movement by policy makers) as well as indirect outcomes (e.g. movement members moving 'inside' the state). Scholars relying on this categorisation of influence have argued that organisations influence official state processes in complex ways, either directly or indirectly. This categorisation, even though it has limitations, is useful for the current research as it offers methodological avenues for tracking the influence that street trader organisation leaders have on the governance of the street trade. This might include direct (e.g. leaders shaping state actors' practices), and indirect (e.g. street traders forming part of state initiated governance structures) impacts. The influence of movements is not a linear process but takes place across time and scales.

In light of the criticism on the success-failure dichotomy, scholars have begun to focus on organisations' outcomes as a measure of influence. This is an approach that allows scholars to study the unintended, negative effects as well as success that organisations have (Bidé, 2015). The outcomes approach has classified influence in two categories, substantive as well as institutional change (Baumgartner and Mahoney, 2005), with Bidé (2015) arguing for an additional category of non-institutional influence. Substantive influence is largely focused on

the movement's ability to influence the political agenda. This is arguably the intermediate level where social movements have extensive influence (Amenta, 2005; Amenta *et al*, 2010). The movements are at this stage able to, through a range of repertoires of action including protests, bring previously ignored or excluded issues to the policy makers' attention.

Those who regard political outcome as influence measure it by studying the effects of power (Dűr and De Bièvre, 2007). This approach does however not take into account the unintended or negative effects which some scholars use as a measure of influence. Influence in this instance is largely measured by organisations' ability to shape the political agenda. This conceptualisation of influence focuses on empirically observable effects in urban governance and does not take into account what Bachrach and Baratz (1962:632) have termed 'nondecisions' and 'mobilization of bias'. This involves keeping crucial issues out of the agenda to avoid debates and decision making on them. In this research, unintended effects will also be considered as constituting influence.

Added to the ability of organisations to shape the political agenda as a reflection of influence, institutional change can also reveal influence. Institutional influence refers to the change in relationship between organisations' members and the antagonist, which occurs through acceptance and inclusion (Gamson, 1975). The acceptance institutional change is reflected when the hostile relationship shifts to a more positive one, reflected by the change in attitude of the antagonists (who in most cases are state actors) who are willing to engage and negotiate with the movement on a regular basis. On the other hand, state actors also think of social movements as antagonists. Institutional change can take the form of inclusion where the internal structure of the institution is altered by integrating some of the members in positions of authority in the organisational structure of the antagonist. What Gamson (1975) is describing here is a form of institutionalisation.

Added to the first two categories, Bidé (2015) proposes the inclusion of a third category, namely, non-institutional changes, which she argues are also important to determine the influence that organisations have. She argues that some scholars recognise the non-institutional changes such as political consciousness, but do not consider them as forms of political change. Some do not see how transformations in values and political attitudes of movement participants, and those of the larger population, constitute political change. She argues that movement members, by simply being part of a collective, are able to develop a new sense of efficacy, which sets a precedent for other citizens. Political consciousness experienced by movement participants can influence society as it spreads beyond the movement itself. She argues that '… by altering the way citizens perceive and engage with their political institutions, non-institutional outcomes can influence a country's political system

and political culture - the attitudes, beliefs, and values that underpin the operation of a particular political system' (Bidé, 2015 :7).

This literature is crucial to this research as it discusses what constitutes influence and how this might be measured or determined by critically analysing the outcomes which are both direct and indirect. Parts of the literature also begins to suggest ways in which influence of actors can be tracked, especially in instances where the practices cannot be directly observed. This literature has relevance to my methodology as it suggests ways in which influence can be investigated and understood through outcomes. Street trader leaders shaping state actors' practices through negotiations and lobbying, leaders being included as part of the street trade governance structures, gaining recognition by state actors and receiving benefits, and change in relations between street trader leaders and state actors, for instance, from hostility to collaboration. All these are aspects that were tracked as illustrating a level of influence on state practices and processes.

2.5 Informalisation of the state *vis a vis* formalisation of society

Research on state-society relations in the south has often relied on the clientelism lens to examine some kinds of relationships between state officials and non-state actors. Clientelism refers to 'the distribution of resources (or promise of) by political office holders or political candidates in exchange for political support, primarily - although not exclusively - in the form of the vote' (Gay, 1990 quoted in Auyero, 1999: 297). Heller (2013) argues that state-society relations in cities of the south are often dominated by patronage or clientelist networks where citizens have no real influence on state actors and end up being reduced to clients.

Engagement between state and non-state actors is often complicated by the narrow 'institutional surface area' (Heller, 2013:9) which is the point at which ordinary people or non-state actors directly engage with state actors. In this instance, ordinary people negotiate and seek favours that allow them to access resources from the state as opposed to a rights activation approach which does not guarantee them any benefits. This patron-client relationship is sustained by the leaders' ability to translate resources into political authority (Büscher, 2012; Dawson, 2014). While this favour seeking exercise has some benefits for both state actors (vote banks and allies) and non-state actors (access to state and its resources), it also tends to weaken the ability of non-state actors to influence decision making processes. Mkandawire (2001: 298) argues that the patron-client relationship between state and non-state actors also weakens the state's ability to pursue development as state processes are 'penetrated by society'.

While there is 'an overwhelmingly negative image of clientelism [that] permeates scholarly analysis' (Auyero, 1999: 289), scholars such as Bénit-Gbaffou and Oldfield (2011) argue that clientelistic relationships can be the dominant form of democratic accountability that the poor are able to access in cities of the south, given the scarcity of resources. Bénit-Gbaffou and Oldfield (2011) call for a non-normative reading of clientelism that assess both the benefits and the alienating dimensions for low income groups. Auyero (1999: 297) calls for an understanding 'from the client's point(s) of view' in order to reconstruct what often appears from the outside 'as an exchange of votes for favors' (*Ibid*: 305). The insiders' perspective is diverse and therefore, clientelist networks should be analysed from this viewpoint to decipher what is really going on.

Benit-Gbaffou (2011) argues that clientelism is about the distribution of public goods and is not only about clients giving patrons electoral support. It can manifest itself in various ways that yields benefits to both the patron and clients. There is general perception that clientelism limits collective action and while this may hold true in some instances, it is not always the case (Auyero, Lepegna and Poma, 2009; Dawson, 2014). '[P]olitical clientelism is examined as a form of atomization and fragmentation of electoral or the "popular sector", as a way of inhibiting collective organization and discouraging real political participation' (Auyero, 1999: 298).

Clientelism and collective mobilisation are not mutually exclusive processes but can be intertwined as modes of action. This often occurs when there is a breakdown in the patron - client relationship and where patronage networks provide a ground for collective action to occur (Auyero *et al*, 2009). Dawson (2014: 528) documents a case of 'competitive patronage networks' resulting in collective action in the form of protest in a South African informal settlement in the face of differential access to resources facilitated by a ward councillor: 'The widespread discontent with local representation…and differential access to state resources fuelled…' residents' discontent and this was regarded as betrayal by the ruling party (ANC).

Street traders sometimes activate their voice through clientelist relationships that they have with authorities to achieve certain results. In some countries of the global south, traders often act as vote banks for politicians who, in turn, protect them from police harassment and evictions from their business sites (Mahadevia, Vyas and Mishra, 2014). These cases of clientelism have been documented extensively in the literature on informal trading in the global south as the most effective if not the only mode through which street traders can influence the management of their economic activities (Lindell, 2010b; Anjaria, 2011). In her study of the role of apex courts and court cases in urban governance, Rubin (2013) illustrates how informal traders selling in shops in Delhi, India, have used their vote and clientelist relationships with

state officials to influence policy and practice. In Mexico City, some of the street trader organisations, particularly those in charge of markets have become 'an important source of support for the party [*Partido Revolucionario Institucional*][42] and they gained political leverage to negotiate with state institutions' (Crossa, 2009: 52). The leaders of such organisations were given the power to register prospective traders and distribute trading permits and in return became vote banks for the party.

This literature on clientelism is useful and gives insights on strategies used by non-state actors to access state actors. The literature also helps inspect ways in which non-state actors negotiate and seek favours from state actors in ways that they would otherwise not be able to. In this way, clientelism is seen at times as an avenue through which non-state actors can have influence and a form of accountability. Dimensions of clientelism are observable in the interactions between state and non-state actors in the case study areas.

While clientelism is one avenue through which interactions between state and non-state actors takes place, there are other concepts that explain the inclusion of these stakeholders in urban governance. These concepts present dynamics to study the inclusion of non-state actors in urban governance and offers avenues to analyse the observations and findings in the case study areas.

2.5.1 Participation of non-state actors in urban governance

Ansell and Gash (2007: 544) define participatory 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'. Miraftab (2004) argues that the participation of non-state actors' takes place in invited and invented spaces. Invited spaces refers to platforms of engagement that are initiated by the state to offer opportunity to non-state actors to be involved in decision making processes. Invented spaces of participation refer to spaces that are created and claimed by non-state actors in order to insert themselves into influence decision making processes.

Invited spaces of participation are initiated as a way to deepen democracy and involve non-state actors in dialogue to shape decisions through engagement and negotiation (Friedman, 2006; Cornwall 2004; Ansell and Gash, 2007). Cornwall, Schattan and Coelho (2007: 1) argue that the platforms of engagement '…may be provided for by the state, backed in some settings

[42] This was a political party in the Mexican state founded in 1929 and was a three-tier system formed by labour unions, peasant groups and the popular sector (Crossa, 2009).

by legal or constitutional guarantees, and regarded by state actors as their space into which citizens and their representatives are invited'.

Cornwall *et al* (2007:2) argue that invited spaces of participation constitute 'spaces of contestation as well as collaboration, into which heterogeneous participants bring diverse interpretations of participation and democracy and divergent agendas'. These platforms are confronted with various and often divergent interests that participants have to navigate in order to reach consensus and compromise. Collaboration and contestations are necessary features of these engagement platforms particularly because they engage various participants with diverse views.

These platforms have become a part of cities' governance as they constitute necessary information and knowledge exchange between state and non-state actors. The state initiated platforms of participation are created to empower non-state actors by involving them in the governance processes. While this is the case, they are often plagued by power imbalances and as spaces to legitimate decisions that have already been taken (Cornwall *et al*, 2007). Institutionalised platforms of engagement can often be insufficient (Bénit-Gbaffou and Mkhwanazi, 2015).

Participatory governance is intended to include diverse groups of people but there are instances where the poor and marginalised in society are excluded (Cornwall *et al*, 2007). In such instances, the excluded invent their own spaces of participation and find ways of inserting themselves into processes. In the case where invited spaces of participation do not yield desired outcomes, people invent their own spaces to influence decisions. These then become spaces which facilitate (meaningful) engagement with the state as they are targeted. These spaces often manifest in protests, strikes and/or pickets to be visible to the state and the issues addressed.

This research investigated dynamics of both invited and invented spaces of participation in the case study areas as platforms where state and non-state actors engage. The study utilised these platforms of engagement to decipher relations between street trader leaders and state officials and the ways in which these interactions lead to the participation of leaders in urban governance.

2.5.2 Inclusion of non-state actors in urban governance: unpacking dynamics through multiple concepts

There is extensive literature exploring how non-state actors actively participate in urban governance. This body of work acknowledges that while it is the state's mandate to exercise public authority and provide public goods and services, there are 'multiple sites of urban governance' (Lindell, 2008:1879). This means that besides officially mandated state actors,

there are other actors, particularly non-state actors, who fulfil certain official mandates including the provision of public goods and services. Meanwhile, an over-reliance on non-state actors has itself been critiqued in the context of state retreat, failure, collapse, erosion or decay in the global south (Brudney and England, 1983; Migdal, 2001; Hibou, 2004; 2015; Joshi and Moore, 2004; Hagmann and Peclard, 2010; Mitlin and Bartlett, 2018).

There has been much discussion on state failure and collapse since the mid-1990s in relation to states in the global south, particularly African states (Hagmann and Peclard, 2010). States in this context are perceived to be failing as they lack the capacity to deliver public goods and services. These conceptions are mainly influenced by a narrow focus on state actors and their institutions as mandated to exercise public authority. The state failure literature falls short of adequately capturing the complexities of urban governance in African states and thus alternative avenues are required to understand how public authority is exercised in this context (Hagmann and Peclard, 2010).

Eriksen (2011: 229) argues that 'state failure' and 'state collapse' are the subjects of discussions around development in the global south for political and economic reasons. The dominant discourse by development agencies is that the key inhibitors of growth in the global south is the lack of effective state institutions. The state failure thesis is based to a large degree on the understanding of the state based on western ideals and conceptions (*Ibid*). The state is first and foremost seen as a service provider and its performance is judged on the ability to fulfil this mandate, and when it fails to do that, then it has failed (Erikson, 2011; Rotberg, 2002a; 2002b). The range of services that the state is expected to deliver include security, infrastructure provision, rule of law, participation among others. Erikson (2011: 231) argues that '[v]iewing the state as essentially a service provider also leads to a discourse with clear normative overtones. Instead of developing concepts which are better suited to analyse existing states, the gap between ideals and empirical reality is treated as justification for interventions which aim to close this gap, and make empirical reality conform to the model'.

The state is also seen as an entity that defines and enforces the rules of society and should have monopoly over territorial control and violence (Erikson, 2011). A state can fulfil one of these aspects in the classification and lack another, and in this instance it is still considered unable to fulfil its mandate and therefore failing. These two perspectives see any deviation from the definitions as constituting a failed or collapsing state. These classifications of the state have a normative bias and are more concerned with what a state ought to be and do as opposed to the actual state practices. Erikson (2011: 234) argues that '[i]t is the absence of the specified criteria (service provision, a monopoly of violence, control over territory) that

constitute failure, and not the actual properties of the states concerned'. These conceptions of the state have limited analytical value as they focus on what state should look like and what they lack. The state failure discourse also assumes a separation between state and society, the public and private, resulting in a separation and insulation from society's interests. There is value in focusing on what states actually are and how they function, opposed to what they lack. There is therefore a need to use concepts that allow for an analysis of empirical reality as opposed to normative bias, which opens space for understanding the black box of the state, particularly in the global south.

In contrast to state failure and collapse discourse, an emerging body of literature on public authority from below aims to understand the exercise of public authority by the state and non-state actors in the contemporary urban governance realm, a space in which the current research aims to contribute. This body of work studies the workings and negotiations of public authority in spaces of state-society interface. The shortcomings of state failure literature noted above call for different ways of conceptualising the state, public authority and participation of non-state actors in urban governance in the global south (Rotberg, 2002a; 2002b; Hagmann and Peclard, 2010; Erikson, 2011).

Denning (2021:31) argues that Gramsci's critique of political science starts from a premise that 'everyone is a legislator'. Simply put, this means that authority rests with different actors and not only with those empowered by law to give directives, that is state actors. He contends that Gramsci's main argument is that 'since all men are "political beings", all are also "legislators" (Ibid: 36). In the broader sense then, everyone takes on the role of a legislator because they contribute to changing aspects of the social environment and legislate aspects of their own lives. This supports the argument that there are multiple sites of urban government and that public authority is dispersed across various actors and does not only rest with the state.

The literature argues that participation of non-state actors in governance is due to the redeployment of state control as opposed to a decaying or collapsing state (Hibou, 1999; Migdal, 2001; Hibou, 2004; Menkhaus, 2006; Hagmann and Peclard, 2010). Hibou (2004; 2015) argues for the need to go beyond the failing state thesis and bring to the fore what happens behind the scenes of what appears to be the redeployment of state control particularly in the African context. This body of work argues that the state continues to play a critical role in steering governance practices and indirectly maintaining authority through various means. Thus, the state extends its reach by delegating its authority to non-state actors

on the margins in instances where it does not have direct control through various arrangements.

The main argument in this literature is that instead of viewing delegation as a loss of state authority, it should rather be considered as 'the re-deployment of the state in a different fashion' (Hibou, 2004: 20) to extend its reach. This literature does not consider instances where civil society actors fulfil state mandates in a context where the state ceases to exist and has completely withdrawn such as is the case in the City of Goma in the Democratic Republic of the Congo (Büscher, 2012). In this context, the state is argued to be in a state of implosion, and non-state actors in the form of affluent businessmen are filling the gap and taking over core state functions.

Alternative concepts have been introduced in the literature to comprehend how state and non-state actors engage with each other and negotiate public order in a context of reduced state capacity. These include (but are not limited to) 'state-in-society' (Migdal, 2001: 1), 'co-production' and 'unorthodox organisations' (Joshi and Moore, 2004: 31), 'privatising the state' or governing by 'discharge' (Hibou, 2004:1), 'mediated state' (Menkhaus, 2006: 23), 'twilight institutions' (Lund, 2006: 685), 'negotiated statehood' (Hagmann and Péclard, 2010: 539) and 'hybrid institutions' (Büscher, 2012: 483). These concepts delve into the 'multiple sites of urban governance' realm (Lindell, 2008: 1879) where non-state actors fulfil official mandates of the state including the provision of public services. While these concepts depict the increasing role of non-state actors in urban governance processes, the active role of state actors is still emphasised in maintaining control through various arrangements and continuous (re)negotiations.

Hibou (1999: 20) argues that 'through indirect modes of governance such as the delegation of administrative functions to private actors, the state manages to indirectly consolidate its (extractive) authority in peripheral areas over which it does not have exclusive and total control, while avoiding the costs of an expensive major administrative apparatus'. Here, Hibou (2004:1) introduces the concept of 'privatising the state' to illustrate the increasing use of private (non-state) intermediaries to exercise public authority in various ways. Hibou (2004) argues that this should be considered as an indirect way of governing using private intermediaries as opposed to viewing it as a crisis of the state. Indeed, there are various forms of indirect governance practices where non-state actors perform public duties while state actors are still in charge of decision making. Migdal's (2001: 1) concept of 'state in society' addresses the ways in which the state engages and incorporates non-state organisations into the apparatus of the state, in effect institutionalising a cooperative relationship. This aspect is

useful in that it explains some of the arrangements that exist between state actors and street trader leaders in the various case study areas in Gauteng.

The concept of co-production is used to understand ways in which citizens play an active role in providing public services in collaboration with the state (Brudney and England, 1983; Joshi and Moore, 2004; Mitlin and Bartlett, 2018). Active, organised and empowered non-state actors are a prerequisite for collaboration to take place with the state. State support and recognition determines the extent of organised non-state actors' rootedness in the state apparatus and their ability to exercise public authority. While non-state actors may be included in governance processes for empowerment purposes, their inclusion can also be the state's strategy to govern by 'discharge' (Hibou, 2004: 1). While co-production attributes partnerships between state and non-state actors to weakened states, governing by discharge sees this as expanding the realm of state power. In essence, state actors work with non-state actors to to expand their reach and indirectly wield their influence.

While co-production emphasises non-state actors as collaborators with the state, concepts such as 'twilight institutions' (Lund, 2006: 685) and 'hybrid institutions' (Buscher, 2012: 483) offer a slightly different dynamic where non-state actors exercise public authority in parallel to state actors. These organisations mainly operate independently from the state (sometimes challenging the state and its practices) as the relationship with officials is not formalised in any way. They sometimes use state processes to legitimate their existence.

Lund (2006) uses the concept of twilight institutions to depict a situation where non-state actors exercise public authority alongside the state. Public authority is not ascribed solely to the state but a result of the exercise of power by a variety of actors.. Their ambiguous position in relation to state actors is demonstrated by simultaneously searching for credibility while using the state's formal language, including filling the gap where the state fails to act (*Ibid*.). They exhibit the twilight character of state actors and make public decisions. These institutions adopt locally engineered systems that are often informal and contradict official practices of the state. The concepts presented above regard the involvement of non-state actors as a potentially beneficial process that might strengthen the capacity of the state (Hibou, 1999; 2004; Migdal, 2001; Lund, 2006 and Menkhaus, 2006). In this process, the state plays an active role in the process of transferring governance functions to non-state actors.

State-society partnerships (formalised or not) are facilitated in part by everyday interactions with what Lipsky (1980) refers to as 'street-level bureaucrats'. According to Lipsky (1980), street level bureaucrats who are front-line state employees directly interface with communities through their jobs and have substantial discretion in how they execute their duties. They have

the authority to act in ways that they see fit guided by situations on the ground. Their discretion is facilitated by relative freedom from high rank officials' oversight, inadequate and limited resources and growing demand for their services among other factors. Non-state actors interact with street level-bureaucrats in everyday encounters, making it possible for partnerships and collaborations to take place in pursuit of practical solutions to address issues.

Due to the fact that non-state actors perform some official duties, they can also be considered to be quasi street level bureaucrats even though they are not formal employees of the state. There are various dynamics that render these non-state actors as street level bureaucrats such as receiving payment from the state for services rendered, and having contracts in place to be accountable to state bureaucracies. This also includes non-state actors who develop their own bureaucracy, for instance to manage a space (Rubin, 2018). Considering the actors in this way opens up avenues to analyse their practices and how these produce and reproduce the state in the ways that they do. For instance, in the case study areas, officials have delegated some official duties in the everyday management of street trade, to leaders who over time act as front-line workers for the state.

Hybrid institutions are actors created outside the direct scope of the state and operate in parallel to non-existent state power (Büscher, 2012). These institutions are thus filling a gap where the state is unable to exercise public authority and engage in informal practices to arrange for the provision of crucial services such as water, security and land allocation. In instances where the state has retreated in a context of lingering violent conflict, non-state actors have taken the role of state actors and effectively constituted parallel power. Power and authority of these institutions are negotiated between a range of non-state actors in the absence of active state actors. The transfer of core state actors' functions to non-state actors is effectively reinforcing their power, while further weakening the authority and legitimacy of the state.

The state plays an important role in legitimising non-state actors and their place in urban governance. Recognition of non-state actors by state actors gives non-state actors the mandate to exercise public authority and act as the face of the state. Governing by discharge thrives through constant negotiations and agreements between the state and non-state actors (Hibou, 2004). Migdal (2001: 15) argues that 'the assumption that only the state does, or should, create rules….minimizes and trivializes the rich negotiation, interaction, and resistance that occur in every human society among multiple systems of rules...it provides no way to theorize about arenas of competing sets of rules, other than to cast these in the negative, as failures or weak states or even as non-states'. These negotiations are often based on contracts and other types of agreements which can be formal or informal and written or

unwritten. The state deliberately keeps these temporary and unstable, rather than permanent, to ensure constant negotiations and to maintain control.

While the delegation of public authority to non-state actors is a useful redeployment of state functions to ensure they reach spaces it would otherwise not reach, it can have a dark side (Hibou, 2004). Indirect governance practices open up space for corruption and abuse of powers by non-state actors, subversion and the creation of parallel systems to state processes (Hibou, 2004; Lund, 2006; Boudreau, 2017). This gives quasi-street level bureaucrats monopoly over power of something valued by large numbers of people (i.e. trading spaces in the case of street traders), and this provides them with a lot of power to decide who they allocate resources to and what they gain in return. Practices of non-state actors can thus become new spaces to redefine parameters of inclusion and exclusion. For instance, official processes can be bypassed by greasing the palms of decision makers.

Non-state actors sometimes use documentation in order to boost their legitimacy as public authorities. Documents act as an image of formal practice that symbolises organisational control (Hull, 2012; Demeestère, 2016; 2019). Demeestère (2019: unpaginated) narrates a case where eviction letters were issued to foreign spaza shop keepers in Cape Town, South Africa, by a local organisation in 2012. He argues that '[th]e document's graphic composition strengthened letters' semiotic content. On the one hand, the 'textual artifacts'…increased the performative power of the most authoritarian features of the documents and '[o]n the other hand, the "graphic artifacts" (Hull, 2012:2&259) of this carefully calibrated letter-headed document that informed the recipient about the issuing organization (name of the organization, affiliation, address and office number, telephone numbers) gave the letters some form of officialdom'. Non-state actors can mimic official written documents to legitimate their role in urban governance practices. Das and Poole (2004: 230-234) argue that 'institutions traditionally operating outside the state arena can be transformed because they mimic state documents to legitimate customary practices' and these 'documents can serve as grounds for official actions…'. At the same time, these documents that uphold an image of control can be forged and thus extend the borders of the state (Das and Poole, 2004).

2.5.3 Informal practices of the state

While the literature above emphasises instances where non-state actors are inserted into state processes as partners or in parallel processes, this section explores how the state uses informal practices as a way to extend its reach and address issues. An interest on the 'state's ability to steer society' (Benit-Gbaffou, 2018c: 2139) is useful for investigating the practices of the state in urban governance. A special issue of *The Journal of Development Studies* (issue

54, number 12) on the state practices in city-making, delves into the issue of the knowledge possessed by the state in relation to its power which manifests in its capacity to act. Roy (2009) uses the concept of un-mapping to argue that 'the lack of knowledge, purposefully produced and reproduced, can be a powerful instrument of state power (Benit-Gbaffou, 2018c: 2142). Contributors in this special issue analyse the knowledge-power nexus in various ways. Rubin (2018) argues that the state lacks knowledge (manufactured partly by its own approaches) of informal settlement transactions and this limits its actions. Benit-Gbaffou (2018c) argues that the state deliberately ignores available information in order to deliberately resist and ignore facts. The 'informal practices of the state are purposefully framed and used by state agents, or … are the arbitrary outcome of complex processes' (Benit-Gbaffou, 2018c: 2143) with 'contradictions or tensions in state practices when governing the city' (*Ibid*: 2145).

Roy (2009) posits that the state intentionally creates informality as a mode of governance. By virtue of deciding which regulations are formal, the state is simultaneously defining what falls outside of these parameters as informal. Yiftachel (2009: 88) usefully introduces the concept of 'gray spaces', denoting practices that are partially outside the gaze of the state and formal processes. This concept can be extended to include informal systems and practices running parallel to formal ones, which state actors neither accept nor deny, leaving them in a constant state of uncertainty. State actors have the power to legalise or destroy these gray spaces at their discretion but in most instances the existence of these spaces is denied and left in a state of intentional ambiguity or uncertainty (Roy, 2009; Yiftachel, 2009). Roy (2018:2243) argues that the state '…valorizes and regularizes certain forms of informality and marginalizes, even criminalises others'.

The state actors function with some gray spaces through tolerating and sometimes even encouraging them by acting as collaborators in these practices. Yiftachel (2009: 88) terms this process of the state accommodating informal practices as 'gray spaces from above'. This denotes a situation where gray spaces are not eliminated but remain unmapped (Roy, 2009) accompanied by denial on the one hand and acceptance and incorporation on the other. These practices that are constructed outside the state, which may contravene official processes with a certain degree of acceptance and adoption by the state, can be understood as constituting the informality of the state. This is a case where the informal practices interpenetrate the state's decision making processes and the state recognises, endorses or even adopts gray spaces and practices from below (Roy, 2009; Yiftachel, 2009).

Benit-Gbaffou (2018c: 2146) identify six typologies of gray areas that manifest in informal practices of the state: framing exceptionality, navigating policy contradiction, manufacturing uncertainty, playing on porosity, delegating public mandate or developing politics of mediation,

and engaging in co-production (collaboration with non-state actors to provide services in a flexible manner). Framing exceptionality refers to the state acting outside of or bending its own rules. Navigating policy contradiction refers to diverse and contradictory policy directions and tools. Manufacturing uncertainty depicts the exploitation of opacity in knowledge. Playing on porosity talks about the various positions that officials' assume and their engagement with society. Delegating public mandate or developing politics of mediation means delegation of public mandate to non-state actors and institutions or governing with or through non-state agents. Engaging in co-production means the collaboration of state with non-state actors to provide services in a flexible manner (Benit-Gbaffou (2018c).

Rubin (2018) argues that state practices are permeable and this provides opportunity for local practices to be appropriated by state actors and incorporated into official processes. This occurs when official rules and processes are unable to address everyday issues and thus require a level of flexibility that includes entanglement with informal practices. State actors often accept and incorporate informal practices while in certain instances they turn a blind eye as they acknowledge that these practices resolve issues on the ground.

By collaborating with non-state actors, state actors may adopt informal practices used by these actors to resolve everyday issues in various ways. In this process, both the state and non-state actors are recreated and reconfigured such that formal and informal practices become entangled (Rubin, 2018). This could be as a result of realising that formal processes alone are unable to address complex issues, thus requiring flexibility, an element brought about by informal practices of non-state actors.

The 'notion of the state acting informally and what that means for everyday practices' (Rubin, 2018: 2227) has become an increasingly useful study for scholars in the global south wanting to understand how the state works. Dynamics where state actors endorse, adopt and recognise informal practices by non-state actors and incorporate their rationality in decision making is what constitutes 'the borderlands of informal practices of the state' (Rubin, 2018: 2227). Informal practices of the state entail instances where state actors act outside its documented processes (not illegal processes) and practices as a result of negotiations (Roy, 2009).

Rubin (2018) usefully suggests a typology of three practices of the state namely, negotiability, porosity and exceptionality. The first typology: negotiability, refers to instances where officials act outside their official realm, particularly in instances where these official processes require a level of flexibility as they cannot address the everyday issues. Officials in this domain '…behave outside of their officially defined roles' allowing poor people to '…find other forms

of leverage and buttons to push in order to have voice, space, and access to those in power to drive their agenda' (Rubin, 2018:2236).

The second typology: porosity, similar to Benjamin's (2004:182) 'porous bureaucracy', captures ways in which state practices are permeable and how the state appropriates non-state practices and incorporates into its official processes (Rubin, 2018). This explains how the informal interpenetrates formal systems and ways in which these are endorsed by state actors. In other words, state actors adopt locally devised practices into formal processes and these informal practices redefine parameters of doing things formally (Benjamin, 2004). The third and final typology: exceptionality, focuses on how officials make choices and how these may contradict official processes (Rubin, 2018). The state in this case ensures exceptional action that takes into account the lived experiences of the communities that officials interface with. State officials find ways of working that go above and beyond what is contained in official discourses, and exception plays a role of including or excluding certain groups (Rubin, 2018).

2.5.4 Blurring of boundaries between state and non-state actors

The state and non-state actors' relations in the provision of services are characterised by complex interactions that result in the blurring of boundaries between the stakeholders (Hibou, 2004; 2015; Boudreau, 2017). The state is constructed and reconstructed through the everyday practices of non-state actors which penetrate the state and its apparatus in varying ways and degrees. Actors in what are considered 'margins' are actively involved in everyday practices that constantly configure and reshape the state and its own practices and modes of order and law-making (Das and Poole, 2004).

The literature explored calls for a re-examination of the conventional distinction between the state and civil society (Gupta, 1995; Das and Poole, 2004; Hibou 2004; 2015; Lund, 2006; Hagmann and Peclard, 2010; Boudreau, 2017). The various concepts point to the extension and blurring of boundaries between the state and non-state actors. Thus, '…there is no position *strictly* [original emphasis] outside or inside the state…' (Gupta, 1995: 393) but rather the intertwining of the state and non-state actors. This point is peculiarly important for the research at hand as it helps understand the position of street trader governance structures in relation to state power as neither strictly inside nor outside the state.

The exercise of public authority by non-state actors highlights the interpenetration between the state and non-state actors that further extends and blurs the boundaries between the two entities (Gupta, 1995; Das and Poole, 2004; Joshi and Moore, 2004; Lund, 2006; Hagmann and Peclard, 2010). Das and Poole (2004) argue that the fuzzy border between the state and society constitutes the creation of the state at its margins. The exercise of public authority by non-state actors highlights the continuous production and reproduction of public institutions

and practices of the state. The reconfiguration of the borders of the state is a core interest for this research, to understand the position of informal organisations and their leaders in relation to state power and how this affects the extent to which they exercise public authority. The fact that public authority is not solely exercised by the state points to the constant reproduction of state institutions, which in turn requires a re-conceptualisation of what constitutes the boundaries between the state and its borders, and the core and margins of the state. Das and Poole (2004:4) argue that the margins act '…as necessary entailments of the state…' and as spaces of constant movement inside and outside the state.

Migdal's (2001: 1) 'state in society', Hibou's (2004:1) 'privatizing the state' and Lund's (2006: 685) 'twilight institutions' concepts offer a point of departure that goes beyond the distinction between the state and non-state actors. This is in consideration that the boundary between state and society is blurred and the process of blurring is indeed key for the current research. They argue that social scientists should no longer perceive the state as external to society, but to view it as part and parcel of society as is the case with other social organisations and that they continually restructure each other. Migdal (2001:10) argues that 'states may help mold, but they are also continually molded by the societies within which they are embedded'. Privatising the state depicts the continual formation of the state rather than the loss of power by the state. Hibou (2004: 44) argues that privatising the state does not depict the '…loss of control by holders of state power, rather they emphasise the invalidity of the public/private or state/non-state dichotomy'. Lund (2006:698) posits that 'institutions of public authority are never definitely formed but always undergoing processes of institutionalization and its opposite…'

2.6 Conclusion

The literature presented in this chapter provides avenues to analyse the findings of this study. Debates on approaches to street trading management in the global south gives an explanation of why the activity is managed in the ways that it is, by delving into the excessive focus on law enforcement. The important argument in this literature is how the environment within which street traders operate has an impact on how their activity is managed. Perceptions and attitudes of officials also play a critical role in determining which approaches are adopted to manage street trading in any given space. For example, in contexts where street traders are viewed by politicians and officials as contributors to the economy, efforts are made to manage the activity in inclusive ways. Sometimes however, street trading is at best seen as a poverty alleviation mechanism as opposed to contributing to the economy in meaningful ways. When the activity is seen as contributing to the economy, the emphasis is on moving street traders up the ladder through formalisation, a process which is only applicable to a small section of traders. It is only when it is considered a social movement that approaches might be more

inclusive. Alternatively, in instances where they are considered a nuisance, the activity is repressed in various ways. In other words, there are instances of punitive bylaw enforcement, of neglect, of street traders being ignored, valued, supported and enabled by state actors.

Collective organisation and mobilisation literature offers useful avenues to understand how street traders organise and the specific nature in which they engage in collective claim making. Membership based organisations have become avenues through which street traders stake their claims and a multitude of these with various configurations exist in cities of the global south. The social movement, interest groups and trade unionism frameworks are tools to investigate street traders' collective claim making and their modes of action, and how the various configurations lead to an influence on urban governance.

In order to understand ways in which the state has been transforming with the involvement of non-state actors in urban governance, it is important to engage various concepts that explain this dynamic from various angles. The participation of non-state actors in what is traditionally thought of as the domain of the state has in some ways informalised the state. The stakeholders engage in negotiations and adopt flexible modes of working in order to address eminent challenges.

The state adopts informal practices as a means of operating and these are adopted mainly from non-state actors as they are seen to be able to resolve issues. Informality is a creation of the state that results in the construction of gray spaces and practices that ultimately penetrate the state's practices in urban governance. By virtue of state actors recognising and in some cases adopting informal practices of non-state actors, a process of informalisation of the state and formalisation of non-state actors takes place. While the state actors adopt practices used by non-state actors, these local practices deemed to be 'outside the state' also incorporate and mimic state practices. There is therefore interpenetration of state and non-state actors' practices in urban governance. Formalisation of society occurs in various ways, through institutionalisation of non-state actors into state apparatus, the state adapting practices from below into formal processes, or the use of documents by civil society to legitimise their position and govern. Boudreau (2017: 58) argues that '…the formalisation process is always incomplete and rests on a range of informal practices'.

Chapter 3: Hunting and gathering insights from the field

3.1. Introduction

This research is based on a qualitative inquiry into the role and influence of street trader leaders on urban governance in the Gauteng context, with brief reflections from Ahmedabad in India. The research is an in-depth qualitative investigation of street trade governance in Gauteng's three metropolitan municipalities using various data collection tools and methods such as documentary analysis, semi-structured interviews and observations. I conducted interviews in four different cities (Ahmedabad, Ekurhuleni, Johannesburg and Tshwane). My focus in Ahmedabad, Johannesburg and Tshwane, was on street trading in the main CBDs of these cities. Ekurhuleni is multi-nodal in nature with no single city centre. In this instance I conducted research in the Germiston CBD which is the administrative town of the city and Vosloorus, which is a township because of the municipality's spatial orientation. The interviews were conducted with three different kinds of stakeholders including officials, street trader leaders and traders. The following table captures the interviews conducted with different stakeholders in each city.

Table 1: Interviews conducted with different stakeholders in each city.

Respondent category	**Ahmedabad**	**Ekurhuleni**	**Johannesburg**	**Tshwane**
Officials	None	Customer Care manager Local Economic Development (LED) official	Ex-official (1)	Business Support Operations (1) Economic Advisory & Intelligence (2) LED official (1)
Street trader leaders	Self-Employed Workers Association (SEWA)- Nation-wide organisation (2) Jamalpur Market Development Committee- Market level organisation (1) Bhadra Union committee- Market	Iketsetse- Train station traders (1) Germiston Traders Partnership (GEMTRAP)- City wide organisation (6) Vosloorus Micro Traders Association- City wide organisation (2)	Block leaders- Block/street level leaders (4) South African Traders Retail Alliance (SANTRA)- City wide organisation (2) One Voice of All Hawkers Association (One Voice) - City wide organisation (1)	Unified South African Traders (USAT)-Region 3 organisation (2) Tshwane Barekisi Forum (TBF)- City wide organisation (2) Tshwane Micro League (TML)- City wide organisation (1)

	level organisation (1)		South African Informal Traders Forum (SAITF)- Nation-wide organisation (2)	Tshwane Informal Traders (TIT)- City wide organisation (1)
Traders	Bhadra market (15) Jamalpur market (15)	Germiston CBD & Vosloorus (6)	Traders operating on Noord, Kerk and De Villiers streets (8)	Traders operating on Church Street, Bosman station, Marabastad & Arcadia (8)

This chapter explores the research design, its suitability for gaining relevant insights, its merits and limitations and some ethical considerations. I start with a brief reflection of my positionality and the starting point for the research. This is followed by delving deeper into the choice of my research sites, the methods of data collection, data analysis techniques as well as ethical considerations.

3.2. The starting point: Trajectory of street trading research

Wolcott (2010: 36) argues that 'our readers have a right to know about us. And they do not want to know whether we played in the high school band. They want to know what prompts our interest in the topics we investigate, to whom we are reporting, and what we personally stand to gain from our study'. It is from this premise that I start my methods chapter to give a brief trajectory of my interest and experience of researching street traders and how this informs my positionality.

I began exploring the relationship between governance and urban space economies during my honours research where I investigated the relationship between the City of Johannesburg, spaza shop keepers and the community of Yeoville (Matjomane, 2011). I was part of a research initiative called Yeoville Studio, which was a community orientated research initiative led by Professor Claire Benit-Gbaffou from the School of Architecture and Planning, University of the Witwatersrand. Various undergraduate and postgraduate students in the school participated in this research studio. Participating in this initiative helped me to engage in some of the politics around informal trading at that time and deepen my understanding of street traders and their relations with local authorities. I also became part of the Centre for Urbanism and Built Environment Studies (CUBES) which has a relationship with various street trader leaders in Johannesburg. Over the years, CUBES supported street trader leaders through its ground-breaking research on the sector. It also organised workshops on an *ad hoc* basis and sometimes at the request of street trader organisations to strategise on effective ways to engage with authorities. The workshops were organised to get different street trader leaders

into a single room to collectively forge ways forward and consolidate joint submissions to the state at different levels when invited to do so.

On completion of my honours, I was motivated to embark on a Masters of Science in Town and Regional Planning in 2012 in order to advance my interests in this area.My Masters research focused on investigating the strategies used by informal trader organisation leaders to influence policy and implementation in Johannesburg (Matjomane, 2013). This research was used to better investigate what had been a blind spot in my Honours research-the level of informal traders' mobilisation and the way they interact with several parts, departments, agencies and spheres of the state in order to influence practices that better their working conditions. This relationship between the fragmented informal trading organisations and the state, the variety of strategies adopted by the competing trader leaders, led to analyses on the 'politics of the governed' (Chatterjee, 2004:iii), and opened insights into the real and contradictory workings of the state. The research generated reflections on the place of corruption and adoption of informal practices in the implementation of unrealistic urban policies.

The year 2012 was an interesting one for street trading politics in South Africa, particularly in Johannesburg as massive media attention was placed on understanding the plight of street traders. Due to my research project, I was dragged into the media frenzy and was approached to give comment on a television programme on the South African Broadcasting Corporation (SABC)[43] called *'Leihlo la Sechaba'*[44]*.* The focus of this particular programme was to uncover issues that street traders were facing on a daily basis including the confiscation of their goods and harassment. This was a particularly important platform to make the plight of street traders visible to the nation as well as to suggest that there are progressive ways of regulating and managing street trading in cities.

This exposure into street trade politics through research and engagement crystallised my position and interest on the subject. I registered for a PhD in June 2015 in order to expand my research from community to city politics, to better understand informal trading governance and management practices to contribute to approaches that make cities of the global south inclusive. This brief trajectory of my involvement in street trading research is presented to illustrate how this has informed my framing of the current research which investigates the role

[43] This is a state-owned public broadcaster that provides radio stations and broadcasts television shows to the general public.
[44] This is a Sesotho word meaning eye of the nation. The television programme deals with current issues and discusses a range of development issues facing the country.

and influence of street trader leaders on the management of street trading in Gauteng municipalities.

3.3. Choosing research sites and accessing respondents: Starting from an unknown territory

The research took unexpected twists and turns. The research process started off with an ambitious objective of solely focusing on Ahmedabad and investigating processes of influencing the state by street trader leaders in framing national policy documents as well as their role in translating these policies into action at the local level. This direction was inspired by long standing research on street trading in Johannesburg which illustrates how trader organisations continually fail to influence policy and practice. I was motivated by a search for progressive lessons for Johannesburg, especially after Operation Clean Sweep and this led to a turn to Ahmedabad in India, where bottom-up approaches including participatory engagement with street trader organisations seem to be central to the making of a national street trading policy.

I started with a six week exploratory field visit in Ahmedabad between October and December 2017 with some financial support from the Practices of the State in Urban Governance (PSUG) research programme. This was to get a sense of what is happening on the ground in Ahmedabad amid the enactment of the Street Vendors (Protection of Livelihood and Regulation of Street Vendors) Act of 2014. At this point I was hoping to get insights on the process and be able to make relevant analyses, while drawing useful lessons for Johannesburg based street traders.

Notwithstanding the merits of the case, the Indian study was curtailed due to a variety of reasons including limited financial resources and research timeframes. While the investigation in Ahmedabad was not abandoned altogether, as valuable data was collected, these limitations prompted a shift in focus to the three metropolitan municipalities in Gauteng. The shift in focus areas also induced a shift from a strong focus on street trade policy processes to the everyday management of street trade. While this shift was frustrating at first, over time it proved beneficial in that it provided an opportunity of seeing things differently. It was an opportunity to reflect on street trading in Gauteng with an Indian lens, a view that ensured I was not stuck in a narrow South African focus without a broader overview of dynamics elsewhere. Although it was not a standalone case study in the findings chapters, Ahmedabad offers critical insights that allow for reflecting and thinking differently about street trade governance.

The shift from Ahmedabad to Gauteng allowed for a number of research sites to be explored simultaneously so as to present a complex picture of street trade governance and multiple

perspectives. It also allowed for a number of research methods to be employed simultaneously to complement each other and to be able to cross reference data collected. The insights presented in the next chapters are results of the employment of these various data collection methods described in detail above.

3.3.1 Detour to Ahmedabad in 2017

Considerable desktop research was conducted prior to the exploratory site visit in Ahmedabad to get a general sense of occurrences that would lead me to ask specific and direct questions to the relevant stakeholders. The desktop research helped me map some of the street trader organisations and other stakeholders that were crucial and influential in the policy processes. I also developed a working paper which explored and analysed a large volume of documents on the Indian case to help me ask relevant questions. Some of the interviews I managed to get also helped me to understand the dynamics at play in the India case, particularly from Pat Horn and Martha Chen. They provided me with direct references and contact details which made it relatively easy to draft and distribute letters of request for participation in the study. The request letters were sent via email a few months prior to the commencement of fieldwork. The letters outlined the research objectives and the main question that guided the research. Within a couple of days of sending the request letters, my request for engagement was accepted.

Towards the end of 2017, I made my way to Ahmedabad where I was hosted by Darshini Mahadevia at the Centre for Urban Equity at Centre for Environmental Planning and Technology (CEPT) University. Upon my arrival, I was afforded a working space in an office with other researchers and most importantly access to the research institute's research material, most of which is not available online. Besides the Centre for Urban Equity's research material, I also gained access to unpublished postgraduate students' research work from CEPT University which are only available in hard copy at the university library. Being hosted at the Centre for Urban Equity gave me some sense of belonging with fellow researchers but I was also the only African, which clearly distinguished me as foreign.

While the trader leaders had given me permission to engage with them via email, the situation changed once I arrived in person. I struggled for a couple of weeks to get a meeting with one of the SEWA leaders at their offices just to introduce myself and the research before conducting interviews. There was a point where I would get to the SEWA offices in the morning and leave in the afternoon without having been spared even a minute to talk.

I decided to shift the focus from trader leaders and spend time in the markets with traders so I can understand the situation on the ground. At this point, due to the language barrier, I sought the assistance of two field assistants affiliated to Centre for Urban Equity who are proficient in

Hindi and Gujarati, the two main dialects in Ahmedabad. I was advised to appoint a male and a female assistant as in some instances male traders would only want to converse with a male assistant and female traders with a female assistant. This advice came in handy because on some of the days when I was with my female assistant, some Muslim males would not grant us interviews as they would not be addressed by females. At this point we would abandon the interview and come back the next day with a male assistant whom they would engage with.

A lot of my time in Ahmedabad was spent interacting with street traders in two natural markets, Bhadra and Jamalpur. See Figure 9 for images of Jamalpur and Bhadra natural markets where fieldwork was conducted.

Jamalpur market

Bhadra market

Figure 9: Jamalpur and Bhadra natural markets (Source: Author).

Being with my field assistants helped me get access to the street traders because I was clearly an outsider in these spaces. I did not go anywhere in the market without people staring at me. For the first time I had to always be conscious of my existence as an African female in a foreign country, I felt vulnerable and exposed as if I needed to explain to everyone why I am in India as I simply did not fit in. Almost everywhere I went I was met with strange stares of amazement,

disgust and fear. The traders we had a chance of talking to wanted to 'get to know me better' with strange questions and requests. Some of the traders wanted to know if my braids were real human hair with occasional unauthorised touches to my head especially in crowded spaces. There was an instance where I was with my male assistant in Jamalpur market when one of the women traders grabbed my hair so hard that she pulled one of my braids out. This encounter resulted in me wearing protective gear (mostly a head scarf that my female assistant kindly gave me) whenever I visited my research sites. See Figure 10 for an example of the way I covered my head during fieldwork.

Figure 10: Wearing 'protective headgear' during fieldwork (Source: Mistry, 2017).

Besides these challenges, I enjoyed being in the markets interacting with street traders through my assistants who were translating. While in Jamalpur market, we encountered one of the Market Development Committee leaders by the name of Shantabhen. Shantabhen was instrumental in giving insights of the experiences of street traders in Jamalpur market where she is one of the leaders. Meeting Shantabhen in the market was opportune as she then personally took me and my field assistant to SEWA offices and at that moment I was granted an interview with Shalini Trivedi even though it only lasted a few minutes. Shalini who is a labour lawyer within SEWA answered questions related to some of the legal battles between street traders and the state and collaborative efforts of the stakeholders over the years. She provided insights of the policy processes leading up to the adoption of the national Act in 2014 with localised anecdotes of experiences in natural markets such as Jamalpur and Bhadra.

After this interview, one of my field assistants managed to secure an interview for me with Elabhen Bhatt, SEWA's founder, through his family networks. Elabhen provided invaluable insights regarding the history and general work of SEWA and its evolution over time. The

interview was conducted at her house and she was very welcoming and the interview felt like a passing of knowledge from one generation to the next as she reflected on the early days of SEWA and the philosophy that drives the organisation. During this interview, Elabhen directed me to some of her own published work where she reflects on SEWA's journey and other relevant work that she thought would be beneficial to my research. Manali Shah, the union coordinator who had agreed by email to meet me once I was in Ahmedabad, could not be accessed during my visit. The three leaders I interviewed all pointed to her invaluable knowledge and experience of what is happening on the ground but unfortunately she could not be interviewed.

The interviews with street traders in the markets were valuable. I interviewed a total of 30 traders spread evenly between the markets to get experiences at ground. During the interviews with street traders, it became evident that the question of influence on policy was not a driving concern for those being interviewed compared to the practices of management of the street trading. The policy question thus became irrelevant with the methodology that I was now employing. This required a shift from a research focus regarding 'influence specifically on policy' to include practical issues of everyday management of street trading. While the initial interrogation related to the interface between authorities and trader collectives remained, the primary focus was now on understanding ways in which street trader leaders participate in everyday management of trading including the allocation of spaces.

In this way, the initial research plan was not tightly prescribed, it allowed for necessary shifts as I entered the field and started collecting data (Creswell, 2013). Having explored the Ahmedabad case as much as I could, I decided to add case studies from Gauteng, where I felt I would be able to make better progress with data collection and I would be able to interpret the South African cases through the Indian research experience. Johannesburg became a starting point because of the established networks and prior experience of engaging with various stakeholders. By contrast, Tshwane and Ekurhuleni were uncharted waters for me at the time.

3.3.2 Choosing research sites and negotiating access: Role of institutional affiliations (CUBES and GCRO)

My institutional affiliations played a crucial role in choosing research sites that would be relatively easy to access. The obvious starting point for me was Johannesburg as there were pre-existing networks that were established through CUBES. As mentioned above, I have been affiliated with CUBES since 2011 and participating in research work on street traders in Johannesburg.

The inclusion of Tshwane and Ekurhuleni as comparative case studies was prompted by an interest in comprehending street trading governance and management practices in Gauteng through a detailed study of these three metropolitan areas. My appointment as a researcher at the Gauteng City-Region Observatory (GCRO) in 2017 and the organisation's Gauteng focus was also part of the redirection of my study topic. This institutional affiliation also stimulated the comparative research quest across the province to get a broader understanding of street trading governance issues across the metropolitan municipalities.

The process of negotiating and gaining access in various areas with different contexts proved challenging and the quest to build networks that would benefit the research process did not happen overnight. Cunliffe and Alcadipani (2016) and Johl and Renganathan (2010) argue that negotiating access is a time consuming exercise that involves continuously negotiating and engaging with multiple stakeholders that may heed the researcher's requests. The researcher's 'reputational capital' (Cunliffe and Alcadipani, 2016: 542) including their position and status can play a significant role in whether they gain access to respondents for interviews (Perera-Mubarak, 2014). I activated my reputational capital in some instances to gain access to research sites and respondents. I variously introduced myself to gatekeepers as a researcher from GCRO or a PhD student from CUBES at the University of the Witwatersrand or sometimes both to gain access. My position as researcher at the GCRO was often used when negotiating access to officials. This is because GCRO is a reputable organisation that is well known for its research track record and work with government officials across the province.

While the GCRO credentials opened opportunities with government officials, my affiliation to CUBES was effective when dealing with street trader leaders. In Johannesburg, a lot of the trader leaders already knew who I was because of previous engagements. CUBES' reputation permeated the metropolitan borders because even though I have never met trader leaders in Tshwane, they were aware of the research and advocacy work that the research institution has done with traders over the years. This opened doors for me beyond getting referred by some Johannesburg street trader leaders.

3.3.3 Negotiating access to the field and respondents in Gauteng

Creswell (2013) argues that permission to engage with respondents must first be obtained from a human subject ethics committee before any contact is made. This is to allow the committee an opportunity to assess the potential impact and risk of the research on participants. This is where my research also started by seeking approval from the Ethics Committee at my institution which was granted after illustrating that there will be no intentional harm that the research to respondents. The process also indicated that mechanisms will be

put in place to ensure that harm is avoidable at all costs. Once I received the approval from the committee I went ahead and made contact with respondents and thoroughly explained the research and its objectives.

i. Accessing officials and former officials

Negotiating access to officials started with identifying departments and subsequently officials tasked with street trading management in the three metros that would be suitable to answer related questions. This was followed by soliciting relevant officials' contact details and requesting interviews. This was time consuming and required patience as most officials did not respond to the emails for months, requiring follow ups. In some instances, initial permission was granted only for scheduled interviews to be postponed time and again, which was frustrating.

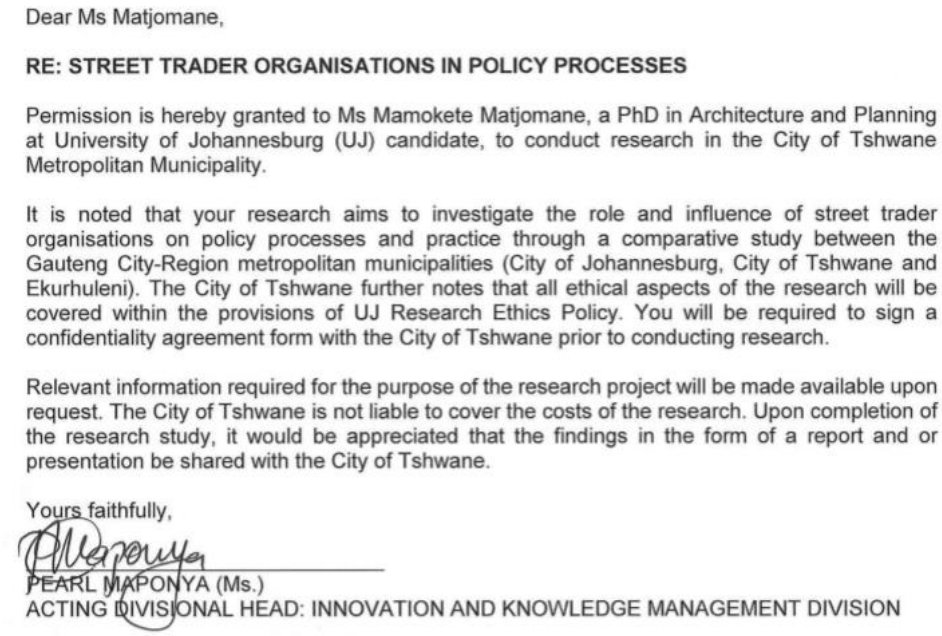
In Johannesburg, my requests for interviews went unanswered even after continuous follow ups. This was understandable as it was recently after the DA-led administration took over Johannesburg in August 2016 and Herman Mashaba became the Mayor. During this time, many departments and officials were undergoing investigations related to fraud and corruption, so most officials did not want to be heard or quoted saying something inappropriate. The unwillingness to participate in the study could be that they were afraid of putting their jobs in jeopardy even after I promised them anonymity and that I would share my interpretation of their interviews with them before publishing. Also, my affiliation to CUBES did not work in my favour as the institution has a somewhat controversial relationship with Johannesburg's Economic Development officials and this could also explain the unwillingness on their part to engage. In previous meetings with officials, CUBES was criticised for being critical of the City in some of its research material. However, a lucky break came when my call was heeded by an ex-official who seemed keen to get things off his chest and this worked in my favour. The interview was a space for the official to reflect on the department and his work outside the office which gave him the freedom to say what those inside the system cannot easily share.

Access to Tshwane officials was facilitated through one of my GCRO colleagues who had existing linkages through his previous work with some Local Economic Development senior officials. Duke (2002) and Perera-Mubarak (2014) argue that access to officials in positions of power can be a challenge and they usually require some form of referral or introduction before they may agree to be interviewed. Duke (2015: 45) argues that 'access is sometimes easier for researchers who have existing links with those in power' and this was true in my case as a colleague facilitated access to officials through his existing networks. An initial introductory meeting was held with these officials to introduce my research and for them to ascertain if it was useful to help address some of the issues the traders are facing in the municipality. This

was a useful process because at the end of the meeting, further contact with other relevant officials was made and they agreed to be interviewed.

Before starting with interviews with officials in Tshwane, I had to follow an official process. Vuban and Eta (2019:5) argue that this is some form of an 'administrative formality and red-tapism' where researchers are required to get a permit before conducting research. This process often takes time and there are no clear waiting periods for approval. I engaged in this administrative requirement of obtaining an approval letter from the City Strategy and Organisational Performance Department which screens research requests, grants permission and keeps track of research being done in the City. Getting the permission required filling in a request form accompanied by my approved research proposal, ethical clearance from the University's Human Research Ethics Committee, a copy of my identity document and proof of residential address. Upon receipt of the required information, the Department reviewed the content and when satisfied, issued a permission letter. It took approximately a month to get the permission letter from the department, in fact I applied on 30 January 2018 and received the permission letter on 28 February 2018. When permission was granted, I was required to sign a confidentiality agreement with the city and commit to sharing the completed thesis with the department and possibly present the findings to other relevant departments. It was only after receiving the permission letter (Figure 11) that I was allowed to set up interviews with officials[45]. Please see details of the approval letter below indicating how I introduced the research to the officials in Tshwane.

[45] After receiving the letter I discovered that it referred to me as a student from the University of Johannesburg instead of University of the Witwatersrand. I immediately raised this with the department and they indicated it was an error on their side and will not have an impact on their approval or how I carry out the research.



Dear Ms Matjomane,

RE: STREET TRADER ORGANISATIONS IN POLICY PROCESSES

Permission is hereby granted to Ms Mamokete Matjomane, a PhD in Architecture and Planning at University of Johannesburg (UJ) candidate, to conduct research in the City of Tshwane Metropolitan Municipality.

It is noted that your research aims to investigate the role and influence of street trader organisations on policy processes and practice through a comparative study between the Gauteng City-Region metropolitan municipalities (City of Johannesburg, City of Tshwane and Ekurhuleni). The City of Tshwane further notes that all ethical aspects of the research will be covered within the provisions of UJ Research Ethics Policy. You will be required to sign a confidentiality agreement form with the City of Tshwane prior to conducting research.

Relevant information required for the purpose of the research project will be made available upon request. The City of Tshwane is not liable to cover the costs of the research. Upon completion of the research study, it would be appreciated that the findings in the form of a report and or presentation be shared with the City of Tshwane.

Yours faithfully,

PEARL MAPONYA (Ms.)
ACTING DIVISIONAL HEAD: INNOVATION AND KNOWLEDGE MANAGEMENT DIVISION

Figure 11: Approval letter to conduct research in Tshwane

Cunliffe and Alcadipani (2016: 546) argue that 'even though a researcher obtains formal permission, she or he may discover there are many other gatekeepers and doors to open, both formal and informal'. This is exactly what I experienced in Tshwane even after getting the approval to conduct research, which did not guarantee access to individual officials within the relevant departments. I still had to engage in further negotiations to access officials and get them to grant me interviews. There was an issue of gatekeeping by the official's personal assistant who has to vet every appointment and any proposed interview dates, which were always met with 'he is not available on this date'. Even though I got approval from the department at the end of February 2018, I only ended up interviewing the official on 11 October 2018.

Access to Ekurhuleni officials was facilitated by one of my colleagues in the Practices of the State in Urban Governance research programme who is also an official in Ekurhuleni. She shared contact details of officials directly managing street trading and I made a connection via email to request engagement. Although meeting dates kept being pushed forward, I eventually met with the official at their offices in Brakpan. Access to the official from the Germiston Customer Care Centre was facilitated by street trader leaders in Vosloorus who I had interviewed. They gave me the official's name and email address so I could make contact and request an interview.

I struggled for months to access officials in the case study areas until a window of opportunity presented itself. This was in the form of a research project I became a part of in 2018 commissioned by the South African Local Government Association to investigate the role of

local government (i.e. in supporting, managing, regulating etc.) in the informal economy. The research sought to understand the complexities that inform local approaches towards the informal economy, the strategic and regulatory frameworks that inform such approaches, local experiences and responses to informal economic activity as well as the current role assumed by local government in the informal economy. This project provided two main opportunities 1) a move away from a focus on the specific case studies and opening up of broader understanding of what is happening elsewhere in the country, with particular focus on Limpopo, Eastern Cape and Gauteng and 2) access to officials and street trader leaders and their respective practices and experiences of working in the ambit of the informal economy.

This process enabled further access to key informants through interviews with experts, civil society representatives and representatives of informal sector workers as well as officials. Various interviews were conducted between July and August 2018 which coincided with my PhD fieldwork timeline, and these included face to face, telephonic and skype interviews. Access to these stakeholders was fairly easy as this is a topic close to the hearts of the identified respondents who were willing to engage at length. Officials were engaged in the specific workshops organised as part of the project with the main aim of understanding state-street traders interface, officials' perceptions and knowledge of informal economy regulations, governance practices employed by officials at different contexts and what this means for future developmental opportunities of the informal economy in various South African cities. Negotiating and finally gaining access to respondents paved the way for fieldwork to commence, relying on numerous interconnected data collection methods which are presented in the section that follows.

ii. Accessing street trader leaders

In Johannesburg and Tshwane, it was relatively easy to gain access to various street trader leaders. The process started with activating already existing networks with trader leaders in Johannesburg. These networks yielded further contacts in both Tshwane and Ekurhuleni which were at this point unfamiliar spaces with no pre-existing linkages. My Johannesburg contacts referred me to Tshwane Barekisi Forum in Tshwane as the main organisation to understand the everyday experiences of street trade management. The street trader leaders in Johannesburg shared contact details of some of the leaders in Tshwane where upon introducing myself, I was easily granted access. The challenge was finding other street trader organisations that operate in Tshwane and this required a little digging once on site and other directions emerged. Fortunately, the leaders of other organisations were intrigued by the research and wanted to be part of it.

In some instances, initial access to street trader leaders opened doors for me to go beyond interviews and experiencing the everyday practices of leaders. For instance, on one of my

initial meetings with some of the leaders in Tshwane, I tagged along on an expedition to allocate a trading space, where I got to see first-hand what the process entails. While this showed a certain level of trust from the leaders, there was also a sense that they were trying to show their power in the management of street trading in Tshwane and projecting their image as endorsed trader leaders.

One of the trader leaders who was part of the CUBES workshops referred me to the Germiston Traders Partnership (GEMTRAP), a street trader organisation in Germiston. I made contact and was granted a first meeting to introduce the research project on 12 September 2017. At this meeting, six of the GEMTRAP leaders were present and after a few minutes of introducing myself as a PhD student affiliated to CUBES, they practically chased me away citing their lack of interest of being involved in 'yet another research project that will not have tangible outcomes' (GEMTRAP leader, 12 September 2017). In this instance, the institutional affiliations that helped enormously in Johannesburg and Tshwane did not initially open doors in Ekurhuleni in the same way. This is because the leaders in Ekurhuleni did not seem to know what CUBES and GCRO are and the research that has been conducted by these institutions related to street trading. The leaders themselves indicated that they are not interested in research work but rather opportunities that they and their constituents can directly gain from. The street trader leaders were also expressing their frustration about research fatigue and not being able to see immediate results.

Vuban and Eta (2019) argue this is one of the factors that hinder gaining access to research sites and respondents where participants have a negative attitude towards research. They experience this during their fieldwork in Cameroon where 'some participants were reluctant to grant interviews because, according to them, sharing their thoughts would not change anything' (Vuban and Eta, 2019:8). This is similar to what I experienced in Germiston where the trader leaders clearly verbalised their pessimism that my research findings would result in any change to their lived experiences. I was discouraged by this first encounter with street trader leaders in Germiston.

In a turn of events a couple of months later, I was granted access by an LED official. In February 2018, I secured an interview with the LED official and I narrated my encounter with the GEMTRAP leaders and he said:

> "Oh Mamokete! [shaking his head] the problem is that you went on your own not through us, so they don't trust you, it's a matter of trust. If I can introduce you to them they will cooperate" (LED official, 15 February 2018).

The LED official then contacted the street trader leaders on the spot and they agreed to grant me an interview the next day. In this instance, strategic planning alone was not sufficient but

luck and opportunity also facilitated gaining access (Johl and Renganathan, 2010). The next day I interviewed the street trader leaders but got a sense that they were holding back on their responses. There were certain instances where I felt like they were regurgitating some of the responses from the LED official I had interviewed the previous day.

The encounter narrated above illustrates how gaining access to the trader leaders in other contexts without pre-existing networks was difficult. There was a point in the fieldwork when I wanted to drop this case study and merely focus on Johannesburg and Tshwane, but one of my research supervisors persuaded me to go back to site and I remember almost crying at this point. I was reluctant to go back as I felt defeated, fatigued and that I was not making any progress and it felt like I was trying to draw water from a stone. Only after going back to site, I started realising why my supervisor insisted and that this was a productive strategy to gain further insights. Instead of going back to GEMTRAP, I decided to approach another site in Ekurhuleni, Vosloorus where I gained access to another street trader organisation. Access to this organisation was facilitated by the Iketsetse leader who I had interviewed at the beginning of the process. This move felt empowering because it seemed worthwhile to engage the Vosloorus leaders as they were willing to engage.

iii. Accessing street traders

While access to street trader leaders entailed some groundwork and strategising, it was relatively easy to access street traders. Some of these street traders, particularly in Johannesburg and Tshwane, seemed eager to air their frustrations to anyone who is regarded as an outsider with the hope of their plight being addressed somehow. Although there were instances where some street traders refused to be interviewed, this was not an overwhelming number as most were willing to talk to ensure that their voices are heard. There appeared to be no gatekeeping with regards to interviewing traders on the streets and observing how they operate on a daily basis. In fact, I refrained from requesting street trader leaders to help me identify street traders to interview as I did not want to get practiced or coached responses from street traders who have a good rapport with the leaders.

While it was relatively easy to conduct interviews with street traders regarding their everyday experiences, it was not the case when investigating other issues such as the allocation of trading spaces. I conducted some interviews with street traders in the case study areas to understand trading space allocation systems and dynamics. I initially approached traders and explained the study briefly. I indicated that I wanted to understand the traders' access to trading spaces and asked if I could spend some time with them to understand their experiences and the dynamics. This work started in Ekurhuleni where I approached six street traders in Germiston and tried to get them to share their experiences of how they got their

trading spaces, but they refused. They were reluctant to talk and directed me to organisation leaders even though they refused to share leaders' names and contact details.

Street traders in Tshwane and Johannesburg also refused to share what they know about allocation processes. This was an interesting dynamic because street traders were willing to share their everyday experiences (including how they are treated by Metro Police officers and officials) but were not willing to share how they gained access to their trading space. Even after I explained what I was doing and even showed them my student/staff card, some of the traders even told me that they thought I was a journalist, an official or a spy who wanted to expose illegal dealings of gaining stalls and jeopardise their livelihoods. A further difficulty was that they wanted me to help them resolve some of the issues that they were facing on a daily basis such as confiscation of their goods, and I had to constantly remind them of my position as a researcher.

3.4 Gaining insights from the field: hunting and gathering tools and methods

Various methods of data collection were employed to get insights from the field. These methods included documentary analysis, semi-structured interviews and where possible observation of respondents engaging in their daily practices. Some dimensions of each case study are revealed more strongly in some forms of data than others and multiple forms of data are needed to try to get a sense of the multi-faceted nature of each case, and also to corroborate different pieces of information.

3.4.1 Desktop research and documentary analysis

I used documentary analysis to attain background information on the case study areas and subject matter. This in a sense was the 'groundwork' before the 'actual fieldwork' and was used strategically to help with stakeholder mapping and identifying which issues are important to investigate further. Documentary analysis helped to provide direction and focus for interviews and to cross reference some of the insights gained from the field. Duke (2002) argues that the analysis of policy documents provides rich contextual and historical data which is useful in informing the direction of the interviews.

The first port of entry for documentary analysis was a basic internet search of the history of mobilisation of street traders in each case study area and any relevant issues related to street trading. This yielded a number of results for different case study areas, such as street trading policy and bylaws, government strategic documents, articles and videos of clashes between street traders and law enforcement officers, traders' relationship with the state. There were a multitude of media articles, press releases, official municipal reports, speeches, personal (email) archives and audio-visual material such as TV interviews and YouTube videos where

trader leaders were the subject of interest. While this was useful, the available materials were unevenly spread across the case study areas, as indicated in Table 2.

Table 2: Data sources used for the report

Data source	Ahmedabad	Johannesburg	Tshwane	Ekurhuleni
Media articles (mainly regarding interface between traders and authorities)	10	8	20	2
Government documents (incl. street trading policy, by-laws, allocation policy, forum code of conduct, MoUs etc.)	4	4	12	2
Official websites	3	4	10	2
Trader organisation documents (Incl. newsletters, press release, MoU etc.)	8	6	4	0
Online Videos including television interviews	2	3	4	0
Other documents (incl. google searches, research reports etc.)	10	12	15	2

There is a wealth of online documents including those published by CUBES, over the years on the Johannesburg case. These provided incredible background information that was used as a starting point to frame discussions in the field. There are also many reports online pertaining to street trading in Tshwane, from online newspaper articles to audio-visual material. These helped particularly in directing fieldwork and cross checking what officials and trader leaders were narrating during interviews. However, some areas become more visible than others as a result of the geography of media and media interest. There was no publicly available documents on the internet to paint a picture of what is happening in Ekurhuleni regarding street trading with the only available document online being the street trading policy. This made it challenging to identify dominant street trader organisations and leaders that could be engaged during fieldwork and required shooting in the dark when commencing fieldwork.

During the documentary analysis, it was interesting to note that all case study areas had some form of street trading policy and bylaws in place to govern the activity and this provided a sense of the official stance on street trading. The beginning stage was to review and analyse the overall tone of the policy documents, the main elements contained within each, the author of the documents and the context within which the documents were drafted.

There are a number of limitations and challenges associated with this data collection method. One of the challenges was that the review of available information was based solely on the end product (in most cases what is written) without an understanding of the ‘behind the scenes’ experiences that give a sense of struggles, resistance as well as the negotiations and collaborations that resulted in the outcomes. While the review of policy documents is a starting

point, it did not reveal a great deal about the processes and the role and influence that street trader leaders had on outcomes.

It was not always possible to access official documents that would be beneficial for the research. While official documents for Johannesburg and Tshwane were readily available online with some stakeholders also willing to share hard copies, the situation was different in Ekurhuleni. Some documents were not available in the public domain and stakeholders, including officials and leaders, were not keen to share some of them. This became a challenge as the same kind of analysis that was made in other case study areas was not possible in Ekurhuleni. An attempt was made to bridge this gap through interviews with both traders and officials as well as to observe some of the everyday practices that could inform analysis.

While information obtained through desktop research is useful to provide background and contextual information, its credibility can also be questioned. A lot of the information that was available included newspaper articles and think pieces by various stakeholders and this required analysing in a way that does not present them as the gospel truth but rather as points to be further investigated during fieldwork. Rather than offering neutral information, these documents are valuable for providing examples of the particular interests and subjectivities of actors and commentators on this issue. This information worked as background information whose credibility was still going to be established during further investigation in the field through various means such as interviews and access to official documents that can be used to verify its validity.

3.4.2 Semi-structured interviews

Following the desktop review, semi-structured interviews were used to clarify certain aspects, elaborate further on issues and provide detailed information that could not be unearthed in the analysis of documents (Duke, 2015). Semi-structured interviews are useful tools that allow respondents to bring out what they see as important issues instead of being constrained by the questions in a structured interview (Duke, 2002). Questions were used to guide interviewees in terms of important issues that require consideration but did not confine them from elaborating on additional issues. A wide range of respondents were selected for interviews including street trader leaders, street traders and state officials mandated to manage street trading. Refer to Table 3 for the list of respondents in each case study area.

Table 3: List of respondents in the case study areas

Case study area	Respondents	Position	Date of interview
Ahmedabad	SEWA leader 1	Technical advisor	17 November 2017
Ahmedabad	SEWA leader 2	Founder	27 November 2017
Ahmedabad	Jamalpur Market Development Committee	Chairperson	16 November 2017
Ahmedabad	Bhadra Union Committee	Secretary	20 November 2017
Ahmedabad	Bhadra traders	Street traders (15)	Between 6 & 28 November 2017
Ahmedabad	Jamalpur traders	Street traders (15)	Between 6 & 28 November 2017
Ekurhuleni	Iketsetse leader	Iketsetse spokesperson	25 July 2017
Ekurhuleni	LED official	LED officer	15 February 2018
Ekurhuleni	Trader leaders (6 in focus group setting)	GEMTRAP leaders	12 September 2017 16 February 2018
Ekurhuleni	Customer Care official	Germiston Customer Care Manager	9 October 2018
Ekurhuleni	Vosloorus Micro Traders leader 1	Vosloorus Micro Traders chairperson	30 August 2018
Ekurhuleni	Vosloorus Micro Traders leader 2	Vosloorus Micro Traders secretary	2 October 2018
Ekurhuleni	Germiston trader 1	Street trader	4 April 2018 17 April 2018 18 April 2018
Ekurhuleni	Germiston trader 2	Street trader	4 April 2018 17 April 2018 18 April 2018
Ekurhuleni	Germiston trader 3	Street trader	4 April 2018 17 April 2018 18 April 2018
Ekurhuleni	Germiston trader 4	Street trader	17 April 2018 18 April 2018
Ekurhuleni	Germiston trader 5	Street trader	18 April 2018

Ekurhuleni	Germiston trader 6	Street trader	18 April 2018
Tshwane	Business Support official	Economic Development Director- Business Support Operations	8 February 2018
Tshwane	Economic Advisor and Intelligence officials	Economic Development Advisor and Intelligence Directorate	23 January 2018
Tshwane	Unified South African Traders leader 1	Unified South African Traders leadership	8 February 2018
Tshwane	Unified South African Traders leader 2	Unified South African Traders leadership	8 February 2018
Tshwane	Tshwane Barekisi Forum leader	Tshwane Barekisi Forum General Secretary	7 September 2017 10 March 2018
Tshwane	Tshwane Micro League leader	Tshwane Micro-Enterprise League President (chairperson)	12 March 2018
Tshwane	Tshwane Informal Traders Council leader	Tshwane Informal Traders Council President (chairperson)	15 March 2018
Tshwane	LED official	Senior Specialist in Business Regulation, Infrastructure & Stakeholder Engagement (LED)	11 October 2018
Tshwane	Tshwane trader 1	Street trader	24 April 2018 25 April 2018
Tshwane	Tshwane trader 2	Street trader	24 April 2018 25 April 2018
Tshwane	Tshwane trader 3	Street trader	24 April 2018 25 April 2018
Tshwane	Tshwane trader 4	Street trader	24 April 2018 25 April 2018
Tshwane	Tshwane trader 5	Street trader	25 April 2018
Tshwane	Tshwane trader 6 (Market trader)	Street trader	25 April 2018
Tshwane	Tshwane trader 7	Street trader	25 April 2018
Tshwane	Tshwane trader 8	Street trader	25 April 2018
Johannesburg	Ex-official	MTC/JPC	5 April 2018
Johannesburg	Block leader 1	Block leader (Affiliated to SAITF)	8 August 2018
Johannesburg	Block leader 2	Block leader (Affiliated to SAITF)	

			8 August 2018
Johannesburg	Block leader 3	Block leader	25 January 2018
Johannesburg	Block leader 4	Block leader	29 January 2018
Johannesburg	SANTRA leader 1	SANTRA	20 September 2017 29 January 2018
Johannesburg	SANTRA leader 2	SANTRA	29 January 2018
Johannesburg	One Voice leader	One Voice of All Hawkers Associations	26 March 2018
Johannesburg	SAITF leader	SAITF	20 September 2018
Johannesburg	Johannesburg trader 1	Street trader	25 January 2018 8 May 2018
Johannesburg	Johannesburg trader 2	Street trader	25 January 2018 8 May 2018
Johannesburg	Johannesburg trader 3	Street trader	25 January 2018 8 May 2018
Johannesburg	Johannesburg trader 4	Street trader	8 May 2018 10 May 2018
Johannesburg	Johannesburg trader 5	Street trader	10 May 2018
Johannesburg	Johannesburg trader 6	Street trader	10 May 2018
Johannesburg	Johannesburg trader 7	Street trader	10 May 2018
Johannesburg	Johannesburg trader 8	Street trader	10 May 2018
Overview of status quo in SA	StreetNet International Coordinator	StreetNet International Coordinator	14 August 2018
Overview if status quo in India	WIEGO senior advisor	WIEGO senior advisor	17 August 2018
Overview of status quo in SA	SAITA president	SAITA president	17 August 2018

Overview of status quo in SA	COSATU organising secretary	COSATU organising secretary	23 August 2018
SALGA Gauteng Informal Economy Dialogue	Local government officials from various departments such as Planning, by-law enforcement, LED/DED etc.	Officials	03 October 2018

The selection of street trader leaders for interviews targeted those leaders who are active and vocal on street trading issues. The leaders are generally from visible and popular organisations that have some form of relations or encounters with the state. A total of eight trader leaders were interviewed in Ekurhuleni, with six from Germiston Traders' Partnership (GEMTRAP) and two from Vosloorus Micro Trading Association, eight leaders from various representative structures in Johannesburg and five from various organisations in Tshwane between August 2017 and November 2018 (Table 4).

Table 4: Number of interviews per case study area

Category of respondents	**Ahmedabad**	**Johannesburg**	**Tshwane**	**Ekurhuleni**	**Total**
No. of street trader representative structures approached	3	4	4	2	**13**
No. of trader leaders interviewed	4	8	5	8	**25**
No. of street traders interviewed	30	8	8	6	**52**
No. of officials interviewed	0	1 (ex-official)	4	2	**7**
Total	**37**	**20**	**21**	**18**	

The aim of the interviews was to explore leaders' everyday experiences of collective mobilisation, their relations with the state and street traders and the extent of their participation in management of street trading in their respective jurisdictions. While questions varied between leaders and case study areas, the guiding questions sought an understanding of organisations or representative structure's functioning, leaders' position in relation to the state as well as dynamics of leaders' participation in everyday management of street trading, particularly their role in trading space allocation processes.

Street traders were also interviewed to solicit their experiences. The street traders were guided by semi-structured questions related to their everyday experiences on the streets, relations with their leaders and how they accessed their trading space whether regarded legal or illegal. Many of the matters revealed during interviews included sentiments that seemed to want to shame the City for the ill treatment of street traders. The information revealed during interviews was useful and relevant to understand the general context within which traders operate in the various case studies. Six street traders were interviewed in Germiston, eight each in

Johannesburg and Tshwane respectively, who assisted greatly to understand the situation on the ground.

A number of officials were interviewed, two in Ekurhuleni, one (ex-official) in Johannesburg and five in Tshwane. Government officials interviewed were those that interface directly with street traders, with the exception of Tshwane where three senior officials were also interviewed. Targeting front line officials was a strategy to understand how they regard and interface with the leaders, perceptions of leaders' roles and influence in managing street trade and how this affects their relationship. While in some instances officials' responses were public relations exercises and they were careful not to divulge much, in others real practical issues were raised and these were the most useful.

I conducted the interviews at the respondents' preferred location. Interviews with officials took place at their offices which created a very formal atmosphere and, in some cases, reinforced respondents' position of power (Duke, 2015). Perera-Mubarak (2014) argues that there are also political issues associated with interviewing officials and in some cases, the researcher must be able to downplay certain characters as a strategy to gain access to the respondents and attain trust. Being able to read the situation during interviews assists the researcher to determine how much of the knowledge on the research subject to divulge (Duke, 2002). During these interviews, I was always conscious to oscillate between knowledgeability and naivety depending on the atmosphere. Generally, I avoided filling the discussion with my understanding in order to give space to the officials to express their understanding in full. In certain instances when officials were reluctant to elaborate, I would reveal my knowledge on the subject matter that would require them to tell me of issues below the surface. There were occasional encounters with some officials who were concerned about sharing too much information and in the process denting the image of their office.

Street trader leaders' interviews were either conducted on the street or in their offices. These interviews tended to be informal and in a relaxed atmosphere. The strategy to oscillate between knowledge and naivety was also employed here to get the most out of respondents and this was informed by how the leaders respond to some questions. In most instances, the interviews with leaders tended to take a long time because they wanted to share their experiences and extensive knowledge. In some cases these interviews became spaces for leaders to vent their frustrations and to present themselves and their representative structures as legitimate and necessary.

Street traders were interviewed on site where they sell their goods. I did not set up appointments prior to the interviews but just arrived and requested their participation. In most instances, street traders were willing to share their experiences and go as far as offering me

a chair to sit and talk. In others, including the ones in Ekurhuleni who then eventually agreed, people narrated their fatigue and disappointment of being research subjects over the years without any real change in their daily lives and chose not to participate. Goldstein's (2016: 131) 'fieldwork in a flash' method was used as a tool to get insights from busy traders. This means that only a couple of questions were asked at one given time to accommodate the nature of street traders' business and to limit the time taken away from work. In some instances this involved interviewing the same traders over a number of days to follow up on a previous engagement or further insights on different issues and this proved worthwhile.

3.4.3 Observations

In some instances the interviews with respondents opened opportunities for observation. Some trader leaders were willing to take me with when conducting their daily business on the streets. An opportunity for observation was opened during a scheduled interview with trader leaders in Tshwane. Before the start of the interview, the leaders were due to allocate a trading space and they asked me to join them. During this time I was able to observe how leaders allocate trading spaces and their relations with existing and aspiring traders. This was an eye opener and I got insights from this apart from the interview process. In other cases I was able to observe street traders while engaging with them as I spent time in the markets.

While the data gathering tools worked well to solicit the insights required from the field, it is important to note that embedded knowledge, particularly for Johannesburg, also played a key role. As I explained in chapter 1, this embedded knowledge is as a result of a series of engagements with trader leaders and officials in a number of platforms such as CUBES meetings, which I was a part of since 2011. This has presented a challenge when reporting on findings because in some instances I find it difficult to link specific insights to a direct source as it might have come up in a meeting discussion. When reporting on such insights, I give a broad sense of where the information was obtained without attributing it directly to a source. I also have access to archival material from previous research which touched on the issues I am currently investigating and this provided a useful starting point of investigation.

The magnitude of the data gathered from the field through the multiple tools and methods was overwhelming. This required strategy to decipher what the data says and means in the context of the research at hand. The following details some of the data analysis techniques that were employed during and after fieldwork.

3.5 Organising and analysing research material

The organisation of the fieldwork material took place in the early stages of fieldwork. The organisation of the collected data was important to organise due to its sheer volume. I had to organise the data collected according to manageable themes and concepts for ease of

reference. A fieldwork diary was crucial to the process of data collection and I used it vigorously. After each and every encounter I had in the field, I made an entry into the fieldwork diary. This is where I recorded my reflective notes such as how I think the interview went, how I felt during the encounter, what worked or did not work during interactions with participants, what I thought of the respondents' responses to questions and note any follow up questions I might have. The fieldwork diary provided me with space to write my honest reflections and interpretations of my experiences in the field.

I used a phone to record interview responses during interviews in instances where I was granted permission to do so. This was by far the most effective way of capturing responses during interviews so that they can be captured as accurately as possible. I also carried a notebook to write down key responses, as well as to act as backup in case recording fails or I lose my phone. This method was also used in instances where participants are reluctant for their responses to be recorded. I did not wait until the end of fieldwork to start organising the collected data. After each and every interview, especially ones which I did not record, I would immediately transcribe. During this process of writing down interview responses, I started organising the data into specific themes and surfacing main concepts.

For interviews that were recorded, I hired a Masters student to transcribe them. I asked the student to transcribe the interviews verbatim so that I can later organise the responses into themes and highlight relevant concepts. This process only started once fieldwork was completed and it took approximately two months for all interviews to be transcribed. Once the interviews were transcribed, I realised that they were not captured accurately. I had to go back to the recordings and identify the gaps in the transcripts. In other instances I was required to re-transcribe whole interviews and this took a long time. I eventually managed to complete transcribing all interviews and started organising responses into themes.

Once all transcriptions were done, I organised the interviews into the relevant case study areas and responses according to themes and key words. This allowed me to efficiently manage the data. I read through each and every transcript and started highlighting key themes and concepts that were relevant for my study and are illustrated in Table 5.

Table 5: Key themes and concepts used to organised fieldwork material

Key themes	**Key words**
Contextual issues	Collective organisation
Street trader representation dynamics	Mobilisation tactics
Interface between state and street trader leaders	Representation
Allocation of trading spaces	Confrontation vs cooperation
Practices of street trader leaders	Informal practices
Practices of the state	Space allocation

I collated all interviews for individual case study areas into a single document with clear labels for each interview for ease of reference and labelled them with *theme identification*. I read through each interview and highlighted various themes with different colours and these essentially became my codes. For instance, I used yellow to highlight contextual issues and purple for street trader representation dynamics. Once I highlighted all responses, I moved them into the various theme sections. I did this for all case study areas. These initial themes were then consolidated into three main themes that were eventually constructed as the findings chapters of the thesis. These include representative structures and their internal organising dynamics (Chapter 4), relationship between state actors and street trader leaders (Chapter 5) and the everyday management of street trade (Chapter 6).

I did not wait until the end of the fieldwork to start analysing the available data. I used the identified themes and key words to analyse the data collected and used that as a basis to construct the findings chapters. In the analysis of the data, I looked for patterns as well as similarities and differences between case study areas. The way I organised and analysed the data translated into how I present the findings in the following chapters. The data is presented on a case by case manner to allow space to give detailed description of each case and the dynamics at play. The conclusion then offers space to critically compare and contrast the similarities, differences and nuances between cases.

Not all material that was transcribed made it into the analysis and presentation of the material. Some of the insights from the field were not relevant for the current study and hence were not included as part of the findings.

3.6 Comparative urbanism**

Comparative urbanism is a mechanism used for thinking across different and diverse urban contexts across the world with multiple starting points (McFarlane and Robinson, 2012; Robinson, 2015). The approach emphasises two practices 1) thinking with variations and similarities across different contexts and 2) using interconnectedness of cities across the world to juxtapose their analysis. This has been a long standing conceptualisation in the field of urban studies to draw understandings of the urban across various experiences. This literature prioritises thinking with variations between cases as opposed to ‘controlling for difference’ and obsessing about socio-economic and political similarities between cases to make them comparable. Comparison, then, focuses on finding differences and distinctive elements possessed by each case study to ascertain the applicability of existing concepts in varying contexts.

This approach has been useful for scholars to bring different urban contexts into conversation with one another and assist with developing new concepts to understand urban processes

(McFarlane and Robinson, 2012). Thinking with insights from elsewhere provides many opportunities for scholars to understand processes that shape varying urban landscapes. Robinson (2015: 195) argues that 'rather than…restricting analyses to most similar cities, we can turn the traditional methodological advice around and indicate that finding shared processes or outcomes forms a good basis for comparing'. In fact, '…difference needs to be viewed less as a problem to be avoided and more as a productive means for conceptualizing contemporary urbanism' (McFarlane and Robinson, 2012: 767). The current research adopts this approach as it does not restrict comparison to similar contexts (i.e. socio-economic and political development) but straddles across varying contexts with different starting points to understand the role of leaders and their participation in urban governance.

The cases selected for comparison for this research have various differences. The Ahmedabad case offers insights into the instrumentality of trader leaders in influencing the policy making processes in India, an aspect the Gauteng based organisations have struggled to achieve. The Gauteng cases, although in the same province, also have different contexts in terms of the governance of street trading and interface between the leaders and the state. Johannesburg and Tshwane cases are well developed with a wealth of insights from respondents and available documents while the Ekurhuleni case had limited information on all fronts. Comparison in this instance allowed me to probe certain aspects in one case which could not be the case in another context. For instance, there are insights on the mobilisation of street traders in Ahmedabad, Johannesburg and Tshwane and seemingly no information in the case of Ekurhuleni. The comparison allowed for the probing of relevant issues in each case study area based on available information.

3.7 Reflections on weaknesses of the methodological approach

While the methodological approach adopted in this research was useful in gathering valuable insights, it also in some ways prevented the explorations of some avenues. There are a number of weaknesses of the methodological approach for this research and these are outlined in the paragraphs that follow.

The shift from an exclusive focus on policy processes in India to the everyday management of street trade in Gauteng municipalities was time consuming. Even though it provided a basis for learning from elsewhere, it required a change in research questions and a strategy of how to access respondents and solicit their participation in the study. The addition of case studies further complicated the study and added to the limited timeframes.

Due to my extensive involvement in street trading research for a number of years and having developed relations with some of the leaders, my activist role played a part in how I collected

the data and subsequently presented the findings. My personal involvement in the topic influenced the way I approached the study, interactions with respondents and my observations which ultimately had an impact on the conclusions I draw. I present the findings in an empathetic manner as I generally understand the plight of street traders in Gauteng.

There was a general bias in terms of using existing networks in Johannesburg. I ended up interviewing more leaders in Johannesburg than in the other areas because of the established networks. I also used my existing street trader leaders' contacts in Johannesburg as a port of entry into the other two municipalities which was useful to facilitate participation but it also raised some issues. The Johannesburg based street trader leaders referred me to their allies in the other municipalities and this created some form of bias in the choice of participants. As a compliment to this method, I mapped vocal and active street traders using the internet. This strategy was useful as a starting point but it in some ways excluded the voice of leaders that might not be that visible in the public domain but influencing the everyday management of street trade. Granted that I could not engage with each and every street trader leader in all the study areas, some effort could have gone to finding these invisible leaders who might be playing a role in their areas.

There are certain questions that I could not ask as a result of the approach adopted. One of the inquiries that could have added immensely to the study was financial information particularly as it relates to transactions between street trader leaders and potential clients as well as state officials. While almost all participants alluded to paying a certain fee to leaders to gain a trading space, the question of how much is paid and how it is paid was not answered as traders were reluctant to share specifics. The question of whether state officials are paid to ignore some of the transactions could also not be asked to the respondents in the study and this would have contributed to the story. This information could have changed the findings of the study but I could not follow the money and observe how these transactions take place as this could have led to a slightly different focus of the study.

3.8 Ethical considerations

Ethical issues are bound to surface during the various stages of the research process, from conceptualising the research study to dissemination of findings (Hatch, 2002; Creswell, 2007; 2013). During fieldwork, consideration was given to getting verbal consent from respondents participating in the study. Before engaging with interviewees, a brief introduction of the research was given outlining the aims and objectives of the study. This was to ensure that participants understand the nature of the study so that they do not have unrealistic expectations on the process. The issue of reciprocity was often raised in interviews (Hatch, 2002), especially those with street traders. The street traders wanted to know what they would

be getting for their participation in the study and there were often expectations that the study would have direct benefits. I made sure that I explain clearly that there will not be any direct benefits to participants but that there is a possibility of long term indirect benefits brought about by the research such as influencing official practices.

Protecting the identity of respondents was a priority in this research so as to ensure their anonymity. Participants were assured that their participation in the study will be kept anonymous and their identity will be protected when reporting on the findings. During transcription of data and reporting, real participants' names and any other identifying information were not used (Hatch, 2002). For instance, all the street traders were anonymised and in certain instances given pseudonyms to protect their identity and to avoid any negative impact. Street trader leaders' names were not revealed but their organisation name was reported to reveal the politics between organisations and varying relations with the state. Naming organisations does not reveal much that is not already in the public domain.

State officials' names were also protected even though their relative position in public office was quoted. Relevant excerpts from the interviews were included in the dissertation and the interviewees identities were kept confidential. To ensure further protection of participants, insights gathered during fieldwork was stored in a password protected computer for the duration of the study and I am the only person with access to it.

There were instances where participants shared information off the record (Creswell, 2007) and this was another ethical issue that I grappled with. Creswell (2007) argues that in such instances the researcher is required to delete this information from analysis so as to avert harming individuals who revealed this information. There were instances during interviews with officials where important information was revealed off the record and internal documents were also shared with me. Although I could not directly quote them in my findings, this information nevertheless helped me understand 'the mind of the City' and indirectly informed my analysis.

3.9 Conclusion

The chapter showed how I embarked on gaining insights that inform the findings of this research. I started by briefly outlining my positionality as a researcher and how this informed the framing of the research question(s), and how I went about to collect data in the field. The research took unexpected twists and turns with initial research focus and site shifting, and this was possible because the research design was flexible to allow for such. The research is based on a qualitative and comparative investigation of street trade governance in Gauteng's three metropolitan municipalities with reflections from Ahmedabad. Various and

complementary data collection tools and methods were used including documentary analysis, semi-structured interviews as well as observations. A number of documents were sourced and reviewed in order to plan for fieldwork. Interviews were then conducted with three categories of stakeholders including officials, street trader leaders and street traders in the case study areas. The relevant questions to ask respondents were informed by the documentary analysis that occurred in the early stages of the research process. The collected data was then organised and analysed through transcription and coding to allow for ease of reference. The insights presented in the next chapters are a result of the employment of these various data collection methods described in detail above.

Chapter 4: Street traders' representative structures: Internal dynamics of organisation

> "The representation of street traders is problematic. There are issues of various representatives of the sector not speaking in one voice, the constant change in leadership which makes things difficult for local government. They are militant in nature making it difficult to control them when they protest" (Local government official, SALGA Gauteng Informal Economy Dialogue, 03 October 2018).

4.1 Introduction

There is a long history of street traders' collective organisation and mobilisation to advance their interests. While this is the case, some state actors seldom recognise them as legitimate representatives of street traders (Benit-Gbaffou, 2014). This chapter attempts to answer the following sub-questions: What are the prevailing street trader representative structures in the case study areas and what are the various configurations of these representative structures and their internal dynamics? This chapter examines the internal organising dynamics of street trader representative structures in Johannesburg, Tshwane and Ekurhuleni municipalities. It shows how these structures act as important avenues through which street traders can voice their interests and how leaders within these structures can act as a bridge between street traders and the state. The chapter demonstrates that there are different configurations of street traders' representative structures in the case study areas with varying degrees of organising dynamics and recognition by the state. It analyses three aspects: the first deals with the constitution of collective structures, including who initiated the formation of the structure, whether state engineered or initiated by street traders or a combination of both aspects, who the leaders are and how they were installed into positions. The second examines the functioning of the representative structures in terms of whether meetings are held between leaders and members, how often meetings are held and issues discussed in those meetings. The third and final aspect looks at the issue of membership by asking who constitutes these representative structures, whether members pay joining and regular membership fees. The chapter presents the various street trader structures in each case and starts with a brief history of collective action, how the structure came about, its constitution and how it functions. The representative structures are presented per case study area starting with the well-developed ones in Johannesburg and Tshwane, followed by Ekurhuleni which is least organised. The comparison is drawn out in the concluding section to present similarities and differences between structures.

4.2 Street trader representation in Johannesburg

Street trader mobilisation in Johannesburg has a long and rich history dating back to the apartheid era. There are various forms of street trader representative structures in this context, with the most prominent being street trader organisations and block leaders.

4.2.1 Street trader organisations

Collective organisation and mobilisation of street traders in Johannesburg started in the late 1980s as frustration with repressive municipal policies and practices was mounting (Rogerson, 1988; Skinner, 2007). The hostile environment led to street traders forming organisations with the main aim of lobbying the municipality to allow trading activity so that people could earn a living. One of the first and prominent street trader organisations during this time was the African Council of Hawkers and Informal Business (ACHIB), established in 1986 to fight the plight of traders in Johannesburg. The operation of ACHIB influenced the formation of other organisations in the 1990s to act as a collective voice to address challenges faced by street traders.

While there is a plethora of organisations in recent years, the inner city is still dominated by the 'big three' organisations that have become critical players in street trading politics (Benit-Gbaffou, 2014: 17). Their leaders frequently meet with officials and are 'active and highly vocal' (Matjomane, 2013: 115). These organisations include the South African National Traders Retail Alliance[46] (SANTRA), South African Informal Traders Forum[47] (SAITF) and One Voice of All Hawkers Association[48] (OVOAHA). These organisations have various internal organising dynamics including their leadership structures and membership and have been gaining various degrees of recognition from both the state and street traders over the years.

Two of the big three trader organisations have registered as Non-Profit Organisations (NPO) to formalise their operations. For instance, SAITF was registered as a NPO in 2012 (Jackson et al, 2014) while SANTRA registered in 2014 (Bosaka et al, 2014). The registration of these organisations as NPOs formalises their operations and creates an opportunity for a professional structure to be put in place. Both SAITF and SANTRA have hierarchical leadership structures based on the portfolios of: chairperson, vice chairperson, secretary, treasurer, and spokesperson or communications officer. OVOAHA is also hierarchically

[46] The organisation was created in 2006 and has since become "a voice from the people's economy" (Elias quoted in Matjomane, 2013: 115).

[47] The organisation was established in 1994 and the current executive committee was elected by street traders from different organisations in 2006 (Tissington, 2009; Matjomane, 2013).

[48] The organisation was created in 2007 and is currently registered as a Section 21 company. It is well known for using mass marches as one of its prominent repertoire of action, with its most notable in 2008 (joint by the Anti Privatisation Forum) where a memorandum of grievances was handed over to then Mayor Amos Masondo (Tissington, 2009).

structured but has a slightly different structure where the top rung is occupied by a president[49] and secretary (the president's right hand person) and the bottom rung is occupied by 20 area representatives (Ajibade et al, 2014). Area representatives are elected at area level and act as foot soldiers assigned to manage specific areas in consultation with the president and secretary.

While not all leaders earn a salary from organisational work, SANTRA pays its leaders a monthly stipend depending on availability of funds. This is because leaders spend most of their time representing their constituents and away from their businesses. In a sense, organisations recognise the work done by their leaders such as attending meetings, fighting for their constituents and lobbying the state and remunerates them for their time.

Organisation meetings between leaders and members tend to be infrequent. In 2014, SANTRA leaders reported having no meetings as their operating office burnt down (Bosaka et al, 2014). OVOAHA convenes *ad hoc* meetings with members in the face of urgent issues. The organisation has no office space and mostly use public open spaces (i.e. Joubert Park) or the National Council of Trade Union's offices to convene meetings. Out of the big three, SAITF is the only organisation that holds monthly general meetings with its members to share important information and debate issues (Jackson et al, 2014). The leaders often source venues for meetings but usually meet in public spaces in the CBD to accommodate large numbers of attendees. The organisation also has executive committee meetings to strategise on ways to take the collective forward. These meetings are held at the organisation's offices located at Bree taxi rank in the Johannesburg CBD.

The membership of street trader organisations is made up of a mixture of authorised[50] and unauthorised[51] traders with variations between organisations. It is not always easy for leaders to disclose their unauthorised constituents, particularly to authorities. In the post operation clean sweep period, SANTRA claims to have 5 000 members in the inner city while OVOAHA claims to have 2 500 members distributed across the city (with strongholds in the inner city, Soweto and Cosmo City). In 2014 Jackson et al (2014) stated that SAITF had 9 000 members made up of organisations as opposed to individual traders. These membership numbers have gone up for the big three organisations because of their key role in Operation Clean Sweep.

Organisations partly run their operations with payment from members although this is usually irregular. In 2014, SANTRA's joining fee was R150 and the monthly membership fee was R50

[49] The chairperson of the organisation is affectionately referred to as the president. In other words, the president is an informal name for what is more formally known as the chairperson.
[50] Those traders with legal trading spaces and/or valid trading licenses/permits.
[51] Traders occupying trading spaces that are not demarcated for trading and/ or possess no/invalid licenses or permits.

(Bosaka et al, 2014), SAITF members (member organisations as opposed to individual street traders) paid a R200 joining fee and a R10 monthly voluntary donation from individual organisation members (Jackson et al, 2014). In 2013, OVOAHA charged a R30 registration fee and a R10 monthly membership fee (Matjomane, 2013). While SANTRA and SAITF's monthly fees are in some ways voluntary, OVOAHA's is compulsory as failure to settle the account in most instances results in punishment in various ways. In some instances, members of OVOAHA have noted that non-payment of membership fees has dire repercussions for the street traders concerned. These include having their trading space taken away or the leadership setting JMPD on the trader to harass and confiscate their goods without any valid reason (Matjomane, 2013)[52].While street trader organisations have been the voices of street traders for years, their representability and accountability is often questioned by both the very people they represent and the state. The often confrontational nature of engagement[53] between street trader leaders and the state also does not count in their favour. The City of Johannesburg set up the block leadership structure in 2005 to run in parallel with the organisation system. This move by the city effectively created a bifurcated system of representation with varying degrees of recognition. This means that street traders can be represented by an organisation, block leaders or both.

4.2.2 Block leadership structure

Block leaders are area-based representatives elected at the block or street level to manage streets and represent traders in negotiations with the City (Bénit-Gbaffou, 2014; Kwashaba, 2016). Khwashaba (2016) argues that block leadership is an informal management system initiated by officials where those elected as leaders act as mediators between street traders (in a particular block or street) and authorities. The block leadership structure was introduced by the city in 2005 and crumbled in the aftermath of Operation Clean Sweep.

> "The mobilisation of block leaders started in 2005 by MTC [Metro Trading Company][54]. MTC officials came and proposed that traders should mobilise. Traders grouped themselves per street or block then nominated and elected leaders. The list of elected block leaders was sent to MTC to endorse it" (Johannesburg block leader 2, 8 August 2018).

The process to constitute the block leadership structure was initiated by the state and endorsed by street traders by electing leaders into positions. At the discretion of the officials,

[52] I explore this detail in greater detail in the following chapters.

[53] This dynamic is explored in chapter 5.

[54] MTC was the city owned entity mandated to manage informal trading on behalf the City's Department of Economic Development. The entity was since dismantled and replaced by the Johannesburg Property Company in the aftermath of Operation Clean Sweep.

traders in some blocks in the inner city elected leaders and the elections for one block did not happen at the same time as that of another. Officials prefer the block leadership system as street traders have direct input into who they choose as their leaders through elections.

> "We are not saying to you, you are now going to appoint Mamokete as your leader. We ask you to tell us if we want to talk to you here as a collective, we can't talk to you every day as a group, who is this person that you trust? Who is this person you love the most, that you think is fair and is transparent? They will point at people and choose who they want as their leader" (Ex-official, 5 April 2018).

The official highlights the direct election of block leaders by street traders as their representatives. He also argues that, in as much as the system was initiated by the City of Johannesburg, the leaders were directly elected by traders in blocks concerned. The respondent's contention is that smaller scale elections are more legitimate.

The names of the elected block leaders were registered with the City as representatives of street traders in their respective blocks or streets. The orientation of leaders into positions was through terms of reference, which mainly focus on the 'house rules' (Khwashaba, 2016: 24). This effectively ensured that leaders' positions as endorsed leaders was cemented and this rendered them the official partners of the state. They were trained by authorities through workshops which mainly capacitated them on how they should manage street traders in their respective blocks and enforce by-laws. While the block leaders ensured by-laws were followed, they seldom had a say in how they can be changed to accommodate the changing nature of street trading in the city.

From the pool of elected block leaders[55], some were selected to constitute the block leader committee which was made up of 15 members in total. The committee members were elected into positions by other block leaders from different streets/blocks across the city. The committee met monthly with Metro Trading Company officials to discuss day to day issues affecting street traders. The committee met with officials to give a status update regarding issues on the ground as opposed to making strategic inputs on high level issues. They were also part of the Informal Trading Forum where supposedly more strategic issues were to be discussed (this forum is explained in the next section).

While organisation leaders argue that the block leadership system was introduced to undermine their legitimacy, the City argues that the system was to efficiently resolve local issues. Officials argued that block leaders are closest to the ground, are able to intervene timeously when conflicts between traders arise or when traders do not adhere to the by-laws.

[55] The exact number of block leaders across the city was never disclosed.

Effectively this means that block leaders are partners of the state and maintain order on the streets. The block leaders were also remunerated by the City but when asked about the amount, they refused to disclose it during interviews.

> "Prior to organisations coming into existence, we have actually established the block leaders as our point of communication with the traders. To ensure that we understand what the people on the ground need, so that they can inform us in terms of their needs" (Ex-official, 2018, 5 April 2020).

The official argues that the system of block leaders came into effect before the existence of street trader organisations. However, when block leaders were being mobilised by the City, street trader organisations were already in existence with one of the first organisation (ACHIB) created in 1986. In fact some of the block leaders were organisation leaders before they became block leaders. By recognising block leaders as the legitimate representatives of street traders over organisation leaders, the City created a bifurcated system of representation[56]. There are a number of issues that have arisen with regard to the governance of street trading owing to these parallel systems of representation. The City has attempted to reconcile the divergent systems of representation by introducing the Informal Trading Forum.

4.2.3 City's attempt to reconcile the bifurcated street trade structure through the Informal Trading Forum

The Informal Trading Forum was established in 2009 under the ambit of the City of Johannesburg's Department of Economic Development. The forum was disbanded in the midst of Operation Clean Sweep due to the sourced relationship between authorities and street traders. It was a representative platform made up of both block and organisation leaders (as well as market committees) within the City of Johannesburg with the main function of '…oversight of informal trading policy implementation, review of the policy as well as by-law enforcement' (City of Johannesburg, 2010:2). The forum was intended to constitute a regular and formalised platform of engagement between street trader representatives and state officials from various departments including (but not limited to) the Department of Economic Development, Metro Trading Company, JMPD By-law Enforcement, Urban Management units, Johannesburg Development Agency, Safety and Security Department, Mayoral Committee for Economic Development as well as other interested and affected parties such as City Improvement District representatives and formal business bodies (City of Johannesburg, 2010).

[56] This is the case even though some block leaders are also members of organisations and the opposition between the two structures is not always so stark.

The Informal Trading Forum was a large city-wide forum where street trader organisations from various parts of the municipality participated. Each street trader organisation operating within the city was allowed to delegate two to three members to form part of the forum. As a rule, the same members from each organisation were encouraged to consistently attend all forum proceedings without alternating representatives. When the forum was set up, meetings were to be held monthly at the municipal offices to deliberate on issues pertaining to street trading but in reality they were irregular. While the forum was a useful space for contact between street traders and the state, there were a number of issues that prevailed. Street traders argue that the forum was supposed to be a platform to deliberate on strategic issues and take important decisions in collaboration with authorities but the space was a talk show with no decision making powers (Block leader 3, 25 January 2018; block leader 4, 29 January 2018; SANTRA leader 1 & 2, 29 January 2018). Monthly meetings largely became information giving sessions with no discussion of strategic issues (Khwashaba, 2019).

To break down the large forum, sub committees were introduced as implementation arms of the forum for efficiency purposes. Three implementation arms of the forum were created under the banner of task teams in 2012 but were also discontinued in the aftermath of Operation Clean Sweep. The task teams included the by-law enforcement, management and technical and were made up of nominated leaders and relevant officials. The by-law enforcement task team was mandated to advise by-law enforcement officials and provide oversight of these processes. The management task team advised and guided officials on allocation and management of trading spaces. The technical task team provided guidance on informal trading policy review processes to ensure developmental outcomes for traders (City of Johannesburg, 2010). The task teams played a similar role to block leaders as they acted as official partners of the state. This added another layer to the already complicated street trade governance structure in the city.

The task teams were constituted through nominations at a forum meeting in 2012. I account for this in my fieldwork notes:

> "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" (Cited in Matjomane, 2013: 59).

The process involved forum members negotiating who to nominate to the task teams. The general principle was that each task team has to have a representative from each of the street

trader organisations that formed part of the wider forum to ensure that all organisations are represented in the structures. Once a person was nominated they confirmed their willingness to form part of the task team. Although wider Informal Trading Forum members were not remunerated, task team members received a monthly stipend of R2 000 for services rendered. While this was welcomed by some street traders, others argued that this created a conflict of interest for the leaders as they would not be able to tackle the City's repressive practices. Task team members were expected to perform a balancing act between advancing street traders' interests and fulfilling the City's agenda which is often at odds with traders' interests. Leaders (even those forming part of task teams) argued that this was a divide and rule tactic by the City because not all forum members were part of task teams (Matjomane, 2013; Khwashaba, 2019)[57].

The Johannesburg case illustrates the multiple governance structures that are configured in various ways. There are different street trader organisations that claim to represent street traders in the inner city. These play a significant role as a medium to relay issues to officials. Organisations function in various ways and seek recognition by both the state and members as well as becoming legible to state processes. While organisations have a long history of existence in this context, officials have initiated other forms of representative structures that run in parallel and complicate the governance of street trading. The block leadership structure initiated by the state is an alternative to organisations. While this system of representation is preferred and endorsed by officials, the multiplicity of platforms open spaces and different ways of engaging with the state. Block leaders and organisations also work together in the same spaces and an inclusion of one structure in engagement platforms in some ways include the other, because they are interrelated. In an effort to reconcile the bifurcated structure of organisation and block leaders, the state introduced the Informal Trading Forum and subsequently task teams as avenues where both organisation and block leaders play a role in governing street trading. While this reconciliation has worked for some time, there have been a number of issues associated with its functioning which has created divisions within the traders' movement, a dynamic that puts governance of street trading in jeopardy.

4.3 Street trade representation in Tshwane: From non-engagement to hostile clashes

Until 2012, there seemed to be no conflict between Tshwane officials and street traders, particularly those operating in the inner city Region 3 of the municipality. While street traders seemingly adopted 'quiet encroachment' (Bayat, 1997:533) techniques to occupy spaces on the streets, this picture was disrupted in August 2012 when Tshwane, led by the Department

[57] I explore this aspect in greater detail in Chapter 5.

of Local Economic Development, introduced 'Operation Reclaim', a clean-up campaign and part of the inner city renewal project. The clean-up campaign was about removing unauthorised traders in the inner city, in which Tshwane Metro Police Department (TMPD) used rubber bullets and water cannons to disperse thousands of traders resisting evictions (City of Tshwane, 2015). Officials however insist that the operation was not about the removal of illegal street traders but instead argue it was about infrastructure development which necessitated relocations. This sparked mobilisation leading to the inner city becoming a battle ground between authorities and street traders.

During this time, the inner city was characterised by a series of marches led by various street trader organisations and leaders who were challenging the evictions and fighting for their right to trade. In the midst of confrontation, street trader organisations demanded engagement and negotiation with authorities. During this chaos, street trader leaders from some organisations secured a meeting with the Municipal Steering Committee made up of officials to discuss the evictions and relocation of traders and possibly find ways to avert the crisis. This culminated in the formation of the Tshwane Mayoral Steering Committee towards the end of 2012.

4.3.1 From widespread hostility to selective incorporation: Formation of the Tshwane Mayoral Steering Committee on Informal Trade through an MoU

Within a month, the discussions with the Municipal Steering Committee culminated in the formation of the Tshwane Mayoral Steering Committee on Informal Trade made up of four street trader organisations, namely, Tshwane Informal Traders Forum (TITF), Tshwane Informal Traders Council (TITCO), Tshwane Micro Entrepreneur League, and Tshwane National African Federated Chamber of Commerce (NAFCOC)[58]. These organisations were demanding a platform to engage with officials and were vocal, active and openly challenging the authorities on the treatment of street traders during the clean-up campaign. They organised (separately and collaboratively in certain instances) protests, marches, pickets, media briefings to overtly challenge the City of Tshwane and gain public sympathy.

The committee was made up of two representatives per organisation (a total of eight members) and its purpose was to find ways to deal with the crisis and issues pertaining to street trading in the inner city. The committee was formalised through the signing of a memorandum of understanding (MoU) in September 2012, between the four street trader organisation leaders, the Mayor's office together with the Department of Local Economic Development. The Tshwane Mayoral Steering Committee on Informal Trade also included key

[58] Tshwane National African Federated Chamber of Commerce is much broader than a street trader organisation. It is an independent NPO that support business organisations primarily serving black communities. The objective of this NPO is to promote black business development and cooperation of businesses.

heads from Economic Development, City Planning, Metro Police Department and the Regional Executive Directors' Office[59].

The official purpose of signing the MoU was to establish a relationship and facilitate engagement between the City of Tshwane and street trader leaders as well as to develop and transform informal trading within the inner city. This is made clear by the Business Support Operations official who stated:

> "So until 2015 these organisation were facilitating the process to say there is no proper engagement between the City and the traders. So we wanted to say let's have a vehicle that will assist in terms of communicating, the development of the sector, the support, the programmes, changes in terms of bylaws and then policies… So in order to really engage the traders' world the City decided to establish a Steering Committee comprised by different organisations in the inner city Region 3 only as it is where the problems or challenges are most felt, it is a priority area" (Business Support Operations official, 8 February 2018).

However, a closer look at how the Steering Committee operated shows that the real objective of the structure was to contain the negative narrative in the media and public, about the contentious relationship between street traders and authorities. The inclusion of street traders in the committee was a way for authorities to counteract negative discourses regarding the contentious politics as well as to pacify street traders. This is made evident by an extract from the signed MoU below.

> The signed agreement:
>
> - "Parties agreed unanimously and signed that splinter organisations shall not be permitted,
> - All parties agreed that no new members, or parties shall be considered,
> - All members and organisations agreed to refrain from participating in activities that may cause disquiet in the city, such as strikes, marches etc
> - Members and organisations agreed to refrain from bringing the steering committee, its members, City of Tshwane and fellow traders and or their organisations into disrepute"
>
> (Extract from signed MoU, 2012: unpaginated).

[59] City of Tshwane (2012) 'SA: Statement by the City of Tshwane, on historic agreement reached with informal traders (20/09/2012)'. Polity. 20 September. https://www.polity.org.za/article/sa-statement-by-the-city-of-tshwane-on-historic-agreement-with-informal-traders-20092012-2012-09-20.

From the above extract, it is evident that by virtue of organisations signing the agreement, they committed to working with the City of Tshwane, endorsing its plans and reducing their contentious encounters when engaging with officials. The MoU was a way for the City of Tshwane to contain opposition and also keep other organisations out of the inner circle by creating gate keepers. A document preceding the signing of the MoU states that 'one of the desired outcomes was achieved in that setting up the committee has seen a reduction in informal trader marches and strikes against the City' (Business Support Operations, 2013: unpaginated). However, the reduction in confrontational encounters only lasted for about a month before opposition from within the committee started brewing.

During the early days of the steering committee in September 2012, street trader leaders took part in a best practice tour to eThekwini and Cape Town Metropolitan City. The tour was arranged by authorities and committee members were to draw lessons from other cities outside Gauteng regarding how various street trading issues are dealt with in other contexts. The tour was boycotted by two trader leaders in the committee, Mr Elliot Nkadimeng and Mr Shoes Maloka (who later formed a splinter organisation by the name of Tshwane Barekisi Forum). The reason for this was that their proposal to link informal traders and the Fresh Produce Market was tabled at the committee meeting but was not supported by fellow members. The lack of consensus on this issue led to the formation of cracks within the steering committee and resulted in a boycott that had negative consequences on the workings of the steering committee as noted in a City report below:

> "The boycott of the tour culminated in a series of anti-steering committee campaigns in the form of meetings to bring about disquiet in the city, psyching traders with profane statements directed at the mayor [Kgosientsho Ramokgopa], the steering committee and individual members as well as to render the city ungovernable through sporadic public disturbance events" (City of Tshwane, 2012: unpaginated).

The boycott by the two leaders was a clear deviation from the signed MoU and contravened the adopted terms of reference. This laid a foundation for frictions and divisions between steering committee members and the City of Tshwane. Tshwane Barekisi Forum, an organisation founded in 2012 by Mr Maloka and Nkadimeng, was a result of the frictions between committee members and the state. Tshwane Barekisi Forum criticised the steering committee members as being self-interested sell-outs (Tshwane Barekisi Forum leader, 7 September 2017). The organisation became popular and attracted a lot of members as it was considered radical and challenging the *status quo*. While most of the street traders in the inner

city were following and joining this organisation as it was shaking things up, the City did not welcome its formation and modus operandi[60].

The divisions between steering committee members were amplified in 2014 when a street trader, Foster Rivombo, was shot dead and four other street traders arrested by the Tshwane Metro Police officers during a raid of inner city streets in pursuit of unauthorised traders[61]. This street trader was shot in an altercation after he refused to vacate his trading site. These incidents laid bare the covert battles between organisations that were part of the Steering Committee. Following the incident, the Tshwane Barekisi Forum organised thousands of street traders to picket outside the Pretoria Regional Court to demand justice for their fallen soldier. Tshwane Barekisi Forum also teamed up with the ANC Youth League and South African Informal Traders Forum and threatened to make the city ungovernable. The crisis triggered by authorities was used as an opportunity by Tshwane Barekisi Forum to rally support from street traders and increase its membership. Tshwane Barekisi Forum organised marches, pickets and media briefings while portraying the steering committee as doing nothing about the death of one of their own at the hands of authorities.

This public outcry and airing of the City of Tshwane's dirty laundry was in clear contradiction to the MoU signed, but the people at the forefront of this campaign were part of a new organisation that was not part of the Steering Committee, although its president (Shoes Maloka) and the general secretary (Elliot Nkadimeng) were signatories of the agreement. Due to the conflicting interests between and within organisations, the steering committee was disbanded in 2015. Pressure also came from street traders in the inner city who were complaining that the steering committee was only representative of members of the four organisations forming part of the committee. Tshwane Barekisi Forum was allegedly at the forefront of this and urging street traders to discredit the committee. Street traders then called for a representative body where all traders' needs would be represented, and called for elections of leaders.

[60] I explore this further in chapter 5.

[61] News24. 2014. 'Pretoria ruled by metro 'mafia'-claim', News24. 9 January. https://www.news24.com/SouthAfrica/News/Vendor-shot-dead-for-bananas-claim-20140109?cpid=2; SAPA. 2014. 'Pretoria vendors up in arms over 'police harassment', TimesLive .17 June. https://www.timeslive.co.za/news/south-africa/2014-06-17-pretoria-vendors-up-in-arms-over-police-harassment/; The Citizen. 2014. 'Pretoria vendors up in arms', The Citizen. 17 June. https://citizen.co.za/news/south-africa/196580/pretoria-vendors-arms/; Mail&Guardian. 2014. 'Shots fired at Tshwane protestors', Mail&Guardian. 17 June. https://mg.co.za/article/2014-06-17-man-shot-in-pretoria-protests/.

4.3.2 Creation of the Tshwane Informal Traders' Representative Committee through formal electoral processes

During the process of disbanding the steering committee, there were a series of engagements between the authorities and street traders. One such engagement was a summit chaired by Mayor Ramokgopa which was held in May 2015 with all informal traders operating in all regions of Tshwane to engage on issues. The summit culminated in street traders lobbying the City of Tshwane to initiate a formal election process to constitute a trader governance structure. The Mayor seemed to acknowledge the role and place of street trading in Tshwane by declaring in one of his speeches that 'informal traders are here to stay'[62]. The Mayor's office thus became an important point of contact between the street traders and the state, and this opened space for further engagements following the summit. The formal election process which was supported by the City was a way to address '…mushrooming trader organisations that lack consistence and exploit their members…' (City of Tshwane, 2014: unpaginated). The overall aim was to create an '…organised structure or legitimate organisation that represent the interests of informal traders' (City of Tshwane, 2014: unpaginated) in the city. Tshwane Barekisi Forum was at the forefront of these engagements supporting the formal electoral processes.

> "Region 3 informal traders wanted elections, they voted in 2015 June or July. The trader leaders finally got a chance in 2015 to see the Mayor and explain that the steering committee is not representing them and they want to choose their own leadership and vote democratically (Tshwane Barekisi Forum leader, 7 September 2017).

According to the leader, street traders demanded democratic elections of leadership as opposed to leaders being installed by officials as was the case with the Mayoral committee. The street traders consider elections as the epitome of democracy and as a way to hold leaders accountable, as was discussed in the literature. This in a way legitimises the election of Tshwane Barekisi Forum members into the governing structure.

> "So we went to election I think in May 2015 and then the leadership for Region 3 was elected. So the leadership role was supposed to represent every [trader] in Region 3 and the intention of the City was to roll out this thing in all the regions. Once elections were done, the steering committee was no longer functional, it was dissolved because of the elections…The [elections] were run, where all the organisations competed among themselves. What we wanted was we want the structure that will be able to communicate with the City but we created an enabling environment that can lead us to

[62] Bothma, S. 2015. 'Informal traders here to stay', Pretoria East Rekord.18 May. https://rekordeast.co.za/51546/informal-traders-here-to-stay/.

> the process, so they competed" (Business Support Operations official, 8 February 2018).

June 2015 was the dawn of a new era where a new street trader governance structure came into being. Authorities finally put in place mechanisms to facilitate formal electoral processes to constitute the Tshwane Region 3 Informal Traders Representative Committee. The Independent Electoral Commission (IEC)[63] was at the forefront of the process to ensure 'free and fair elections'. The involvement of IEC in the process was to make sure that the leadership elected is legitimate in the eyes of the street traders in Region 3 and the authorities. In order for street traders to be nominated as electoral candidates, they had to meet the stringent criteria set by authorities as outlined below:

> "To be considered for nomination as a trader leader, one had to be currently trading in a particular area, obviously a legal trading space; be registered on the Economic Development database as a licensed trader or permit holder and be verified by officials as a legitimate trader…We conducted elections for trader representation with all the known organisations in Tshwane and they contested for positions for the Tshwane Informal Traders Representative Committee" (LED official, 11 October 2018).

> "Person nominated to be elected into the ITRC [Informal Traders Representative Committee] must, at the time of nomination, meet the following requirements: be a legally registered/or recognized informal trader; be conducting business within the vicinity of Pretoria CBD and surroundings (as described by the Constitution of the ITRC), is eligible to nominate a candidate/s for the ITRC and in possession of a valid Identity Document of RSA or Passport" (City of Tshwane, undated: 13).

According to these quotes, the point of the elections was to promote democracy in the informal trading sector so that those elected can be recognised by both the state officials and the traders as legitimate representatives. In this instance, the long established criteria for representation (Houtzager and Lavalle, 2010) was adopted to legitimise the installation of leaders into positions. The requirements to stand for election seem stringent as they only consider authorised traders from recognised (by the City) trading organisations with legal trading sites and in possession of a valid license or permit. This effectively means that those organisations that exist, but are not recognised by authorities, are not eligible to stand for nominations. While democratic elections were favoured to legitimise the leaders, this was not sufficient to address some of the exclusion issues that were evident.

[63] This is an independent organisation developed under Chapter nine of the South African Constitution that is in charge of election management.

Before pursuing the formal electoral processes, authorities compiled a database of authorised informal traders within the inner city. During the database compilation process, authorised traders were urged to submit proof of their status in order to be included. According to the draft Tshwane Informal Trading Allocation Policy (undated), there are approximately 300 licensed traders operating in the city while thousands others are operating without licenses or permits. This means that only about 300 traders were represented during the 2015 election processes while many others were excluded from participating as they were considered unauthorised. During the electoral processes, there was no contestation of the City of Tshwane's election criteria by street traders. It was only after the elections that some street traders challenged the process on the grounds that it was exclusionary, as even some authorised traders were excluded because of technicalities.

> "Before elections an audit was done to determine the number of traders that will be participating in elections. Some renewed, some didn't, and some stopped paying so it's not clear how many traders are there. Only those that pay their rent are documented" (Tshwane Informal Traders Council leader, 15 March 2018).

This means that even those considered to be authorised traders were excluded from the electoral processes in events where their trading licenses/permits were not renewed timeously or have failed to pay their monthly rentals. In this instance, democratic processes were used as a mechanism to exclude some of the street traders from participating in elections of their leaders.

Once a database of authorised street traders was compiled, the election processes started. The quality control process was overseen by the Independent Electoral Commission's Democracy Development Office while the Department of Economic Development was involved in the initial stages of database preparations to ascertain which street traders are allowed to stand as candidates and vote (City of Tshwane, undated). The election process unfolded as follows:

Table 6: Tshwane street trader leaders' election process (Business Support Operations, 2013:6-7).

Activity	**Responsible Department**
Identification of stakeholders (database compilation and verification)	DED
Consultation of electoral processes	Democracy Development
Draft election timetable	DED

Approval of voters roll	Democracy Development
Nomination process	Democracy Development
Approval of candidate list	Democracy Development
Inspection of voters roll and certification	Democracy Development
Advertise elections	Democracy Development
Election day	Democracy Development
Declaration of results and handover to MMC for ED	Democracy Development

In June 2015, Tshwane Barekisi Forum won all the seats in the Region 3 Informal Traders Representative Committee. This meant that the representative committee was entirely constituted by Tshwane Barekisi Forum leaders, from the chairperson to the secretary. These leaders were to be in office for three years, starting from June 2015 until June 2018.

> "Tshwane Barekisi Forum won all 10 chairs during the elections. The committee which all its members are from TBF is the only leadership recognised by the former Mayor as representing traders. A contract was signed that recognises the leadership for 3 years and then elections are to take place after the expired leadership steps down or voted out" (Tshwane Barekisi Forum leader, 7 September 2017).

Winning all seats in the representative structure was a victory for the organisation, especially in a context where it was continuously discredited by authorities and other organisations since its formation in 2012[64]. Since its formation, the City of Tshwane did not endorse it as a representative of street traders because its founders splintered from the Mayoral Steering Committee, its contentious politics and its alleged affiliation to the Economic Freedom Fighters (EFF)[65].

Members of the Region 3 Informal Traders Representative Committee are governed by a code of conduct which they sign at the beginning of their tenure. It gives guidelines pertaining to the workings of the committee and how members should conduct themselves. Members of the committee are expected to comply with the code of conduct as a way '…to enhance [their] professionalism and help to ensure confidence in the Informal trading sector' (Business

[64] I present this dynamic in greater detail in chapter 5.
[65] This is a left-wing political party in South Africa which was founded by Julius Malema, a former African National Congress Youth League president, and allies in 2013. The political party is radical in its endeavors and is geared towards economic emancipation of poor people in the country.

Support Operations, undated: 1). Some of the commitments provided in the code of conduct are captured in the extract below:

> "Communication and official information – it is expected that Steering Committee members shall:
>
> - channel all communication between Committee members and informal traders on business matters through the Chairperson;
> - not disclose official information or documents acquired through membership of the Steering Committee, other than as required by law or where agreed by decision of the Informal traders Steering Committee;
> - not make any unauthorised public statements regarding the business of [the Committee];
> - support, adhere to and not contradict the formal decisions of the Steering Committee made in its meetings;
> - respect the confidentiality and privacy of all information as it pertains to individuals;
> - not use her or his membership position to obtain private gifts or benefits for herself or himself during the performance of her or his official duties nor does she or he accept any gifts or benefits when offered as these may be construed as bribes;
> - not use or disclose any official information for personal gain or the gain of others…"
>
> (Extract from Business Support Operations, undated: 2)

The elected members of Tshwane Barekisi Forum (forming the representative committee) are the only leaders recognised by City officials. The leaders had regular meetings with officials, were given an office in one of the municipal owned buildings where they conducted their official duties and they received a stipend of R2 000 per month.

In principle, the committee convened general meetings every second month to share information, report on the committee's achievements and provide a platform for street traders to raise their grievances. Grievances raised at these meetings were noted with the intention that they would be resolved by the next general meeting, but in some instances this was not achieved (Tshwane Barekisi Forum leader, 10 March 2018; Tshwane Micro League leader, 12 March 2018). Only authorised traders were invited to general meetings, but with instances where unauthorised street traders gate crashed these meetings. Special general meetings were convened to deal with special, often urgent, matters and these can be petitioned by fifty percent or more of authorised traders. Annual general meetings were also convened with street traders to share any important information for the year concerned and planning for the upcoming year.

The Region 3 representative committee's term of office came to an end in June 2018 and during this time no election had taken place to constitute new leadership. The Tshwane case illustrates the different stages where various leadership structures were constituted. The period characterised by clashes between street traders and authorities saw the formation of a Mayoral committee with selected street trader organisations that were mounting pressure on the state. Essentially the Mayoral Committee was initiated by street traders who required a regularised platform of engagement with officials in order to resolve issues before they escalate. Authorities then endorsed the platform and set the criteria for who is in and out and this partnership was formalised by a MoU between parties involved. While the formalisation of the partnership has an official objective of establishing communication between the City and traders, the real objectives included containing negative publicity as well as pacifying confrontational organisations. The platform was disbanded due to discontent both outside and within where some leaders felt that their voices were not being heard. This created a space for the formation of Tshwane Barekisi Forum, which became a force to be reckoned with particularly as its main aim was to challenge the state. In succession of the Mayoral Committee, formal electoral processes were observed to install leaders into positions of the Region 3 representative committee. The partnership between the state and trader leaders was formalised through signing a code of conduct that the parties were expected to abide by throughout their tenure in office. It is interesting to note that while the election criteria seemed to exclude certain street traders, it was not challenged before the elections, with discontent only mounting afterwards. It is also interesting to note that this formal process which is supposed to be the epitome of democratic processes is excluding the majority of street traders.

4.4 Ekurhuleni street traders' collective organisation

A search through media archives does not reveal any reporting on street trader collective action in Ekurhuleni[66]. The lack of information regarding collective action of street traders in the public domain was remarkable, particularly in specific areas such as Germiston, Benoni and Springs where the activity is rife and contested. With seemingly no documented history of street trader mobilisation recorded in Ekurhuleni over the years, one could almost assume a state of harmony between street traders and authorities. One street trader leader[67] confirmed that there is indeed a lack of activism by trader organisations in Ekurhuleni, and suggests that

[66] I searched on Ekurhuleni's official website and google searched any research documents and newspaper articles on street trader mobilisation in the municipality and the only thing that came up was the policy documents. There were also a few short articles that did not go into details regarding interface between traders and authorities.

[67] This respondent is one of the street trader leaders who has been engaging with CUBES over the years operating in the Germiston train station and is well versed in street trading issues.

this could be explained by the lack of massive relocations and brutal attack of traders by authorities, in contrast with Johannesburg and Tshwane.

> "In this area there haven't been mass evictions of traders like we have seen in Tshwane and Johannesburg. What I can tell you is that most of our people sell in trains and that is where the issues are. On the streets yes there are issues but traders seem to overcome them somehow. You find a space to sell your things and if you are evicted tomorrow you wait a while until the EMPD [Ekurhuleni Metro Police Division] are gone and go back or find another space" (Iketsetse leader, 25 July 2017).

Interviewed officials in Ekurhuleni indicate that there were challenges of atomised engagement with traders which was taking up officials' time to resolve. During the early 2000s, the City of Ekurhuleni proposed the constitution of area-based committees in the various towns, particularly where there is predominant trading activity, to help streamline engagement. This, according to the municipality's LED official, was motivated by the challenges of engaging individual traders when they are faced with specific issues.

> "It was us who were mobilising traders to form an association. There is a model, the taxi model, which says in every space taxis are operating, there should be an association. So we said to them [traders] organise yourselves so that when we do any form of upgrading you must come to us as an association and relay your interests as opposed to coming individually. It was our recommendation as Council that where people [traders] are, they should organise themselves so that when they have issues, grievances or whatever they don't just come here as a mob, they just send delegations of leadership and that's how we communicate" (LED official, 15 February 2018).

According to the official, there were no trader organisations in place prior to the state initiated area-based structures and this could explain the lack of collective mobilisation. Any issues that traders had were relayed to officials in an atomised manner and this (according to the LED official) was straining for officials. Officials mobilised street traders to form organisations in areas where they operate so issues can be relayed collectively, which also aids in structured communication with authorities. Officials advocated for an area-based model of representation where in each of the 'towns' where street trading was prevalent, these committees would be set up as a point of engagement with authorities. What is interesting about this is that authorities wanted the street trading sector to be organised like the taxi industry. In this instance it seems state actors transpose from one economic sector to another and the taxi industry organising model seemed to be a good idea.

4.4.1 Constitution of area-based structures

To start the process of setting up area-based committees in areas where street trading predominates, LED officials set up mass meetings and initiated elections of leaders. Whoever

was elected at the meeting was automatically endorsed by officials as part of the area-based committee. Elections took place in the various towns of Ekurhuleni, resulting in the formation of organisations such as the Vosloorus Micro Traders Association and Germiston Traders' Partnership (GEMTRAP)[68] in Vosloorus and Germiston respectively, as the recognised leadership structures.

> "At the meeting, I can't remember the exact date, traders were asked to nominate who they think will be best to speak on their behalf. Traders raised hands to nominate, nominations were seconded by others and eventually they democratically elected their representatives by show of hands" (GEMTRAP leader, 16 February 2018).

This leader is narrating the events that transpired in the early 2000s that originally produced the area-based street trader structures. Similar to Informal Trading Forum elections in Johannesburg, this process involved on-the-spot nominations of candidates which were immediately followed by votes. This does not constitute an elaborate electoral process such as the one that transpired in Tshwane where candidates were nominated prior to the secret ballot election. From respondents' narratives, these elections were held once, and the same leaders have been in positions since the early 2000s.

Each area-based committee operates independently[69] and sets its own rules and regulations of operation. These committees are the only street trade leadership structures that are recognised by authorities and any individual trader outside the established committee, is not permitted to engage with officials. This is captured by the LED official as below:

> "If you come here as an individual trader I will say to you what's your issue and why can't you take them to your leadership? As an LED official I cannot entertain each and every individual's problems" (LED official, 15 February 2018).

The LED official reiterates that the main reason for setting up area-based committees was to curb individualised engagement with the City of Ekurhuleni. These structures are there to act as the first port of contact with officials to relay collective interests.

4.4.2 Functioning of area-based committees

There is no detailed information on the past including the evolution of the organisational landscape and how the committees were functioning except at the time of the founding moment. The limited insights gained from the interviews point to the fact that these are the same representative structures with the same names that have been created in the early 2000s. Some of the leaders seem to be the same as those who were elected in the founding

[68] These are the two area-based structures I engaged with during fieldwork.

[69] There is no central committee made up of the various area-based structures where Ekurhuleni wide issues are deliberated.

moment, and there have not been any periodic elections since the representative structures were first formed.

Currently, the area-based committees do not have regular meetings with street traders who are essentially their constituents. Issues faced by street traders are raised with the committee members on an individual, street or locality based manner as there are no general meetings where key issues are collectively communicated.

While the area-based committees are the only mediators recognised by state actors, there is no regularised platform of engagement between these stakeholders. There are no regular meetings between the elected street trader leaders and officials. Officials and street trader leaders interviewed argue that meetings take place when necessary in the face of important issues requiring discussion.

> "We only fix what is broken! We meet when there are issues that need to be discussed and resolved quickly otherwise we don't meet. If we had to meet every month we would spend a lot of times in those meetings meaning that 20 working days you are having those meetings in different areas and that's not possible. There are only two people dealing with informal trading in Ekurhuleni and that is myself and Thebe" (LED official, 15 February 2018).

The official argues that regular engagements will impact their efficiency as there is limited capacity within the LED department to sustain this type of commitment. This is considering the other kinds of economic activities that they have to support besides street trading. The street trader leader mentioned below echoes the officials' sentiment but emphasises the negative impact on their livelihoods that regular meetings might have.

> "Meetings are a waste of time! We are here to make money. We have no time for meetings. Especially meetings around engagement with policy which have no immediate outcomes or benefits for the traders then what's the point? The only time GEMTRAP will have a meeting with the municipality is if there is proposed development that will affect the traders" (GEMTRAP leader, 16 February 2018).

Both the elected trader leadership and official seem to share an interest in the *status quo*. Without discarding what they say about time and impact on business, this also reproduces their power position to avoid meetings that discuss critical issues such as policy and practice. It is possible that the *status quo* is fine and that there is no structured opposition to confront policy and practice, which is why meetings seem to be reserved for pressing issues.

4.4.3 Membership of area-based committees

Membership of the area-based committees is made up of street traders who operate within the boundaries of a particular jurisdiction. Although not codified in policy or any official

document, all authorised street traders operating within a jurisdiction with an area based structure should become members of that structure (LED official, 15 February 2018). In other words, by virtue of legally trading in a particular space where the leadership has been elected, one should register to become a member of that organisation. Due to each area-based structure being independent, leaders have the discretion to set the rules for their members. These rules include how members participate in the organisation, membership fees and how spaces are allocated.

With regards to payment of membership fees, GEMTRAP leaders argue that their organisation does not charge any membership fees.

> "The people we represent don't pay the organisation anything. We used to have our own offices that we paid out of our own pockets. We also had a lawyer who would advise us on action to take when our members had issues. Over the years it became difficult for us to maintain the financial burden of keeping an office and eventually we had to vacate. Now if traders want to talk to us they know they will find us at our kiosks [allocated trading sites]" (GEMTRAP leader, 16 February 2018).

This account is, however, contradicted by some of the interviewed GEMTRAP members operating in the same area who argue that they pay membership fees of an amount that they would not disclose. The members indicated that this was necessary especially if the street traders required access to the leaders and their assistants about certain issues, such as confiscation of goods or harassment by the police (Germiston trader 3, 17 April 2018).

In Vosloorus, the leaders of Vosloorus Micro Traders Association explain that members of their association pay membership fees. The association leaders argue that members of their organisation pay yearly membership fees but when probed further they did not want to disclose the amount. Once payment has been made by street traders concerned, the leaders issue membership cards as proof of their affiliation to the organisation. The membership cards are used by members to claim benefits such protection from police harassment and eviction and to gain advantage and first priority in accessing lucrative trading spaces[70].

> "Our members pay membership fees and they get a [membership] card to show that they are our people. This card has to be renewed every year and it guarantees our members that we will fight for them" (Vosloorus Micro Traders Association leader 1, 30 August 2018).

The separate accounts by the two area-based committees in Germiston and Vosloorus may be an indication that each one sets its own rules regarding as to how they function. While

[70] I explore this further in chapter 6.

GEMTRAP claims their members do not pay any membership fees (a claim that is not corroborated by their members), the Vosloorus association explains that their members pay annual fees and receive a membership card to validate their affiliation to the organisation, which affords them some benefits.

The area-based structures act as the first point of contact and a vessel between traders and the state. While this is the case, the committees do not seem to be at all active in terms of initiating meetings with officials. The leaders and officials argue that they only meet when necessary and there is no regularised platform of engagement to discuss issues at both research sites. When street traders are faced with issues they approach the leaders on an individual basis with no platform to deliberate on collective issues and plans. This aspect is different to what is happening in Johannesburg and Tshwane where street trader leaders actively engage state actors on various platforms.

4.5. Conclusion

The three case study areas reveal that there are various street trader representative structures that reign with different configurations that enable and/or constrain collective mobilisation. The comparison between these representative structures is useful because it illuminates diverse dynamics that legitimate street trader leaders in their varying contexts. Table 7, below, summarises some of the similarities and differences between the various representative structures. There are street trader initiated representative structures such as organisations in Johannesburg and Tshwane. There are also state initiated ones in the form of area-based committees in Ekurhuleni, block leaders and task team members in Johannesburg and the Region 3 representative committee in Tshwane. These state initiated structures are largely endorsed by state actors as legitimate representatives of street traders. The official objective of the state initiated structures is to streamline communication with street traders such as addressing the issue of dealing with individual traders, or multiple organisations speaking in different voices. The real objective seems to be the desire by state officials to maintain control over trader leaders and how they participate in the governance of street trading in their various contexts. There were also accusations that leaders installed into positions through state processes were being bought out particularly through stipends and that this impacts profoundly on how they represent street traders.

Case study areas	Context	Prevalent governance structure	Initiators of governance structure	Election processes	Documents governing structure	Interface platforms	Payment of leaders	Other resources afforded by authorities
Johannesburg	Created in a hostile context excluding traders from operating	'big three' organisation	Street traders	Irregular elections	Some have constitutions	Ad-hoc meetings	Generally no payment of leaders but some do get some compensation depending on availability of funds	None
	To deal with hostile relationship between traders & state and diversify engagement	Block leaders	Authorities	Once-off elections	House rules	Monthly meetings	R2000 monthly stipend by the City	Office space at MTC/Bree taxi rank
	Attempt to reconcile bifurcated governance structure	Task Teams	Authorities	Once-off elections	Code of conduct	Informal Trading Forum	R2000 monthly stipend by the City	Access to DED offices when necessary
Tshwane	Developed in face of hostility between traders & the state	Mayoral Steering Committee	Street traders lobbied authorities	4 vocal organisations	MoU	Ad-hoc meetings	No payment	None

	Developed in face of internal opposition	Region 3 Informal Traders Representative Committee	Authorities	Formal electoral processes facilitated by IEC Nomination of candidates & secret ballot vote	Code of conduct	General meetings every 2nd month; special general meetings when required & annual general meetings	R2000 monthly stipend by City	Office space with computers
Ekurhuleni	Emerged out of need for efficient way of engaging a large constituency	Area-based structures	Authorities	Once-off elections	None	Ad-hoc meetings	No payment	None

Table 7: Summary of similarities and differences between the various representative structures.

The installation of leaders through elections is also an interesting comparative dynamic. All leaders of the prevalent structures presented in this chapter have been elected into positions in one way or another. In Johannesburg, the big three organisation leaders have been installed into positions through once-off elections that took place during the founding stages. The block leadership structure was an attempt by officials to create smaller scale elections at the street or block level that would be legitimate. The election of block leaders took place in 2005 at various times across different blocks in the city and this was a once off process. Since the installation of block leaders during that time, there have not been any new elections in recent years meaning the same leaders have been in positions for years which is similar to organisation leaders.

While the block leaders' elections were held on a block to block basis with officials facilitating the processes, the area-based leaders in Ekurhuleni were nominated on-the-spot and elected in mass meetings in various areas. This is similar to what transpired in Johannesburg during the election of task team members where candidates were nominated on-the-spot in an Informal Trading Forum meeting. The selection of candidates was negotiated so as to balance representation of various organisations forming part of the forum. These processes are fundamentally different from what transpired in Tshwane where formal election processes were facilitated by the IEC. The involvement of the commission was to ensure that the process was as democratic as possible with limited chance of being opposed by both street traders and state actors. There were calls for nominations of legitimate candidates beforehand with secret ballot votes and this whole process was overseen by the IEC to ensure compliance with democratic principles. While this democratic process was undertaken, it ended up excluding a majority of street traders who were considered unauthorised for a number of reasons stipulated above. In Johannesburg and Ekurhuleni, the informal voting processes which were characterised by no prior nomination of candidates, and on-the-spot voting allowed for wider participation including unauthorised traders to have a say and be represented. The long standing and widely accepted democratic criteria for installing leaders into positions is not sufficient in the context of street trading because of some of the issues identified above.

In the structures studied, there have been no regular elections to renew the leadership even in Tshwane where formal electoral processes were advocated. This speaks to the difficulty of organising meetings to renew leadership in the street trading sector. If these elections are made regular to allow for candidates to prepare for the next election, it would require increased capacity on the part of the state to be able to drive such processes. Street trader leaders would also be required to campaign for elections which takes time away from their businesses.

The state initiated representative structures in both Johannesburg and Tshwane are governed by a set of documents that stipulate how they should relate with both street traders and state actors. In Johannesburg, block leaders are orientated into positions through house rules while the Region 3 representatives are guided by a MoU and code of conduct in Tshwane. There are no formal written documents that guide the area-based structures in Ekurhuleni. The block leaders' house rules are more focused on governing the relationship between leaders and street traders by stipulating how leaders can assist with enforcing by-laws and ensuring widespread compliance. The MoU and code of conduct signed by leaders in Tshwane seems to emphasise regulating the interface between the leaders and state actors. For instance, the MoU stipulates that apart from the four organisations that make up the Mayoral committee, no splinter organisations or any other new members will be considered for inclusion in the governance structure. The code of conduct stipulates how the leaders should conduct themselves in 'public' office. For instance, the leaders signed the agreement vowing to not disclose any official information to outsiders unless authorised by authorities. The multiplicity of platforms in Johannesburg opens spaces and different ways of engaging state actors as opposed to Tshwane and Ekurhuleni leaders who are the only point of contact with authorities and run the risk of being captured[71].

[71] I explore this aspect further in the following chapter.

Chapter 5: Relationship between street trader leaders and state actors: Leaders at the margins of the state vs quasi-state bureaucrats

> "There has been a lot of manipulation, a lot of setting up of fake platforms in many municipalities in South Africa especially in eThekwini and Johannesburg. Municipalities have set up forums like that as a conveyor belt for giving instructions as opposed to negotiating" (StreetNet International coordinator, 14 August 2018).

5 .1 Introduction

Street traders are collectively organising in the face of the constant threat to their livelihoods and *ad hoc* threats from state actors. The relationship between street traders and state actors is often characterised by hostility, with each side fighting for different and sometimes contradictory agendas. There are various configurations of street trade representative structures (as illustrated in the previous chapter) with their leaders relating to state actors in several ways. This chapter builds on the concepts of the 'margins' (Das and Poole, 2004: 3) and 'twilight institutions' (Lund, 2006:685) to capture the state-society interface in the case study areas. Das and Poole's (2004:3) argue that 'margins describes areas far from the centres of state sovereignty in which states are unable to ensure implementation of their programs and policies'. I use this concept to depict actors that are distant from the centre of state authority. Lund's (2006: 685) 'twilight institutions' concept depicts the multiple actors that exercise public authority. I use this concept to show how non-state actors exercise public authority in various ways. This chapter builds on Das and Poole's (2004:3) 'margins' and Lund's (2006:685) 'twilight institutions' by proposing two archetypes of such institutions along the fuzzy border of the state: leaders on the margins of the state and quasi-state bureaucrats. The chapter shows that there are street trader leaders operating on the margins of the state and those that act as quasi-state bureaucrats. While these are two extremes on a continuum, the position of trader leaders in relation to state power is constantly shifting depending on opportunities and agendas.

This chapter investigates how the position of street trader governance structure in relation to state power profoundly affects the interface and relationship between the two actors. Authorities do not formally recognise a representative structure on the margins of the state and the interaction between the two is often characterised by hostility. Leaders in this domain find ways to facilitate their access to the state, often through unorthodox relations with officials,

such as clientelism. For example, some organisations in Johannesburg that are excluded from formal processes form clientelist relationships with state actors to include themselves in the governance of street trade.

Quasi-state bureaucrats are those leaders who enjoy a certain level of recognition by authorities and are included as part of the state apparatus. Practically, quasi-state bureaucrats have the following characteristics: receive some form of payment from authorities (usually a regular stipend) to administer and manage street traders, given an office to operate from, have some form of contractual agreement with the City (i.e. signed MoU) and are delegated administrative power to craft waiting lists and allocate trading spaces. This entangling of leaders into the state apparatus effectively blurs and extends the fuzzy border of the state. Such representative structures include block leaders and task teams in Johannesburg, Region 3 representative committee in Tshwane and the area based committees in Ekurhuleni. While these concepts present two extreme sides of a continuum, it is essential to note that there are continual shifts on the spectrum, facilitating various relations with the state at given points.

I show in this chapter that the configuration of representative structures, whether operating on the margins or (partly) institutionalised, profoundly affects the interface between state actors and street trader leaders. In other words, the configuration of street trade governance structures in relation to state power affects how these stakeholders engage and relate to each other. Leaders who operate mainly on the 'margins of the state' tend to rely on confrontational politics resulting in strained relations with state actors while quasi-state bureaucrats generally cooperate with state actors.

In each case study area, street trader governance structures are presented and analysed in terms of leaders' relations with state actors. This order gives space to explore the shifting nature of relations over time in each case study. The chapter starts by presenting a brief history of street traders' collective action in each case study area, starting with Johannesburg, followed by Tshwane and finally Ekurhuleni. This is then followed by encounters between street trader leaders in the various governance structures with state actors.

5.2 Relations between state actors and multiple street trader governance structures in Johannesburg

As detailed in the previous chapter, Johannesburg is an interesting case where multiple trader governance structures exist in parallel (refer to Figure 12). While this makes street trade governance complex, the diversity of structures allows for multiple spaces of engagement. The municipality kept both organisations and block leaders and created the Informal Trading Forum to form a city-wide governance structure.

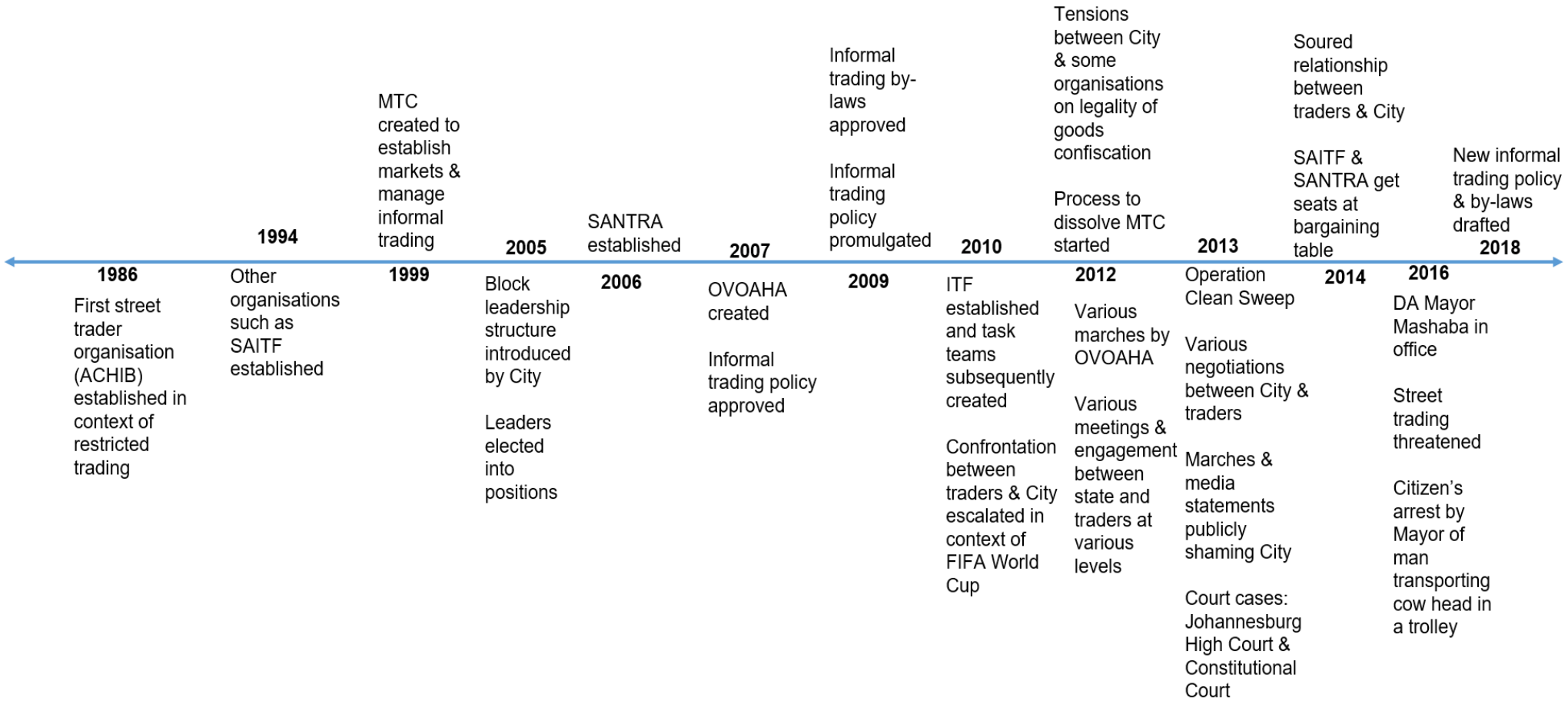


Figure 12: Key street trader mobilisation events in Johannesburg

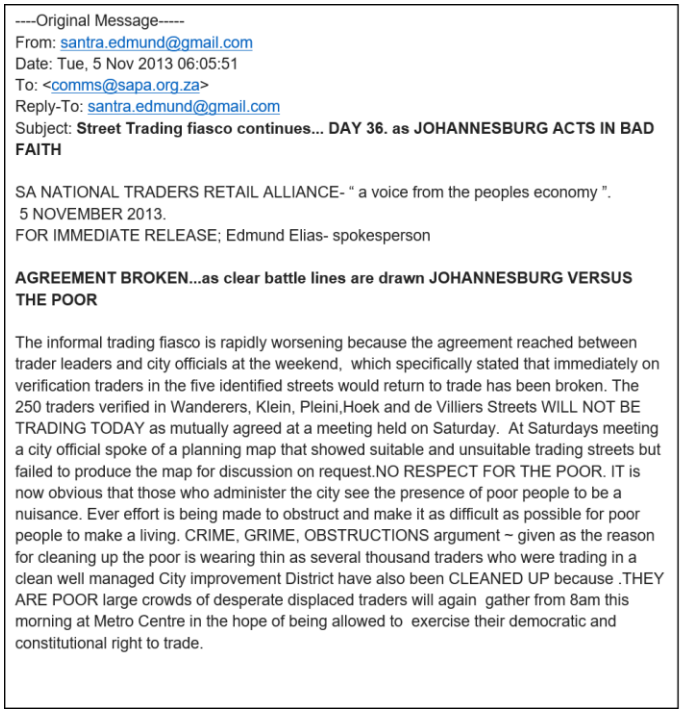
This move was pragmatic because it provided officials with the power to facilitate certain relations with different leaders while both organisations and block leaders can engage and serve different purposes. The diversity of structures may also have self-serving motives where some state actors can engineer divide and rule tactics among leaders to disrupt the movement of street traders and fuel competitions.

5.2.1 Shifting nature of relations between street trader leaders and the state

Even though there are instances of constructive engagements, the relationship between organisation leaders and state actors is often characterised by hostility and confrontation. Engagement between leaders and state actors was facilitated through the Informal Trading Forum and this is where the confrontational tactics were often laid bare. There were various scenes of confrontation between organisation leaders and officials in Informal Trading Forum meetings and one of these played out in a meeting during the course of 2012.

> One of the SANTRA leaders requested a meeting to be convened with Department of Economic Development and Johannesburg Metro Police Division officials to discuss the confiscation of traders' goods. The organisation leader was accompanied by legal representatives and myself as a researcher to the meeting. Confrontation between the organisation leaders, the state and legal representatives ensued which eventually resulted in the chairperson of the forum (a Department of Economic Development official) chasing the SANTRA leaders out of the meeting together with the legal representatives and me. This was not a unique incident but such scuffles often took place in meetings where some trader leaders challenged the chairperson of the forum and decisions of the City.
>
> (Extract from fieldwork archive, 11 May 2012).

In instances where engagement with the City of Johannesburg has failed on important issues (such as the one narrated above), organisation leaders usually turn to the media to publicly shame authorities and its practices to gain public sympathy. SANTRA is one such organisation that relies on various media platforms such as social media, television and newspapers to get its message across. The leaders draft press statements and send these to different categories of people, including officials, politicians and academics, hoping to grab the attention of the public. During Operation Clean Sweep, a multitude of press releases were sent out, updating the public highlighting the plight of street traders in the inner city. Examples of some of the media releases by SANTRA during Operation Clean Sweep are shown in Figure 13 below.



----Original Message-----
From: santra.edmund@gmail.com
Date: Tue, 5 Nov 2013 06:05:51
To: <comms@sapa.org.za>
Reply-To: santra.edmund@gmail.com
Subject: **Street Trading fiasco continues... DAY 36. as JOHANNESBURG ACTS IN BAD FAITH**

SA NATIONAL TRADERS RETAIL ALLIANCE- " a voice from the peoples economy ".
5 NOVEMBER 2013.
FOR IMMEDIATE RELEASE; Edmund Elias- spokesperson

AGREEMENT BROKEN...as clear battle lines are drawn JOHANNESBURG VERSUS THE POOR

The informal trading fiasco is rapidly worsening because the agreement reached between trader leaders and city officials at the weekend, which specifically stated that immediately on verification traders in the five identified streets would return to trade has been broken. The 250 traders verified in Wanderers, Klein, Pleini,Hoek and de Villiers Streets WILL NOT BE TRADING TODAY as mutually agreed at a meeting held on Saturday. At Saturdays meeting a city official spoke of a planning map that showed suitable and unsuitable trading streets but failed to produce the map for discussion on request.NO RESPECT FOR THE POOR. IT is now obvious that those who administer the city see the presence of poor people to be a nuisance. Ever effort is being made to obstruct and make it as difficult as possible for poor people to make a living. CRIME, GRIME, OBSTRUCTIONS argument ~ given as the reason for cleaning up the poor is wearing thin as several thousand traders who were trading in a clean well managed City improvement District have also been CLEANED UP because .THEY ARE POOR large crowds of desperate displaced traders will again gather from 8am this morning at Metro Centre in the hope of being allowed to exercise their democratic and constitutional right to trade.

-----Original Message-----
From: santra.edmund@gmail.com
Date: Sat, 2 Nov 2013 13:04:27
To: <comms@sapa.org.za>
Reply-To: santra.edmund@gmail.com
Subject: **Johannesburg informal Trading fiasco**

SA NATIONAL TRADERS' RETAIL ALLIANCE- A voice from the peoples economy.
2 November 2013
FOR IMMEDIATE RELEASE: Edmund Elias- spokesperson.

JOHANNESBURG PLANS TO CHASE HAWKERS TO AREAS WHERE THERE IS NO ECONOMIC ACTIVITY

Street trader leaders and officials have been locked in a follow up of yesterdays meeting since 9am this morning. The city of Johannesburg hidden agenda of moving street traders away from present lucrative CBD trading spaces to use their words contained in a piece of paper we received this morning.... " DECENTRALIZATION AND EQUITABLE DEVELOPMENT IN PREVIOUSLY NEGLECTED ECONOMIC NODES". That is the Johannesburg city Council until now hidden plan. The STATE OF PLAY: It is now 2pm and the city, after 5 hours of discussion have failed to provide details or identify potential trading spaces. Neither has the city agreed to allow traders to return to their trading stations immediately. The engagement continues an update will be released later.

Figure 13: Examples of SANTRA press statements during Operation Clean Sweep (source: personal email archive).

It is clear from the examples above that the aim is to publicly shame and denounce the City of Johannesburg, attempt to change public discourse and gain sympathy from the masses. The tone of the press statements is confrontational in nature and portrays officials as untrustworthy and going back on agreements made with street trader leaders as well as their hidden agenda to chase away the poor on the streets.

Litigation is also an avenue used by organisations to resolve issues with the municipality, particularly in instances where deadlock in engagement is reached. Since 2012, SANTRA has been working with the Law Review Project[72] as an avenue to legally challenge state actors regarding the confiscation of traders' goods in demarcated trading areas. The organisation was attempting to obtain a landmark ruling that would halt the confiscation of traders' goods. The organisation raised this matter before in a meeting but was dismissed by officials without any opportunity to engage (Matjomane, 2013). The organisation leaders, with the assistance of the lawyers, gathered information on street traders whose goods have been confiscated without officials following due processes such as issuing them with receipts. The organisation argued that the confiscation process is unconstitutional as street traders are not given the opportunity to appear in court. The case however did not get its day in court as some of the street traders who agreed to be witnesses were allegedly silenced by officials (SANTRA leader 1 and 2, 29 January 2018). While the court case did not have envisaged results, it nevertheless

[72] A Non-Profit Organisation dealing with legal constitutional matters

set a precedent for other leaders to use litigation as a means to gain authorities' attention on various issues.

During Operation Clean Sweep, litigation became an important avenue for street trader leaders, particularly from SANTRA and SAITF, to ensure their members return to their trading sites. This was a measure of last resort after numerous attempts to engage and negotiate with state officials fell short. For instance, SAITF sent out a letter in November 2013 to the DED officials and Johannesburg Metro Police Division demanding the return of authorised street traders to their trading sites (Block leaders 1 and 2, 8 August 2018; SAITF leader, 20 September 2018). The organisation indicated that failure by the state actors to comply with the demand would lead to a legal application being made to the Johannesburg High Court for urgent relief for street traders. With the request of the organisation falling on deaf ears, SAITF and SANTRA (separately) approached the Johannesburg High Court to interdict the City of Johannesburg and Johannesburg Metro Police Division from removing traders, requesting permission to return to their trading sites. SANTRA was represented by Routledge Modise Attorneys legal representatives while SAITF was represented by the Socio-Economic Rights Institute (SERI) who filed documents on their behalf. On the day of the cases on 27 November 2013, members of both organisations, other displaced street traders and supporters blocked off streets near the High Court while chanting outside the court's main entrance. The judgment was reserved on the day regarding the urgency of the matter. This was disappointing for street traders as it meant that they could not go back to their trading sites and had to wait for months for the legal battle to unfold.

With the outcome of the High Court, SANTRA and SAITF approached SERI to take the matter to the Constitutional Court to get urgent relief for traders (SANTRA leader 1, 29 January 2018; SAITF leader, 20 September 2018). SANTRA was acting on behalf of more than 900 of its members while SAITF represented roughly 1 500 traders. The organisations requested the Constitutional Court to allow legal traders to return to the business areas which they were occupying before being evicted during Operation Clean Sweep. The Constitutional Court handed down judgment ordering the City of Johannesburg to allow traders to return to their places of business in December 2013, a much celebrated victory for traders.

Benit-Gbaffou (2016: 1102) argues that '…if it was not for street trading organisations in Johannesburg, operation clean sweep could have succeeded…'. Organisations banded together and challenged the legality of the operation, arguing that the City of Johannesburg contravened its own regulations. Litigation by organisations against the state has had various effects from strained relations with officials to opening doors for inclusion at the negotiating table. The two organisations that led litigation against the City of Johannesburg gained visibility

from street traders, as well as imprinted on state officials that they are a force to be reckoned with (Benit-Gbaffou, 2016). After Operation Clean Sweep, the state actors give more consideration to engaging with these organisations. For instance, SAITF and SANTRA leaders are offered a seat at the table that they were previously excluded from.

Block leaders and task team members act as quasi-state bureaucrats and are drawn into collaborative relationships with state actors in various ways while others such as organisation leaders are excluded. The block leaders and task team members are delegated some of the tasks that were originally reserved for officials, allowing leaders to devise their own rules and regulations that might run in parallel with official rules[73]. Some of the excluded trader leaders argue that block leaders are working hand in glove with officials and have even taken over officials' duties.

> "Even now if you can just go to the MTC [Metro Trading Company] offices, you'll find traders [referring to block leaders] there sitting in those offices. Instead of our problems being solved by MTC officials, your problems are solved by traders like yourself" (Organisation leader, interview archive from 2012).

The quote above gives a sense that block leaders have taken over duties that were once done by officials and implementing authorities' plans. In a sense, these leaders are essentially acting like the state by performing duties that are supposed to be undertaken by officials.

The state actors also collaborate with task team members who are part of the Informal Trading Forum. For instance, the by-law task team members worked closely with Department of Economic Development and Johannesburg Metro Police Division officials to enforce by-laws on the streets. Task team members would go on site with JMPD officers to assess the suitability of streets for trading. There are instances where the street was not suitable for street trading and leaders together with officials decided to chase traders away without providing them with alternative trading sites (personal archive, 2012). This created a dilemma where leaders were torn between being sympathetic to their fellow traders and realising the officials' plans. In most of these instances the leaders would not question state actors' plans but would simply implement them (Matjomane, 2013).

During designation processes, task team members (made up of organisation leaders and block leaders) would be requested to assist officials verify traders currently on site. The leaders had the mandate to work closely with officials to check who is currently trading on site and include those on the waiting list awaiting allocation of legal trading spaces.

[73] I explore this in detail in Chapter 6.

5.2.2 Unity vs fragmentation of trader leaders

Street trader leaders have often themselves alleged that there is increasing competition between leaders and this is fuelled by divide and rule tactics of officials. Officials preferred to work with block leaders rather than organisation leaders, which fragmented the trader movement. One of the ways in which officials fuelled the fragmentation of trader leaders is through meetings. For instance, officials held monthly status update meetings with block leaders while other leaders were not invited nor allowed to attend. These meetings were important information sharing platforms regarding street trading but other leaders were deliberately excluded to keep them out of the loop (Block leader 3, 25 January 2018; SANTRA leaders 1 and 2, 29 January 2018). This could be understood as protecting officials from confrontation by organisation leaders should the information shared be controversial and negatively affect traders. However, because some of the block leaders are part of organisations, they would attend the meetings and feed information to organisation leaders so that they can act on it. Sometimes the information provided by block leaders is controversial and organisation leaders use it to challenge officials in various ways. The two are able to resort to different tactics in different platforms depending on the desired outcome.

Other trader leaders saw these meetings as spaces where corrupt deals were made between officials and block leaders and where they plot controversial plans regarding street trading (SANTRA leader 1, 29 January 2018; Ex-official, 5 April 2018). The leaders argue that the meetings were convened with block leaders because officials knew that they would not contest the proposed plans as they have been co-opted.

In some of the meetings where organisation leaders were also invited, such as the informal Trading Forum, there was a clear distinction in the way officials related to different trader leaders. In some instances, the chairperson of the forum would allow more time for block leaders and organisation leaders with whom he had clientelist relations while dismissing and even intimidating other leaders. Other trader leaders were often hurried when they raised critical points or even be dismissed for raising ‘irrelevant’ points that are not on the agenda. The notes I made in my fieldwork diary archive this dynamic.

> In the Informal Trading Forum meetings, I witnessed how the chairperson allocates unequal time to different leaders to 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 between traders and their organisations. These divisions are shown by how some points raised by certain leaders in the platform are discredited by other street trading leaders, especially those who are accused of having clientelist relations with the DED official.
>
> Extract from fieldwork diary archive cited in Matjomane (2013:65).

This effectively created an atmosphere of favouritism of certain leaders which further fragmented the trader leaders. This strategy worked in favour of officials because it ensured that some of their plans were supported by some trader leaders and they would defend it against other leaders. Some trader leaders allege that officials also use other trader leaders such as block leaders to fight the City's battles on their behalf and at the same time betray the traders' movement.

> "The MTC officials the way they're so corrupt, they chose some traders they want to use against other traders. Some of the block leaders are spies for government, they'll go to a meeting and thereafter go to MTC offices to report what was said in the meeting. Such leaders cannot be trusted! Majority of the leaders just want to see themselves at the MTC offices managing traders, they don't care about the needs of the traders" (SANTRA leader 1, 20 September 2017).

In this instance, block leaders are portrayed by this leader as puppets of the state who do as they are told even if it means betraying their fellow traders. There is also a sense that officials cooperate with block leaders as a strategy to co-opt and sedate them from mobilising against the City's plans. However, these block leaders might be acting according to their personal or street/block interests. For instance, in order to secure trading rights for their block, they would compromise other traders operating in other blocks.

Another aspect that trader leaders argue foster divisions is the payment of some trader leaders, particularly task team members and block leaders. This was a point of debate between the leaders in the general Informal Traders Forum (who did not receive any compensation from authorities), task team members and block leaders. The general Informal Traders Forum leaders argued that payment creates a conflict of interest and divisions between traders.

> "There are some traders who've been working with officials and they even get payment. These leaders work against the movement of trying to fight to traders' rights and are

> working to fulfil the agenda of officials which is destroying informal trading" (SANTRA leader 2, 29 January 2018).

Trader leaders receiving payment from the City of Johannesburg act as quasi-state bureaucrats and are seen by other traders as having sold out, creating further division between leaders. Officials are able to request assistance from these leaders to undertake duties that privileges existing authorised traders and it would not be in the material interests for leaders to challenge the City officials. The payment of leaders ensures that cooperation and collaboration with officials is maintained at all times. For block leaders, it is also the access to the state that is maintained, the power to draw up waiting lists, and to control their block or their street.

5.2.3 Clientelist relations between some leaders and officials

Some trader organisation leaders are not officially part of the state but have attached themselves through clientelist relations to officials. This relationship offers both trader leaders and officials benefits and maintaining this over time comes with rewards. Some organisation leaders allege that One Voice of All Hawkers Association is one such organisation which has clientelist relations with DED and some JMPD officials (SANTRA leaders 1 and 2, 29 January 2018). This relationship with officials is maintained to advance the organisation's position and to protect and grow its membership. The close relationship with officials grants the organisation's leadership certain advantages such as being able to collect 'protection fees' from its members. These trader leaders are also able to set the JMPD officers onto traders that do not pay membership fees and those that do are offered protection from JMPD harassment and their goods from being confiscated.

> "One Voice went to Lenasia and it has been going there every month collecting traders' money for their organisation. 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 organisation 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" (Organisation leader, 2012 cited in Matjomane, 2013: 133).

According to this account, One Voice leaders instigate the harassment of street traders in instances where they refuse to pay organisation fees. In order to carry out the task even in authorised sites where the traders concerned pay the City of Johannesburg, the officials would find a legal aspect to use as a way to confiscate goods.

There was also an incident during 2012 where the organisation held a march and during proceedings mentioned that those traders who have been defaulting on paying membership fees will lose their trading spaces and protection from JMPD. At the time, members were advised to pay a monthly fee of R20 and an annual fee of R50 with those who have defaulted since 2009 needing to catch up with their payments (Matjomane, 2013). The leadership indicated that failure to do so will result in the organisation withdrawing its services in the midst of JMPD harassment and goods confiscation.

The clientelist relationship does not only work in the favour of trader leaders but officials as well. One Voice of All Hawkers Association mainly uses marches to confront issues that its members are faced with. A landmark march that put the organisation on the map was convened in 2008 where a memorandum of grievances was handed over to Amos Masondo, the executive Mayor at the time (Matjomane, 2013). Some of the issues addressed in the memorandum were the limited demarcation of legal trading spaces by the MTC, demarcation of prohibited areas for trading and harassment of street traders by the JMPD. The march was supported and joined by members of the Anti-Privatisation Forum[74] which supported traders' rights to the city (Tissington, 2009). The organisation has since embarked on a number of marches against various departments in the City of Johannesburg.

The multiple trader governance structures in Johannesburg have varying relations with the state. Organisations that were once seen as rivals of the state have secured their position in the post Operation Clean Sweep period where they are guaranteed a seat at the engagement table they were previously excluded from. The seat at the table was made possible by constant challenges to the state through numerous avenues including public shaming and litigation. Some organisation leaders rely on clientelist relations with officials to gain certain favours that work in both state actors and leaders' advantage. In most cases these leaders collaborate with officials and seldom go against the City's plans. This works to the advantage of the City of Johannesburg because officials have ultimate control over what these leaders can and cannot do particularly in public, while leaders get monopoly over power in the streets such as allocating spaces. Block leaders and task team members who are the official partners of the state have formed collaborative relations with officials who have delegated some of their duties. While this gives the trader leaders some power that they can use to their advantage, it also gives officials power over the leaders in terms of what they can and cannot do. Block leaders and task team members cannot openly and directly challenge state actors and use

[74] This is a Johannesburg based forum established in 2000 by activists fighting against the iGoli 2002 which advocated for cut backs to basic services such as water and electricity, particularly in black impoverished communities such as townships.

other avenues to covertly do so away from the purview of officials they work closely with. The multiple governance structures are advantageous for officials as they can pick and choose which to engage with at what time to achieve what outcomes. Officials can slide between the various structures for various reasons and that is why these parallel systems are maintained over time. There are also moments when this multiplicity of structures work for trader leaders. For instance, block leaders are able to activate their relations with officials to resolve urgent issues.

5.3 Between hostility and inclusion: The shifting nature of relations between street trader leaders and state actors in Tshwane

This section traces the turbulent relationship between traders and the City of Tshwane between 2012 and 2018, starting from the period of confrontation to heightening antagonism. This was an important period of street trader politics in the City of Tshwane as it saw constant shifts in the relationship between traders and state actors between contestation, antagonism, negotiation and cooperation. This section places particular focus on the changing relationship between the state actors and Tshwane Barekisi Forum, whose leaders were elected into the Tshwane Region 3 Informal Traders Representative Committee in 2015. This changing relationship between street trader leaders and state actors is described in three phases under two administrations: First is confrontational encounters during the ANC administration when Tshwane Barekisi Forum was seeking inclusion into Region 3's trader governance structure, second, constitution of an elected street trade representative structure under ANC in 2015 and third, the DA-EFF coalition administration taking over shortly in 2016, characterised by heightening antagonism between street traders and state actors. This was also exacerbated by Tshwane Barekisi Forum's office tenure coming to an end in June 2018. Figure 14 below illustrates the key events regarding street trader mobilisation in Tshwane and state responses.

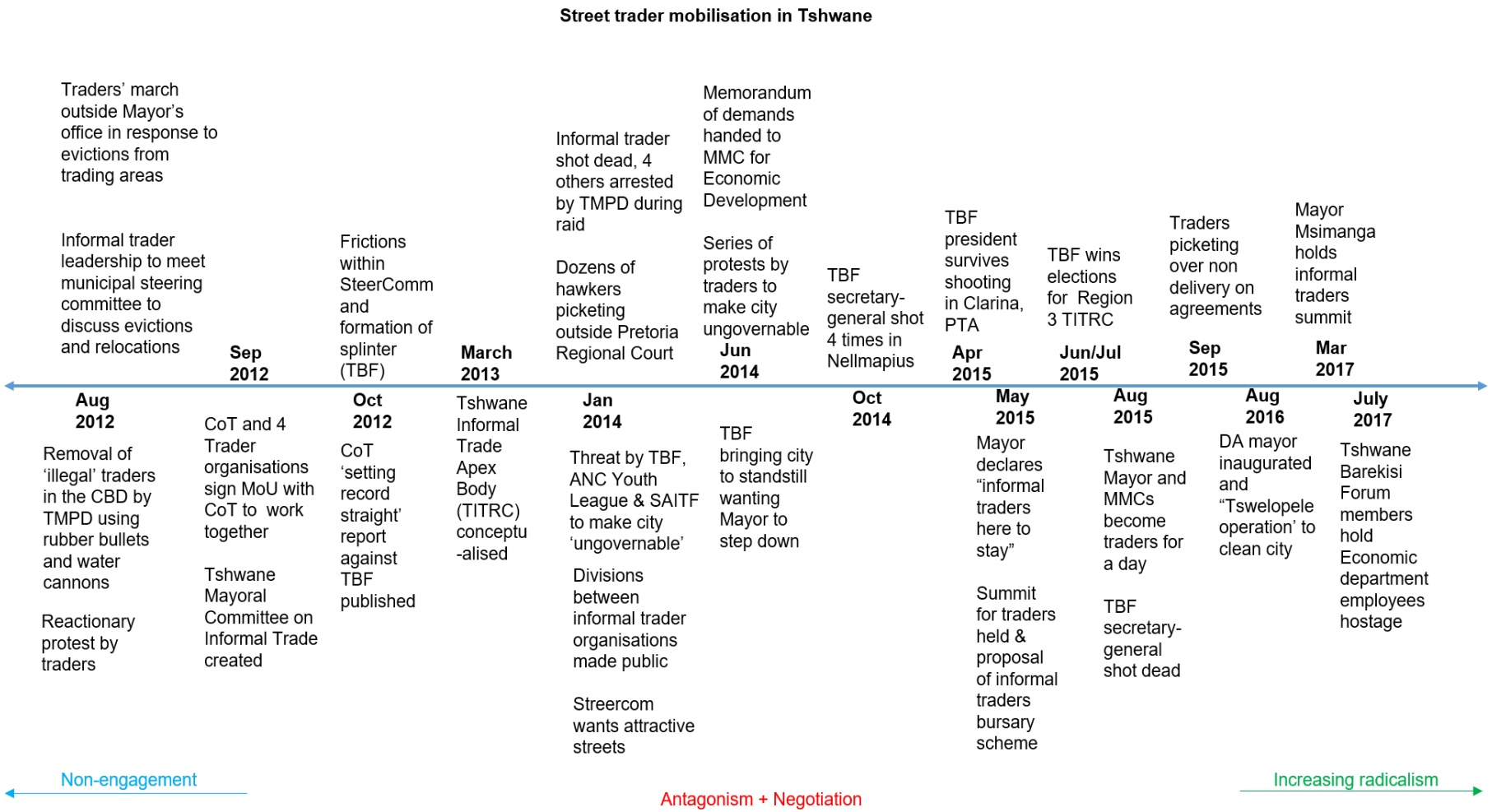


Figure 14: Key street trader mobilisation events in Tshwane

5.3.1 Confrontational encounters between street trader leaders and state actors: The birth of Tshwane Barekisi Forum

Tshwane Barekisi Forum is an organisation created in 2012 after two of its founding fathers (Shoes Maloka and Elliot Nkadimeng) splintered from the Mayoral Steering Committee immediately after its establishment. The period between 2012 and 2014, generally characterised by officials' hostility towards street traders, was marked by a series of protests and pickets led by the organisation. The major precipitating event (as discussed in the previous chapter) was the shooting and unlawful arrest of several street traders during a TMPD raid in August 2014, which provided a fertile ground for polarisation by the organisation (and others). Organising marches and pickets to challenge the ill-treatment of street traders at the hands of state actors, which in most cases gained media attention[75], has made the organisation visible to traders and officials.

During this time, the organisation was mainly confrontational in its engagement with state actors. In light of this confrontation, the City of Tshwane published an internal report entitled '*setting the record straight*' in 2012. The report's aim was to discredit and condemn Tshwane Barekisi Forum amid its constant challenge to the City and its leaders having contravened the terms of the signed MoU (i.e. curbing the formation of splinter organisations and refraining from organising and participating in marches). The City of Tshwane labelled the organisation as a splinter organisation and a vessel of the EFF, which it said was destabilising order. The City of Tshwane argued that the organisation engaged in party politics and was challenging the city's administration which during the time was under the ANC. Some of the contents of the report are captured in the extract below:

- "Tshwane Barekisi Forum was formed and launched post the best practice tour and the organisation has brought new traders into some parts of the city, congesting the already overflowing pavement with traders
- The Forum is a splinter organisation without a mandate of the traders in the city
- This organisation does not offer meaningful solutions to the challenges posed by informal trade nor are they willing to offer reasonable and humane platform for engagement regarding contending market forces
- Tshwane Barekisi Forum is an empty surrogate structure of the Economic Freedom Fighters (EFF) whose establishment is to render the city ungovernable and score sordid political goals at the expense of the vulnerable poor uneducated traders

[75] Mudzuli, Kennedy (2014) 'Hawkers threaten to make CBD ungovernable' IOL. 18 June. https://www.iol.co.za/news/hawkers-threaten-to-make-cbd-ungovernable-1704967; Security.co.za (2014) 'Informal trader mayhem in Pretoria. 18 June. https://www.security.co.za/news/28176; SABC Digital News (2014) 'Tshwane Barekisi Forum brought Pretoria CBD to a standstill'. 21 June. https://www.youtube.com/watch?v=fnLziaEymCc.

- This organisation has embarked on a series of illegal strikes to catapult the EFF brand within the trading space to attack the mayor with high octane profanities, discredit the city of Tshwane and to undermine the process underway
- All these issues are irrelevant to the plight of the trader but more political as a political action of the EFF as could be seen throughout the country
- Barekisi forum is a violent and confrontational organisation that employs criminal and "nyaope" addicts to loot businesses to heighten their existence and build fear and victimization within the inner city"

(Extract from City of Tshwane, 2012).

The extract above is a powerful depiction of how officials in the city conceived Tshwane Barekisi Forum during the early stages of its formation. The officials associated the organisation with the EFF and accused it of fighting party political battles with the ANC. Together with the City of Tshwane, other street trader leaders, particularly those that were part of the 2012 Mayoral Steering Committee were also publicly challenging the Tshwane Barekisi Forum. During the time of marches to condemn the shooting and killing of Foster Rivombo, the leaders of the Mayoral Steering Committee labelled Tshwane Barekisi Forum as 'violent and confrontational'[76]. What is also interesting is that one of the Mayoral Steering Committee's spokespersons (Strike Sebake who is also the president of the Tshwane Micro Entrepreneur's League) adopted the City's discourse in the published document to discredit Tshwane Barekisi Forum and was quoted saying that:

> "They [Tshwane Barekisi Forum] employ criminals and nyaope addicts to loot business to heighten their existence and build fear and victimisation within the city… The forum is a splinter organisation without a mandate of the traders in the city and does not offer a meaningful solution to the challenges posed by informal traders"[77].

Leaders of the four organisations forming part of the Mayoral Steering Committee (until it was disbanded in 2015), Tshwane Informal Traders Forum, Tshwane Informal Traders Council, Tshwane Micro Entrepreneur League, and Tshwane NAFCOC were publicly voicing their lack of support for Tshwane Barekisi Forum's disruptive practices that destabilised the city.

The public condemnation of Tshwane Barekisi Forum by both state actors and other trader leaders (particularly those in the Mayoral Steering Committee) did not shift the organisation's repertoires of action. Tshwane Barekisi Forum leadership mobilised dozens of traders to picket

[76] SAPA. 2014. 'Barekisi Forum is violent-committee'. IOL, 24 June, https://www.iol.co.za/news/barekisi-forum-is-violent-committee-1708550.
[77] SAPA. 2014. 'Barekisi Forum is violent-committee'. IOL, 24 June, https://www.iol.co.za/news/barekisi-forum-is-violent-committee-1708550.

outside the Pretoria High Court in 2014 where four traders arrested and charged with public disorder appeared before a judge. After the court appearance, which had ample support from street traders, a press conference was organised by Tshwane Barekisi Forum with support from the ANC Youth League, COSATU and South African Communist Party and South African Informal Traders Forum[78]. At this event, the organisation condemned metro police's conduct, vowed to avenge the death of Foster Rivombo and threatened to 'make the city ungovernable' should authorities not heed their calls for proper engagement with traders in Region 3. Blame for the chaos in Tshwane was placed on the then ANC Mayor, Councillor Kgosientsho Ramokgopa, who had postponed a crucial meeting in 2013 intended to resolve some of the street trading issues such as harassment by Tshwane Metro Police Division officers.

Making the city ungovernable manifested in various ways such as protest action (with heavy police presence), wreaking havoc in the CBD. The Tshwane Barekisi Forum protest saw shop windows being broken and traffic coming to a standstill as protestors attempted to gain entry into the Mayor's office[79]. Street traders were calling for the Mayor and Member of the Mayoral Committee for Economic Development to step down as the traders' situation (i.e. harassment of street traders, confiscation of goods) was worsening under their watch. Protestors were also demanding the start of a process to elect trader leaders to constitute a region wide representative structure that will engage with the City (Tshwane Barekisi Forum leader, 10 March 2018). During this protest action, street traders were wielding sjamboks (whips), sticks and rubber pipes while demonstrating and blocking major roads while singing and chanting[80] (Figure 15).

[78] Sibiya, R. 2014. 'Calls for Tshwane Metro Council to be suspended'. Pretoria East Rekord, 8 October, https://rekordeast.co.za/31715/calls-for-tshwane-metro-council-to-be-suspended/
[79] EWN. 2014. 'PTA hawkers smash shop windows'. EWN, 18 June, https://ewn.co.za/2014/06/18/Hawkers-smash-shop-windows-in-Tshwane.
[80] Mudzuli, K. 2014. 'Hawkers threaten to make CBD ungovernable', IOL. 18 June. https://www.iol.co.za/news/hawkers-threaten-to-make-cbd-ungovernable-1704967.

Figure 15: Protest action led by Tshwane Barekisi Forum to 'make city ungovernable' (Source: Mudzuli, 2014).

Consecutive marches took place during the course of 2014 organised by Tshwane Barekisi Forum leaders. In one of the marches, protestors handed over a memorandum of demands to the Member of the Mayoral Committee for Economic Development. The main demands included a request to engage the City of Tshwane on the licensing of street traders and recourse on the death Foster Rivombo who was killed during a metro police raid. Another march targeted the Tshwane Metro Police Division to address the issue of police harassment, especially on those in possession of valid trading licenses. During this march, the organisation argued that it had over a thousand members with trading licenses spread across the city who complain about the ill-treatment by TMPD officers (Tshwane Barekisi Forum leader, 10 March 2018).

In a context of continuing confrontation between state actors and street traders, the top leaders of Tshwane Barekisi Forum leaders were attacked from 2014. Towards the end of 2014, the secretary general of the organisation, Elliot Nkadimeng, was shot four times near his home in Nellmapius just after he got off a taxi. The secretary of the organisation accounts in a newspaper interview that:

> "When Elliot was shot in 2014, he was in the process of organising a march to demand the TMPD [Tshwane Metro Police Division] officers who shot and killed Foster Rivombo to be arrested with other organisations including the Tshwane regional structures of the SACP, ANC Youth League, Sanco and Cosatu, in solidarity with street traders"[81].

[81] Mudzuli, K. 2014. 'Tshwane informal trader leader shot', IOL. June. https://www.iol.co.za/news/tshwane-informal-trader-leader-shot-1762053.

Another shooting incident, this time targeting the organisation's president, Shoes Maloka, occurred in April 2015[82]. The organisation alleged that these attacks were inflicted by opposition trader organisations and some officials who are against how the leadership challenges the prevailing status quo. The attacks could also be explained by the party political competition between the ANC and EFF and their battle to control Tshwane. The modes of action during this time were extremely violent and eventually leading to death as will be shown below. During this time, the organisation leaders were attempting to gain visibility and demand recognition and inclusion into the Region 3 street trade governance structure.

5.3.2 Inclusion of Tshwane Barekisi Forum into Region 3 Street trade governance structure through formal electoral processes

The Tshwane Barekisi Forum has long been fighting for recognition and inclusion in Region 3's street trade governance structure. The relationship between this organisation and the City had mainly been characterised by confrontation and contestations, with party politics adding to the tension. The confrontation as well as party political competition eventually earned the organisation some level of recognition by the ANC administration. According to one of the opposition organisations, the ANC administration co-opted Tshwane Barekisi Forum to align itself with the administration and cut ties with the EFF to get a seat at the table (Unified South African Traders leaders 1 and 2, 8 February 2018).

During the beginning of 2015, a Region 3 Informal Traders summit was held with all street traders. This was a platform for informal traders to interact with the ANC Mayor and the broader leadership of the City of Tshwane to express their challenges (Khwashaba, 2019). During these interactions, one of the challenges identified and advocated hugely by Tshwane Barekisi Forum, was the inability of the informal traders to invest in the education of their children to enable them to further their studies in order to increase their employability (Tshwane Barekisi Forum leader, 10 March 2018; United South African Traders leader, 8 February 2018). This was the beginning of some cooperation between the organisation and state actors a few months before their election as Region 3 trader representatives. This gained Tshwane Barekisi Forum support from the masses and set the ground for inclusion in the street trader governance structure under ANC administration which was constituted through formal elections.

In efforts to restore order to the city streets, an election process of trader leadership was initiated by the City of Tshwane in June 2015 where Tshwane Barekisi Forum leaders were

[82] Sibiya, R. 2015. 'Forum leader fighting for life', Pretoria North Rekord, 6 March, https://rekordnorth.co.za/36196/shoes-maloka-shot/; Sibiya, R. 2015. 'Hawkers' leader speaks out after escaping death'. Pretoria East Rekord, 26 May, https://rekordeast.co.za/52273/hawkers-leader-speaks-out-after-escaping-death/.

elected into power. With the organisation's leaders elected as trader representatives and forming part of the Tshwane Informal Traders Representative Committee, leaders leaned more towards cooperation with state actors. In August 2015, a few months after election into positions, leaders organised an event with the Mayor and various Members of the Mayoral Committee to become 'traders for a day'[83] to raise funds for the bursary scheme. One fifth of the revenue generated on the day was invested into the bursary scheme and the remaining 80% was shared between street traders that participated in the event. Following the fundraiser, in a radio interview, Mayor Ramokgopa discussed his plans to develop the informal sector, particularly through the bursary fund[84]. The Mayor was promoting the bursary fund on behalf of the street traders and discussing its intended objectives. By the end of the show, a total of R162 000 was pledged in support of the cause by listeners. This led to the official launch of the bursary scheme in December 2015 where the City of Tshwane entered into a Memorandum of Agreement with the University of Pretoria detailing the minimum entry requirements of the university, criteria and eligibility of qualifying informal trader children. At the beginning of the 2016 academic year, ten qualifying informal trader children were enrolled into the University of Pretoria with their fees paid by the bursary scheme.

5.3.3 *Out with the old (ANC) administration and in with the new (DA-led administration in coalition with EFF)*

At the end of 2016, the ANC administration was replaced by a Democratic Alliance (DA)[85]-led administration in coalition with the EFF after the local elections. The ANC Mayor, Ramokgopa, made way for Mayor Solly Msimanga of the DA. During this time, Tshwane Barekisi Forum was still in office as part of Region 3 representative committee. Immediately after his inauguration, Mayor Msimanga convened a meeting to address street traders in Marabastad, an area in downtown Pretoria, which was boycotted by the Tshwane Barekisi Forum. The leaders claimed that they boycotted the meeting because the mayor did not convene the meeting through them as Region 3's representative committee. One of Tshwane Barekisi Forum leaders explained that:

> "Msimanga [DA mayor] called a meeting at Marabastad to address traders without informing us and traders chased them away. We have not attended meetings with the DA municipality because they have no vision and they are scared of strikes. They have

[83] SANews. 2015. 'Tshwane Mayor an informal trader for a day'. SANews, 24 August, https://www.sanews.gov.za/south-africa/tshwane-mayor-informal-trader-day; Nkosi, N. 2015. 'Mayor plays informal trader for a day. IOL. 25 August, https://www.iol.co.za/news/south-africa/gauteng/mayor-plays-informal-trader-for-a-day-1905265.

[84] Jacaranda FM. 2015. Informal traders' bursary fund on the cards'. Jacaranda FM, 14 December. https://www.jacarandafm.com/news/news/informal-traders-bursary-fund-cards/.

[85] This is a centrist political party in South Africa and currently the official opposition to ruling party-ANC.

> no plan. We were assisted by ANC people" (Tshwane Barekisi Forum leader, 7 September 2017).

The boycott of the meeting could be seen as the organisation not wanting to betray their relationship with the ANC administration, which ensured their inclusion into Region 3's street trade representative committee. Their inclusion in the Region 3 governance structure was perhaps the result of a bargain to no longer support the EFF as alleged by other street trader leaders. This might be due to fluidity of political affiliations which is instrumental to gaining power. The inauguration of the DA Mayor was not welcomed by the organisation as they are closely aligned to the ANC, so the Mayor calling a meeting through other avenues (not via Tshwane Barekisi Forum or Region 3's representative committee) contributed to a strained relationship with the organisation's leaders.

The DA Mayor also convened an informal traders' summit in March 2017. This was a platform for other organisations to challenge the prevailing street trading representative committee consisting of Tshwane Barekisi Forum only. Some street trader organisations were calling for an urgent re-election to reconstitute the Region 3 representative committee. This was a public challenge to Tshwane Barekisi Forum as they were elected into office until June 2018 but other organisations were calling for its leaders to step down as representatives of Region 3 traders.

A major issue raised at the summit was the opaque bursary fund allocation processes. Other organisations accused Tshwane Barekisi Forum of colluding with the City of Tshwane to distribute the funds only to their children and those in their inner circle.

> "The money that came out from Economic Development ended to Barekisi Forum, if you ask them what happened to the money they do not know as well…The bursary which was out we're not even guaranteed because we do not even know the people who got it *gore barekisa kae* [where they sell]. We can even ask the municipality the list of the people but their response will always be the same, it's coming. But we know for sure *gore* [that] bursary *e feletse ko* [ended up with the] leadership it did not go down to the traders (United South African Traders leader, 8 February 2018).

There are issues of clientelism between officials and Tshwane Barekisi Forum members alleged by other organisation leaders. While the relationship between the ANC Mayor and Tshwane Barekisi Forum was generally cooperative, some trader organisations saw this as the capture of the organisation by the ANC. Other leaders allege that the ANC is able to influence and penetrate decision making processes of the Tshwane Informal Traders Representative Committee through the Tshwane Barekisi Forum to its advantage. The allegations are that the bursary funds have been released to Barekisi members who distribute

it as they see fit without any oversight from relevant officials. This gives the Tshwane Barekisi Forum leaders the discretion to determine who benefits or is excluded.

> "The only way to get the bursary is to join the Barekisi Forum, as I mentioned earlier that they use that informal trading space for their political gain or enforcing unlawful methods that only benefits their members or force other traders to join. Even if they see you walking with me now, when you come to the meeting they tell you straight that you! You're not going to get nothing because you're communicating with the enemy" (United South African Traders leader, 8 February 2018).

While the allegations hold some ground, there is also an aspect of how scarce resources are distributed in a fair and democratic manner. One of the things that contribute to the rumours and allegations of clientelism are a result of the lack of transparency and opacity of the bursary allocation processes. Under the DA-led administration, a number of issues associated with the bursary fund were unearthed. The City of Tshwane realised that funds collected at the fund raiser during Mayor Ramokgopa's reign were not enough to cover the fees of all approved beneficiaries. At the end of 2017, the ten beneficiaries' fees were outstanding leading the DA administration to contribute over R220 000 to settle the debt with the University of Pretoria. While this was the case, street traders affiliated to Tshwane Barekisi Forum were accusing the DA Mayor of withholding R740 000 which they claim to have been raised with the help of the ANC Mayor[86]. Under the DA-EFF coalition government, the organisation resurrected its antagonistic and confrontational repertoires of action that it utilised during its struggle for inclusion into the trader governance committee.

During this time, the general secretary of Tshwane Barekisi Forum was shot and killed in August 2016 while travelling to his home town in Limpopo. The then deputy-secretary of Tshwane Barekisi Forum argued that:

> "We suspected that the previous shooting was instigated by a disgruntled group of informal traders who never wanted him to lead the forum. He was then threatened that he would die young. We now wonder whether the same group was involved in his killing"[87]

The shootings destabilised the organisation but they maintained their radicalism and continue to fight for street traders in Tshwane. In July 2017, employees of the Local Economic Development were held hostage by Tshwane Barekisi Forum leaders (Figure 16 below) over

[86] DA News. 2018. 'Msimanga Informal Trader Bursary Fund sends its first beneficiaries to tertiary'. DA News, 16 March, https://www.da.org.za/2018/03/msimanga-informal-trader-bursary-fund-sends-first-beneficiaries-tertiary.

[87] Moatshe, R. 2016. 'Informal trader leader slain in hijacking'. IOL, 12 August. https://www.iol.co.za/news/informal-trader-leader-slain-in-hijacking-2056376.

bursary related issues where they argued that fees were not paid into the student beneficiaries' accounts as agreed[88]. Signs of increasing radicalism were evident during DA-led administration where officials were being held captive, a mode of action which was never adopted during ANC reign.

Figure 16: LED official (centre) held hostage by Tshwane Barekisi Forum (Source: Moatshe, 2017).

Radicalism and antagonism heightened in 2018 after the organisation's term of office drew to an end in June. Tshwane Barekisi Forum obtained an interim order against the Tshwane Metro Police Division to stop harassing and intimidating traders[89]. A petition to the Gauteng High Court on behalf of traders was lodged arguing that impoundment of goods is arbitrary and licensing rules are restrictive. During legal proceedings the TMPD officers were ordered by the court to inform traders of the whereabouts of the confiscated goods and release them to traders. There was agreement that TMPD officers would stop confiscating goods pending outcome of negotiations between the parties regarding issuing of licensing. All of this occurred in the period when the organisation leaders had vacated office as Region 3 trader representatives, effectively placing them in some way on the margins of the state.

[88] Moatshe, R. 2017. 'Watch: Tshwane officials held hostage'. IOL, 6 July, https://www.iol.co.za/pretoria-news/watch-tshwane-officials-held-hostage-10161445; Moatshe, R. 2017. 'Traders hold Tshwane officials hostage'. IOL, 7 July, https://www.iol.co.za/news/south-africa/gauteng/traders-hold-tshwane-officials-hostage-10173748.

[89] Venter, Z. 2018. 'Aggrieved traders take City of Tshwane to court'. IOL, 5 November, https://www.iol.co.za/pretoria-news/aggrieved-hawkers-take-city-of-tshwane-to-court-17780013.

In 2018 Tshwane Barekisi Forum leaders appeared on the *Daily Thetha*[90] television show raising awareness about the ill-treatment of street traders in Tshwane under the leadership of Mayor Msimanga and his discontinuation of the bursary fund which was established under Mayor Ramokgopa. This came after a decision was made to integrate the bursary fund into the broader City of Tshwane Bursary Scheme which is under the auspices of the Department of Corporate and Shared Services. This was to remove the administration of funds from Tshwane Barekisi Forum to city officials in the Human Resources Department with the relevant knowledge and expertise[91]. The criteria to assess and award bursaries to beneficiaries was also reconfigured to ensure that all street trader children have a fair chance based on merit, academic performance and financial need[92]. This was to ensure the process of allocation was not influenced and abused by certain people or groups of traders. The bursary fund has been made into an annual grant administered by officials.

Tshwane Barekisi Forum leaders are against the integration of the traders' bursary fund into broader city schemes as it takes away their power to determine who benefits and who does not. As a result, a protest led by Tshwane Barekisi Forum including beneficiaries of the bursary fund was conducted outside the Tshwane LED offices. The aim of the protest was to get clarity regarding the process of bursary allocation and demand that funds be released to Tshwane Barekisi Forum leaders for distribution on behalf of Region 3 traders. The hostility between the Tshwane Barekisi Forum leaders and state actors has continued since 2018.

The three phases illustrate the changing nature of relations between street trader leaders, particularly those of the Tshwane Barekisi Forum, and state actors. The first phase (2012-2014) shows the period marked by non-negotiation and violent encounters between the stakeholders. In this phase, Tshwane Barekisi Forum leaders were fighting for recognition by the state and inclusion into the Region 3 representative committee. During this time, the leaders were somewhat on the margins of the state and the relationship with authorities was hostile. For instance, on a number of occasions during this period, leaders vowed to make the city ungovernable through various actions. This together with the shift from their alleged

[90] A talk show on SABC1 engaging in robust debate and dialogue regarding current issues affecting people's lives in South Africa, especially the youth.
[91] DA News. 2018. 'Msimanga Informal Trader Bursary Fund sends its first beneficiaries to tertiary'. DA News, 16 March, https://www.da.org.za/2018/03/msimanga-informal-trader-bursary-fund-sends-first-beneficiaries-tertiary.
[92] DA News. 2018. 'Msimanga Informal Trader Bursary Fund sends its first beneficiaries to tertiary'. DA News, 16 March, https://www.da.org.za/2018/03/msimanga-informal-trader-bursary-fund-sends-first-beneficiaries-tertiary; Moatshe, R. 2018. 'Traders claim Tshwane bursary scheme 'shuns' their kids', IOL, 27 June, https://www.iol.co.za/news/south-africa/gauteng/traders-claim-tshwane-bursary-scheme-shuns-their-kids-15709491.

affiliation from EFF to ANC, eventually resulted in their inclusion in the trading governance committee of Region 3.

Phase two (2015-2018) was characterised by cooperation between the ANC led administration and the newly elected Region 3 representative committee which was made up of Tshwane Barekisi Forum leaders. The leaders worked hand in glove with authorities resulting in the informal traders' bursary scheme and funds to sponsor the first ten beneficiaries. The administration of the funds was in the hands of Tshwane Barekisi Forum leaders with seemingly no oversight on allocation processes by officials. Tshwane Barekisi Forum acted as quasi-state bureaucrats with real power on the ground to determine who is allocated or not, based on criteria they set themselves. This period of cooperation with state actors, was disrupted by the local elections which saw the ANC being replaced by the DA-led administration. This constituted phase three (2016 - late 2018) which was characterised by heightening antagonism with the DA-led administration coming into power and Tshwane Barekisi Forum's term of office coming to an end. The ANC Mayor that Tshwane Barekisi Forum leaders had close working relations with was soon replaced by a DA Mayor resulting in soured relations. This carried on until the organisation's term of office came to an end in June 2018 and no elections were held to install new leaders. The leaders heightened their antagonism when engaging with the DA-led administration with some leaders arguing that Tshwane Barekisi Forum is used by the ANC to fight party political battles. The radical actions against state actors were made possible by the fact that leaders were now operating on the margins of the state, as they were officially no longer the representatives of street traders in Region 3.

5.4 Relations between the City and institutionalised area-based committees in Ekurhuleni

As detailed in the previous chapter, area-based committees were set up in Ekurhuleni's major towns to streamline engagement between street traders and the City of Ekurhuleni. These committees are the only street trade governance structures recognised by officials. Trader leaders in the area-based committees have monopoly over engagement with officials, and any organisation or individual outside these elected committees is not given an opportunity to engage with the municipality. The LED official in the municipality makes the point about their reluctance as officials to engage organisations apart from those elected.

> "We cannot say if an organisation just comes and says we are a new organisation in the very space where GEMTRAP is representing the traders and just agree, we take proper procedure and look into it" (LED official, 15 February 2018).

The official explains further, that organisations requiring engagement with the City of Ekurhuleni in the jurisdiction of elected area-based committees are thoroughly investigated before they are entertained. While the official is trying to show that state actors do not exclude other organisations that want to engage with officials, he re-states that preference is given to engaging with area-based committees.

> "You have a right to belong to any organisation you want, but organisations such as GEMTRAP are given more platform. When a taxi rank is going to be developed for example, we [officials] will take GEMTRAP because it is the dominant organisation [in Germiston]. We cannot take Mamokete's association and that association of hawkers. Whatever GEMTRAP does, it takes decisions on your behalf" (LED official, 15 February 2018).

Officials cannot compel street traders to join specific organisations as that will be trampling on the 'freedom of association' provision of the constitution. The official could not tell me unequivocally that they will not consider any organisations or traders unless they are part of an area-based committee. This is probably why the partnership between area-based committees such as GEMTRAP and the municipality is not written down in any official documents, and appears to be semi-formal. This is an informal practice of the state as it is convenient for both officials and institutionalised trader leaders, as it maintains the *status quo* and brings stability.

The official continues to illustrate the extent of state actors' partnership with area-based committees such as GEMTRAP who are guaranteed a seat at the engagement table over others. Area-based leaders and officials have a good working relationship. The LED official argues that:

> "There's an open line of communication there is no red tape. They [area-based committee leaders] even call me on Saturdays to show the type of a relationship we have. Even after work when I'm with my kids they will call and tell me about the types of challenges they have. They even initiate meeting, it's not us who initiate meeting when they're issues they want to discuss" (LED official, 15 February 2018).

Even though it was illustrated in the previous chapter that there are no regular meetings between traders and officials, there seems to be clear communication lines between the stakeholders. The official argues that street trader leaders have the power to convene *ad hoc* meetings with officials in instances where there are urgent matters to be resolved. The above is another justification of why the arrangement is informal and not written in any official document. It constitutes the simultaneous informalisation of the state and formalisation of society.

Officials seem to be a ‘big brother’ to area-based committee leaders, particularly GEMTRAP leaders. I felt that the GEMTRAP leaders required some sort of permission from officials before engaging with an outsider. As I explained in Chapter 3, at our initial meeting during fieldwork on 12 September 2017, the leaders indicated that they had no desire of being interviewed and I was dismissed. A few months later I secured an interview with an LED official and I narrated the encounter with GEMTRAP. The LED official indicated that the leaders will agree to an interview if he introduces me. He called them immediately and they agreed to meet me for an interview the next day. This gave me a sense that the trader leaders required some form of approval from officials before doing anything, because their arrangements are all informal.

Leaders of area-based committees collaborate with officials on various aspects such that they have even started adopting state actors’ discourses. One of the City of Ekurhuleni’s discourses that GEMTRAP leaders have adopted is regarding ‘illegal’ traders. The leaders are focused on curbing unauthorised traders in their area of jurisdiction, without fighting for their legalisation and inclusion.

> “GEMTRAP will not fight for illegal traders because they should know that the rules won’t change for them and all the legal spaces are finished in the CBD…Currently there are over 2000 traders in the Germiston CBD and there are only 366 legal spaces on the streets. Some of these traders are operating on pavements that are not suitable for trading like pavements not more than 5m wide. The way pavements were designed during apartheid don’t allow trading mostly and traders also don’t understand bylaws in place” (GEMTRAP leader, 16 February 2018).

The leader is not advocating for trading spaces to be opened up to accommodate as many traders as possible, and for reform of regulations to reflect the current reality. While this sentiment perpetuates officials’ discourses regarding carrying capacity of streets and advocates for continuation of apartheid planning, it can also be seen as a strategy for leaders to be in close competition to existing traders, the majority of whom they represent. The organisation leaders also criticise other trader organisations in other contexts who fight a losing battle against city regulations and street trading by-laws.

> “There are trader organisations that engage in unnecessary marches that challenge regulations on street trading especially in Tshwane and Johannesburg. These organisations are simply engaged in popularity contests because there are bylaws in place which stipulate how trading should happen. If a pavement is too narrow, you must know that the bylaws don’t allow trading to happen there. Most of the people attending marches and meetings are those who are selling in illegal spaces and want to be legalised. They don’t understand the bylaws and try to fight a battle they will never win.

> Bylaws cannot be changed just because traders are marching and are attending meetings and are voicing their grievances" (GEMTRAP leader, 16 February 2018).

The GEMTRAP leader is not challenging the arguably outdated street trading regulations in places that restrict the activity but is rather focused on the legitimacy of traders on the streets. There is no mobilisation by leaders to fight for 'illegal' traders to be legalised and no form of confrontation of draconian bylaws that restrict street trading as is the case in other contexts. Leaders are not confronting officials to reform bylaws in ways that accommodate the current reality, possibly because they want to avoid biting the hand that feeds them. Other organisations are not emerging to defend traders particularly unauthorised ones because channels of communication are only open for state endorsed area-based committees.

Officials' discourses regarding foreign national traders are also complemented by leaders. There are similarities in the following quotes by an official and trader leader regarding foreign nationals.

> "I think they [trader leaders] have come to terms that there'll never be enough spaces to accommodate everyone, the space is limited. So when they call meeting now of late, it's the issue of foreign nationals contesting space with them in their own mother land, which is a huge issue" (LED officer, 15 February 2018).

> "…the issue of foreigners who come here and take trading opportunities from our people. You can't come from your own country and start trading on the streets, that's taking opportunities from our people" (GEMTRAP leader, 16 February 2018).

The similarity in sentiments regarding foreign national street traders is an illustration of how official discourses permeate leaders' thinking of issues and *vice versa*. Similar to officials, leaders are adamant that locals should not have to compete for trading spaces with foreign nationals. This illustrates a conjunction of interests between leaders and officials. For the trader leaders, it is to limit competition and safeguard the interests of their members while for officials it is about limiting street trading and curbing informal uses of streets.

There are instances where area-based committee leaders challenge brutal state practices (i.e. eviction of traders without providing alternative sites) such as in Vosloorus, and this is done indirectly and covertly.

> "We helped people who were selling at a space near a building and that building was bought and all of a sudden traders are being told to pack up and leave. We fight for traders in such situations because some of them will have been selling in that space for quite some time and it's unfair for people who have money to just chase them away…There are traders that used to sell at Chris Hani Mall and Spar was chasing them away. I'm telling you we fought for those traders to continue selling. We had a

> series of meetings with the government and we pleaded with them to let the traders continue selling and eventually they let them" (Vosloorus Micro Traders Association leader 2, 2 October 2018).

This leader narrates a case where a big business was evicting street traders and they held negotiating meetings with officials to plead the case of the traders. Here there is a big contrast regarding who is defended by leaders or not. It seems that traders' legitimacy is not dependent on having an official license but on a history of trading. There is no mention of authorised or unauthorised traders as it seems to not be the point. This strategy of engaging, negotiating and pleading with officials by Vosloorus Micro Traders Association leaders is quite different from GEMTRAP's contention. This organisation's discourse is more geared towards defending traders as people struggling for survival, which is not something we get from the GEMTRAP leaders.

Area-based committees in Ekurhuleni operate as quasi-state bureaucrats and have a close working relationship with state actors. The interests of area-based committees, particularly GEMTRAP leaders and the LED officials are compatible. The stakeholders essentially want the same things for their own reasons and so, their discourses converge. There is no publicly documented cases of street trader leaders' mobilising and confronting the state on practices that adversely affect their 'constituents'. Leaders seem to be complicit with no visible challenges to state actors, and in cases where there is some challenge it is not directed at the officials but at other role players. The complicity of GEMTRAP leaders is illustrated by their adoption of state language regarding 'illegal' street traders and foreign national traders. In leaders' responses, they echo some of the officials' discourses regarding street trading. The Vosloorus Micro Traders Association leaders seem to be adopting a different strategy of negotiating and pleading with officials on behalf of traders not based on their legality but their history of trading in the area. This could also be as a result that these traders form part of the constituents of the organisation and are paying membership fees to the organisation for its survival.

5.5 Conclusion

The chapter has illustrated how the configuration of the representative structures affects trader leaders' encounters with state actors. Below is a comparative table summarising the criteria to establish whether a representative structure's leaders operate on the margins of the state or act as quasi-state bureaucrats.

Table 8: Summary of criteria for organisation configuration

Case study areas	Trader leaders	Receive stipend	Office space by City	Written/ signed contract	Dynamics of recognition by state actors	Delegated administrative power
Johannesburg	Organisations	X	X	X	X	X
	Block leaders	✓ Undisclosed amount	✓ MTC offices at Bree	X	✓ Block leader card & house rules	✓ Crafting & managing block/ street waiting lists & allocation of spaces
	Task teams	✓ R2000 p/m	X	X	✓ Terms of reference	✓ Allocation of spaces
Tshwane	Region 3 Representative Committee	✓ R2000 p/m	✓	✓	✓ Code of conduct	✓ Bursary admin, crafting & managing Region 3 waiting lists & allocation of spaces
Ekurhuleni	GEMTRAP	X	X	X	✓ Officials only engage elected leaders Unwritten rule that traders have to join committees before qualifying for space	✓ Crafting & managing area-based waiting lists & allocation of spaces
	Vosloorus Micro Traders Association	X	X	X	✓ Officials only engage elected leaders Unwritten rule that traders have to join committees before qualifying for space	✓ Allocation of spaces Crafting waiting lists

The above table illustrates instances where non-state actors are included by state actors in street trade governance in various ways as quasi-state bureaucrats. Street trader

organisations are increasingly playing a role in urban governance processes while state actors still maintain some form of control through continuous engagements. State actors engage and involve street trader leaders into the state apparatus through various forms of institutionalisation. The involvement of non-state actors in governance practices leads to the blurring of boundaries between the state and society resulting in simultaneous informalisation of the state and formalisation of society.

In Johannesburg, block leaders and task teams are institutionalised by paying regular stipends to the leaders with documents that show a level of recognition by state actors such as block leader cards and terms of reference regulating the interface and various degrees of delegation of administrative powers. Similar to leaders in Johannesburg, quasi-state bureaucrats in Tshwane also receive a monthly stipend and perform administrative duties such as managing the bursary allocation process, crafting waiting lists and allocating trading spaces. The leaders in this context and the block leaders have been given office space by state officials so that they can perform their duties. The area-based leaders in Ekurhuleni also have administrative powers as those in the two case study areas but their recognition by the state is not formalised in any written documents. In fact, the institutionalisation is unwritten but gives the committees power on the ground as traders have to join them before becoming eligible to apply for trading spaces.

While the criteria above shows two extremes of a continuum, there are gray areas with multiple configurations, using formal and informal partnerships, agreements, tolerance and ignorance that blur the boundary between the state and non-state actors. These 'gray spaces' (Yiftachel, 2009:88) are configured differently in each of the case study areas. In Johannesburg, a bifurcated structure of street trader governance structures that operate in parallel, with independent organisations on the one hand and block leaders and task team members on the other. In Tshwane, an elected structure that was monitored through formal electoral processes after a wave of hostile encounters and suspected party political involvement. In Ekurhuleni, it is the institutionalised area-based representative structures, which were engineered by state actors in areas with proliferating trading activity.

There is power in both positions of leaders on the margins and quasi-state bureaucrats. Navigations between these provide street trader leaders with some level of power to implement certain actions. The various trader governance structure configurations enable or constrain encounters with state actors. While all representative structures resort to both cooperation and antagonism at various times and in various forms, there are variations between leaders on the margins and quasi-state bureaucrats. Leaders operating on the margins of the state are able to openly struggle for change and challenge the state in ways

that quasi-state bureaucrats are unable to. For instance, organisation leaders in Johannesburg and the Tshwane Barekisi Forum (before and after inclusion into Region 3 representative structure) are able to overtly challenge state actors and openly fight for their constituents through various means such as litigation. This is a different case for area-based leaders in Ekurhuleni as well as block leaders, task team members and the Tshwane Region 3 Informal Traders Representative Committee (during phase of incorporation), who collude with state actors and leaders mainly adopt and perpetuate the *status quo*. Leaders in Tshwane's formally elected structure were able to openly challenge and resist the state's practices and maintain a level of radicalism even though they act as quasi-state bureaucrats during the DA-led administration (perhaps as a strategy not to betray the ANC administration that ensured their seat at the table). Block leaders in Johannesburg who are considered 'partners of the state' or 'eyes and ears of the state' could also covertly challenge state actors through various means such as relaying confidential and valuable information discussed in exclusive meetings to organisation leaders (that have in certain instances been deliberately excluded from engagement with the state), so that they can act on it to effect change. Having only one platform in Tshwane and Ekurhuleni seems to be oppressive and opaque and having multiple platforms in Johannesburg has opened space for different ways of engaging with state officials which is advantageous for both the state and trader leaders.

Chapter 6: Acting like the state: Leaders' participation in street trade management

> "All we need is a space on the side of the pavement and a place for two baskets" (SEWA founder, 27 November 2017).

6.1 Introduction

One of my initial interviews in Tshwane in September 2017 was with Mandla*[93], one of the street trader leaders operating in the inner city. We arranged to meet in Marabastad, one of Tshwane's busiest street trading areas. I was picked up in a car driven by Lerato* who was with Mandla and another trader leader who introduced himself as Tebogo*. Upon getting into the car, Mandla requested a few minutes to do some work at Steve Biko Hospital before starting with my research interview. The two trader leaders were greeting Tshwane Metro Police officers along the way to the hospital and they seemed to know each other very well. When we arrived at the hospital, we started walking around and both Mandla and Tebogo were greeting some of the street traders on site and engaging in small talk. Lerato started pointing at different spots around the hospital while saying *"hona mo ho kaba shap"* [here would be fine]. I didn't really understand what was going on until Lerato told me they are trying to find a suitable spot to park her caravan where she will sell cooked food. Mandla seemed to be inspecting the site and later he, Tebogo and Lerato finally agreed on a spot. Mandla said *"oka beya caravan ya hao hona mo ene ha hona metro police etlo ho tshwenyang kele teng"* [you can put your caravan right here and no Metro Police officer will harass you as long as I am around]. While Mandla continued with his inspection, he indicated that he allocated most of the trading spaces in the vicinity. He then noticed one street trader he didn't know and threatened to remove him as he didn't allocate him the space and that, according Mandla, meant the street trader was unauthorised…We left the site and went back to Marabastad where Lerato disappeared for a few minutes while I conducted the interview with both Mandla and Tebogo. When she returned, she called Mandla to the side (leaving Tebogo to keep me company) and gave him a folded black plastic bag. Immediately after that, they said their goodbyes with reassurance from Mandla that Lerato will not be harassed by anyone while trading in her newly allocated space (Extract from fieldwork diary, 8 April 2018).

This encounter motivated an investigation into the role and influence of trader leaders in trading space allocation processes in the three case study areas. The encounter appeared to

[93]*Pseudonym.

contradict official narratives regarding the role trader leaders' play in space allocation processes, the power they have and the difference they make by their actions. What was particularly intriguing was the power of allocation of trading spaces that these leaders seemed to have without any involvement of officials from the relevant city departments. These leaders also promised Lerato protection from the Metro Police officers whom they seemed to have a friendly relationship with. In my quest to understand the participation of leaders in allocation processes, key questions were asked in each context to understand the dynamics involved including: do street trader leaders have an official or even an informal mandate to allocate trading spaces? If so, what are their specific roles in these processes? What are the logics and outcomes of such actions?

The chapter explores the extent to which trader leaders' participate in the everyday management of street trade, particularly aspects of waiting list management and space allocation. Waiting list management involves leaders placing prospective traders on a list to access a trading space. The chapter presents leaders that have allocation powers in each case study area, their specific roles and responsibilities and the extent of their participation in these processes. The chapter shows that the position of traders' governance structure in relation to state power (as detailed in the previous chapter) has a profound impact on the extent of leaders' participation in the everyday management of street trade. While all leaders have some form of space allocation power, this varies across different configurations of governance structures. Quasi-state bureaucrats are officially included in allocation processes with (partially) delegated roles and responsibilities. This official inclusion in allocation processes has created room for leaders to subvert official processes and attain informal allocation powers (mainly to deal with everyday issues on the ground) with varying degrees across the case study areas. Leaders who have no official recognition by the state are excluded from the everyday management of street trade. These leaders exert themselves in allocation processes in various ways, which in some instances run parallel to state processes. These parallel systems of allocation are enabled by unorthodox arrangements with state officials mandated to manage street trading.

The chapter starts by presenting a general context on the dynamics of space allocation. This is followed by a presentation and analysis of specific allocation processes in each case study area. This is to allow space for in-depth accounts of the realities on the ground as well as the multiple and sometimes contradictory narratives of leaders' inclusion in everyday management of street trade. I now turn to the dynamics of street trade space allocation.

6.2 Dynamics of space allocation

In official terms, to qualify for a trading space, a person has to be registered as a street trader with the respective municipality or be in possession of a trading permit or license[94]. In order to register as a prospective trader to qualify for a trading space, a person has to fill out a number of forms and submit supporting documents such as identity documents and proof of unemployment. Once registered, traders are issued registration documents such as lease agreements and smart cards as proof of their status. This registration process is fundamentally the same in each case study area although there are variations in terms of the forms and supporting documents required for consideration. While registration with the municipality gives eligibility to access a trading space, it does not guarantee it and the processes tend to be lengthy, multi-layered, opaque and characterised by red tape (Mbele, 2017).

The inefficiencies in space allocation processes create opportunities for individual traders to self-allocate spaces deemed lucrative for business. In fact, this is the most talked about dynamic of space allocation where prospective traders identify space and occupy it without following any official processes. These traders would have to deal with the constant threat of eviction, police harassment and confiscation of their goods and would back off once they have received bribes.

The appropriation of space is a strategy adopted by poor people to access opportunities in contexts where they are excluded from official processes. Self-allocation of stands is a strategy that has widely been used in informal settlements where people identify and occupy space without having formally bought or rented the space. Huchzermeyer (2011) argues that there has been a paradigm shift from eradication to *in-situ* upgrading by the state in the informal settlements space. While there is an argument in favour of *in-situ* upgrading, which is now reflected in policy and funding mechanisms, most settlements are not upgraded and many state actors continue to have a punitive approach towards informal dwellings and new occupations of land.

The precedent set by the state is that in such instances, the appropriators of space are eventually formalised and accommodated in various ways. This includes, for instance, placing the 'encroachers' on a waiting list to be in line to receive government provided housing, *in-situ* upgrading, relocating them elsewhere or officials turning a blind eye. Some aspects in the case study areas speak to this aspect of self-allocation by street traders, which has in some instances led to a degree of formalisation and inclusion in the long run.

[94] This is according to the various policy documents in the case study areas.

Apart from self-allocation, there are also cases of mafia-like arrangements that allocate and manage (trading) space and this dynamic is well documented particularly in Indian cities (Benjamin, 2004; Weinstein, 2008; Mahadevia, Vyas, Brown, and Lyons, 2012; Parikh, 2015). In the face of massive street trader relocations to make way for beautification schemes, opportunities have been created for rent seeking by local *gundas*[95]. In this context of competition for trading spaces, *gundas* allocate spaces to street traders and offer them protection from evictions and harassment from the police for a certain fee. In most cases, these fees are paid on a daily basis with failure to make payment resulting in a stall being taken away or getting the police to harass and confiscate traders' goods (SEWA leader 1, 17 November 2017; SEWA leader 2, 27 November 2017).

> During fieldwork in Bhadra and Jamalpur markets, a number of street traders indicated that their trading spaces were allocated by 'the person who owns the space' [local rent seeker/gunda]. They pay these people on a regular basis (daily, weekly or monthly) in order to retain their trading spaces. While the fees paid are largely to access trading spaces, they also ensure protection from police harassment and confiscation of goods. The leaders of SEWA interviewed argued that the boom of mafias in Ahmedabad is facilitated by a corrupt system which is kept intact by strong links between the police, officials and the mafias who get a share from fees.
>
> Extract from fieldwork diary, 27 November 2017.

The issue of space allocation was extremely difficult to research and document in the Gauteng context. It was difficult to get access to street traders who would provide information on this dynamic. I had more success when I was not doing formal interviews and was just spending time in the streets and observing how things work and talking informally to street traders about how one might go about getting a site. The informal interactions yielded some responses from street traders who were willing to share how they accessed their spaces. What was interesting from these various encounters was that even though the street traders were willing to share processes of how to access spaces, they were reluctant to disclose organisations and leaders who got them access to the trading spaces.

This chapter unearths specific allocation practices through state legitimised street trader leaders and probes how these dynamics play out on the ground in the case study areas. In a context of massive challenges pertaining to street trade management in cities, processes that were exclusively administered by state actors now include street trader leaders. State actors have begun to unevenly delegate some of their official duties including waiting list management and space allocation to state-endorsed street trader leaders. In the case study areas, state endorsed trader leaders are included in allocation processes to assess the

[95] This term is generally used to refer to gangsters or mafias in the Indian context.

availability and suitability of trading spaces and make recommendations to officials in terms of whether to allocate or not.

According to officials in all case study areas, street trader leaders do not have the mandate or power to make the final decision regarding who and where to allocate trading spaces, they only recommend based on their knowledge and experience of being on the ground. The actual decision of who and where to allocate trading spaces to is taken by relevant officials in light of trader leaders' recommendations. The specificities of these dynamics are explored in the case study areas below.

6.3 Multiple systems of space allocation in Johannesburg

Like many other downtown areas in the global south, the inner City of Johannesburg is characterised by competition for trading spaces. The main contributing factor is the state's 'creation of scarcity' where legal trading spaces are deliberately limited (Benit-Gbaffou, 2018b: 14). While trader leaders want spaces to be opened up to accommodate already existing and new traders, officials argue that spaces demarcated for street trading are limited, with most of them having reached their holding capacity.

> "Every space has a maximum capacity, but we fail to understand that. The reality of things is that we have limited space in the city and we also need revenue to service that space to keep the City running. So having people flooding the city with no intention to compensate for the accessibility of the space we are providing them, it makes our job difficult as officials" (Ex-official, 5 April 2018).

While there are generally issues of non-payment, street traders are willing to pay licenses to trade provided they gain access to lucrative sites which are adequately serviced by the municipality. The limitation of authorised trading sites coupled with other issues such as opaque allocation processes have opened space for various allocation systems to emerge including organised invasion of trading spaces. The inclusion of leaders in state processes which in some instances opens space for subversion and managing waiting lists on behalf of officials. I now turn to access to trading spaces through organised invasion facilitated by trader leaders.

6.3.1 Organised invasion of trading spaces enabled by loopholes and clientelist networks

The organised invasion of streets is a means to an end: legalisation of trading spaces and formalisation of existing traders on site. Organised invasions are a phenomenon where an organisation mobilises its members to occupy spaces that have not (yet) been demarcated for trading, that they can later lobby state actors to formalise through their processes. This is a *modus operandi* for some organisations operating in the inner city, particularly One Voice of All Hawkers Association. The organisation leaders mobilise their members to collectively

invade streets that are viable for business but not demarcated as such, and later persuade officials to legalise the space and traders already operating in that space. This is, to a large extent, possible when leaders activate their clientelist relations with some of the officials in charge of street trading management. These clientelist relations can enable outcomes beyond the self-interest of those engaging in the (unfair) transaction.

> "One Voice gained popularity over the years. It came in as a response saying where there's restrictions we'll do it by force. They do indeed have members occupying restricted areas by force" (Ex-official, 5 April 2018).

The organisation has gained a reputation for getting its members trading spaces through organised invasions. One Voice members occupy spaces without (official) permission and use that as a basis for lobbying relevant officials (particularly those they are in cahoots with) to legalise their stay. This could be likened to recent occurrences in this country where the EFF encouraged poor people to informally occupy prime land in the bid to 'expropriate land without compensation'[96]. In fact, One Voice is referred to by some as the EFF of street traders as it encourages its members to occupy available suitable space to trade and indeed the president of the organisation is identified by his red beret (similar to the red berets of the EFF).

> "*Akere wa bona* [you see] the railway lines as if you are going to Doornfontein? Where there is a bridge before Doornfontein behind it there is some trading areas there. Before those areas were demarcated, there were few traders trading there then Zachariah [One Voice's chairperson] comes *o tshwere* list *ya hae* [he has his list]. He comes and says did you know that pavement is big enough? And then he says do you still remember that so and so did not get a space? So can you demarcate? Then the first response we are going to give to him is we are going to investigate because you don't just wake up and say we are going to demarcate. You need to consult with the internal stakeholders in the City. Then the next morning or maybe the same day I will send an email to Xolani [DED official] and other colleagues that there is a request from this association that we need to go and assess a particular street. Who's available to join us? We are going to do this on this particular date" (Ex-official, 5 April 2018).

The ex-official confirms that the organisation engages in organised invasions as a way to guarantee trading spaces for its members. When the organisation leaders approach the officials, they research the suitability of the site for street trading purposes and use that to

[96] Madia, T (2016) 'Ekurhuleni EFF cheers illegal land occupation' News24. 21 October. https://www.news24.com/news24/southafrica/news/ekurhuleni-eff-cheers-illegal-land-occupation-20161021; Kgosana, R (2018) 'DA blames EFF for Gauteng illegal land invasions' The Citizen. 27 March. https://citizen.co.za/news/south-africa/1869272/da-blames-eff-for-gauteng-illegal-land-invasions/; Meyer, D (2020) 'EFF land grab: What we know about occupation calls in the Free State' The South African. 11 February. https://www.thesouthafrican.com/news/eff-land-grab-in-the-free-state-2020/.

lobby for official demarcation. Officials then follow this up by conducting their own site inspection to inform decision making and over the years the decisions made have been in favour of One Voice. The official seems to agree that there is a need to investigate possibilities when they are proposed by street traders as a way to deal with issues. What is interesting is that the official seemingly narrates this event not with outrage about the 'invasion', but as a practical way of dealing with the shortage of trading spaces in the inner city.

Together with organised invasion of sites, some street trader leaders argue that One Voice has also been given an informal mandate to allocate trading spaces in certain parts of the city at their own discretion. There are also allegations that the organisation is working closely with Economic Development and JMPD officials to punish members who do not abide by their rules. In this way, members are compelled to pay regular protection fees to ensure they hold on to their trading spaces, while non-members have to pay excessive amounts to access spaces.

> "One Voice has been allocated spaces in President Street and Prichard Street by officials and they appear to be asking R200 for the stall from their members. If you're not a member of their organisation you don't get a stall, or you pay exorbitant amounts. And if you're a member but your membership account is in arrears, you will lose the space. There was a case a couple of years in Hillbrow where One Voice was giving members accounts since 2009 and told them if they don't pay all their arrears they will lose their spaces. They are working with officials to make members feel that an organisation is compulsory in relation to whether you'll get a stall or not and that is corruption" (SANTRA leader 1, 20 September 2017).

Some of the executive members of One Voice continuously mention the power their organisation has in securing trading spaces for members. At one of their marches that I attended in November 2012, some leaders indicated that 'there is no other organisation that can give you a yellow line [demarcation] except One Voice' (One Voice leader, 15 November 2012). These types of testimonies at marches in some ways confirm the allocation powers that leaders of the organisation have in collaboration with officials. The organisation effectively rules in the areas they have been allotted to manage, as they can allocate or take away trading spaces with the support of officials. Pezzano (2011:6) talks about 'connivance between municipal authorities and association leaders' where the two benefit from favours from each other. Leaders cooperating with officials are given allocation powers that they activate with members and willing buyers. For officials, the connivance ensures a form of governability as concerned leaders effectively become allies of the state, especially in instances where other trader leaders challenge and confront authorities' (repressive) practices.

Other organisations also insert themselves into allocation processes when opportunities arise such as during designation. Designation in this context refers to the process of opening up an area in line with what is prescribed in the bylaws to allow informal trading to take place. Officials initiate the designation process and involve trader leaders to verify existing traders in the concerned site.

> "Once we have agreed amongst ourselves as officials then we'll go now to consult with our stakeholders. We had our own process which was to go first and do verification on the ground. We'll go ourselves do verification and check who's actually trading there. We find Mamokete and we will mark you as 1 in that particular space. So we will mark, mark and mark all the people there and have a master list and then we'll call the associations. Guess what's gonna happen? If our list says 50, theirs has 200 people. You'll have SAITF coming with their list, their list is different from SANTRA, SANTRA's one is different from One Voice's" (Ex-official, 5 April 2018).

The ex-official argues that at the initial stages of designation, leaders hijack official processes by inflating the list of their members operating in a particular site, so that they can benefit from getting legalised spaces. Some of the officials involved in the initial stages of designation, inform leaders about the process, which they use to their own advantage. The quote also highlights the difficulty of engaging in joint management with street traders when there is competition for limited space.

Another way that trader leaders push their members to get trading spaces involves recruiting people seeking trading sites to occupy spaces, so that they can be legalised.

> "There was a situation in the city where people from Hammanskraal were called the night before to occupy spaces in the city. Yes *motho a tshware ditrene tse itwo* [a person will catch two trains] from Hammanskraal to Tshwane-Tshwane to Joburg. You must remember that word of mouth spreads like wild fire and the moment the associations hear that we're going to designate, that night *hehehehe*!! They come to you, Mamokete did you hear? They are going to designate and if you want a space give me R500 I'll put you on the list" (Ex-official, 5 April 2018).

The above shows how organisation leaders find ways to ensure that their members benefit from official processes that would otherwise exclude them. While they hijack state processes for members to gain access to trading spaces, they also get compensated for their efforts by receiving a lump sum payment for stalls and possibly membership fees on an ongoing basis.

6.3.2 Institutionalised inclusion of leaders in allocation processes: block leaders and task teams as the hands of the state

Quasi-state bureaucrats (including block leaders and some task team members) were formally included in allocation processes as partners of the state. Officials together with the leaders verify the suitability of streets to accommodate street trading. Officially, these processes are led by officials who conduct due diligence on their own with the leaders becoming involved after that.

> "Designation is a collective agreement between all users of that particular space to say this particular space can be reserved for trading. So who are those role players or the users? It's the property owners' closer to that particular area, number one. Number two it will be the Planning Department, because theirs is to ensure that people adhere to the ordinances like the city by-laws in terms of property and all that. And it will be your JMPD, then it will be your Health [Department], and the other stakeholders. And once we have agreed amongst ourselves as officials then we'll go now to consult with our stakeholders, which is our trader organisations, to say we have actually designated a particular area as trading zone" (Ex-official, 5 April 2018).

This process as described by the ex-official is different from the one in Ekurhuleni where it is the trader leaders that go on site first to gather information with officials only conducting site inspection in the case of conflict. In the Johannesburg case, leaders are brought in to verify the information gathered by officials.

While the state endorsed leaders were included in the allocation processes, they did not really influence the process. In theory, leaders would work together with officials to agree on the terms of allocation but in reality the task was undertaken by officials on their own, and the role of leaders was to rubber stamp the work of officials. According to the leaders, one way in which a working relationship between the stakeholders was hampered is that officials withheld database information from the leaders. This was to ensure that officials make decisions on their own without any input from traders.

> "One of the issues we faced as the management task team was that the City didn't want to share their database and show us who are in line to receive spaces. They just wanted us to say yes this place is suitable for trading and we think how many people can be put here but we never had a say in terms of who on the list should be given space because we never saw the list" (SANTRA leader 1, 20 September 2017).

According to this account, officials had the upper hand in decision making because traders did not have any information and therefore, could not question the decisions made.

6.3.3 Block leaders as the de facto managers of waiting lists

Block leaders were given the mandate to manage waiting lists in their streets, a powerful tool in leaders' possession. While traders registered their names on waiting lists kept by officials, block leaders managed waiting lists in street or blocks they were in charge of. When a space became available, a block leader would indicate who is next on the list to be considered for allocation and this was endorsed by other block leaders in that street or block. The suggestion by one block leader would be seconded by other block leaders operating in the same street or block with approval from the MTC programme officer (initial sign off) and the programme manager (final sign off). Khwashaba (2016: 62) argues that:

> "It can be hypothesised that program officers [MTC officials] are more focused on the administration part of the waiting list that is registering traders, licensing them and entering them into the waiting list. As block leaders are the ones who know who is next in the waiting list it gives them power over traders".

Before Operation Clean Sweep, officials depended on block leaders to oversee the allocation of trading spaces in their areas. They used to hold a very unique position in the process by endorsing who to allocate a trading space, even though they did not always make the final decision (Khwashaba, 2016).

> "Block leaders can make decisions about space and who gets it. We have our own list with names of people waiting for trading spaces in our respective markets and streets which we manage without the interference of city officials" (Block leader 4, 29 January 2018).

Besides managing waiting lists and recommending who should be allocated space, block leaders also indicated to officials when spaces in their area of jurisdiction became vacant. The leaders constantly checked the availability of trading spaces and negotiated with programme officers in terms of how the space can be filled. This was also advantageous for block leaders as programme officers asked them which spaces are available.

> "When someone wants to leave they have to surrender their trading space to the block committee then the committee will decide who to allocate to, based on the waiting list" (Block & organisation leader, 2018).

The management of the informal waiting list as a tool for block leaders provided flexibility and responsiveness to local issues. However organisation leaders argued that this was corrupt and that leaders were colluding with state actors (Khwashaba, 2016). Organisation leaders argued that the allocation process was manipulated by block leaders who would push their

own people to be next in line for spaces. They argue that some people who have been on the waiting list for long have not been allocated a space, while those who are not even on the list have been given spaces by block leaders.

> "You will find that many people have been on the waiting list waiting for spaces and yet few get the space and you find a lot of people that were not even on the waiting list getting those spaces. The corruption and the confusion is at the MTC offices that is responsible for demarcation and allocations because that is where block leaders are given the power to make such decisions. In some areas in the inner city, some people got demarcated and were not supposed to get the space but they got it" (SANTRA leader 1, 20 September 2017).

Some organisation leaders argue that block leaders have become small bosses with the power to decide who, where and when to allocate. Essentially they are able to push their own people in line for a trading space due to corrupt dealings with officials. Also, they are small area managers that have been appointed by the City who understand the situation on the ground, and are aware of movements as well as existing traders and newcomers. This means that they can effectively manage street trading at a street or block level which is not the case for most organisations.

The existence of multiple state endorsed leadership structures in the form of block leaders and task teams has created interesting dynamics of space allocation in Johannesburg. These leaders have been made part and parcel of formal allocation processes with specific roles and responsibilities. While leaders are involved to evaluate trading spaces and make recommendations to officials, they do not have the mandate to make final allocation decisions. However, the block leaders were able to fight for their streets and traders at a smaller scale.

Block leaders had more room to manoeuvre as opposed to task team members because they were given the mandate to manage waiting lists in their respective blocks or streets. This task was undertaken on behalf of officials who essentially relied on them to decide who is next in line to receive a trading space. This dynamic effectively bestowed block leaders with powers to allocate trading spaces using the waiting list as their instrument. While some of the state endorsed leaders (i.e. task team members) did not really have an influence on the allocation process, their involvement opened opportunities to extend their roles through informal practices. Those leaders operating on the margins of the state activate clientelist networks that enable them to undertake certain roles. The networks they have with some officials gives them crucial information that they can use to their advantage. This includes leaders' understanding how the City works and hijacking official processes to formalise unauthorised traders and spaces that have not (yet) been demarcated for trading.

6.4 Elected leaders as *de facto* allocators of space in Tshwane

To be considered for access to a trading space in Tshwane, prospective traders have to be registered with the municipality and be in possession of a trading license or permit. Once these documents are available, the prospective trader can then register to be in line for a trading space in a desired location. The formal requirements are detailed by the LED official as below:

> "You register as a trader with the municipality and get placed on the database of traders and get a license or permit depending on the goods that you sell. You then register to be allocated a trading space and there are two processes to be followed depending on where you want to trade. If you want to trade in an area where there are already traders then you get placed on a waiting list until space becomes available. If you have identified a place where there is space available then we together with committee members go on site to verify if that space is suitable then you get allocated" (LED official, 11 October 2018).

The official describes a process that has to be followed for prospective traders to access trading spaces. He brings into focus the importance of trading licenses and or permits as stepping stones for prospective traders to access spaces. It is interesting to note that this process identified by the official described above is different from the one narrated by street traders as detailed below:

> "Before getting a stall, you have to register with the municipality and convince them that you will make profit from the things you will sell. You have to submit a list of things you wish to sell and it serves to confirm that you will not the sell the same goods as another person in the same block and the products will generate some profit so that you will be able to pay rent. The products have to be registered and officials monitor the streets and check whether what traders are selling corresponds to the list submitted to the municipality and if they find that certain items are missing they will not have a problem but if you are selling different things from what you indicated then there is trouble" (Street trader 1, 24 April 2018).

The process described by the street trader differs from the one narrated by the official. While the official places the possession of a trading license or permit at the centre, the trader focuses on submission of a goods list which illustrates the centrality of business. In essence the trader argues that if a prospective trader cannot prove the feasibility of their business to officials, it will be almost impossible to get a trading space. This aspect did not come up in the other case study areas as a requirement for gaining access to a trading space.

Tshwane Region 3 Informal Traders Representative Committee leaders, as state endorsed leaders, play a crucial role in these processes as they work together with officials to connect people to spaces. These leaders have been included in formal allocation processes to take

on certain duties such as assisting in drawing up the waiting list, evaluating the availability and suitability of trading spaces and recommending those next in line to get allocated spaces.

> "Committee members are supposed to be the eyes and ears of the municipality on the ground. When someone wants to trade, they approach the committee members who then engage with the person and ask specific questions about where they want to trade, what goods and all of that. After that the committee will put that person on a [waiting] list with the municipality then allocate accordingly in consultation with officials" (LED official, 11 October 2018).

The LED official details the extent of formal inclusion of state endorsed leaders in allocation processes where they become the first point of contact for prospective traders. The committee members act as an extension or face of the city to street traders. While the extent of leaders' participation in these processes include assessing and recommending so that officials can make a final decision, leaders are accused of abusing their powers by extending their mandate.

> "…but committee members are doing their own things, they are abusing their powers!" (LED official, 11 October 2018).

The alleged abuse of power entails committee members engaging in informal practices to allocate spaces which go beyond the formal agreements with state actors. Opportunities for leaders to extend their mandate is also opened by inefficiencies in the formal processes including lack of transparency and opaqueness of allocation processes resulting in long waiting lists as indicated below.

> "You apply and then go for training and you are placed on the waiting list. Training is about by-laws and what's expected of you once you get a stall. It can take forever sometimes to get a stall. Some people are on the waiting list for 5-10 years" (Street trader 3, 25 April 2018).

> "There's a long waiting list that has been there since 1996 and people on it have not yet been allocated. Even if new people register with the municipality it's unlikely that they will get spaces because others that registered a long time are still waiting" (Street trader 8, 25 April 2018).

These traders argue that access to trading space is not guaranteed as the waiting list is long with people having waited for decades to get space. The fact that waiting lists are not transparent compounds the problem of space access. Leaders manage local area waiting lists which are paper based and independent of officials' verifications, and these become the basis through which space gets allocated. This means that leaders are able to influence and manipulate who gets placed on the waiting list, allocated or excluded even though LED officials

are said to be making the final decision. There was an instance during fieldwork where one of the committee leaders indicated that he had a waiting list in his pocket that he brought to a meeting to discuss who is next on the list to be allocated. I requested to see this waiting list but the leader refused saying that it contains sensitive information such as people's identity numbers which cannot be shared with an outsider. This was intriguing because it showed how leaders have their own lists independent from officials which they use to allocate spaces, giving leaders real power on the streets.

The opaque and lengthy formal processes described above creates an opportunity for leaders to activate informal practices that allow them to efficiently allocate to those in need of these scarce resources. The informal allocation practices adopted by leaders have allowed them to connect people to trading spaces, push their people to the start of the waiting list and get them trading spaces while excluding others. The informal allocation dynamics are narrated in the introduction of the chapter where the concerned leaders seemed to have discretion to allocate spaces without consulting officials. The two leaders were able to go on site with the prospective trader to evaluate the suitability of the spot and allocate the space without consulting any officials. Officials are well aware of what is happening on the ground, which clearly contravene the formal processes. The official below highlights how committee leaders 'illegally' allocate trading spaces in exchange for financial compensation.

> "It's happening, they are doing it [allocating trading spaces] which becomes illegal because they take money from the people and they are not following the process" (Business Support Operations official, 8 February 2018).

This dynamic of leaders allocating spaces is attested to by some street traders.

> "You start by identifying where you want to sell and once that is done you call the chairperson of Barekisi Forum and set up a meeting and take it from there. That's how I got my space and obviously *otla bona hore o mo leboha jwang* [you will see how you thank him]. When you agree then you get your license and trading space" (Street trader 2, 25 April 2018).

This trader argues that the terms of engagement between the allocating trader leader and prospective trader are set once the trader identifies a potential space. Once a space is identified, negotiations regarding payment are made between the stakeholders. A market trader also shared experiences of fellow street traders in Marabastad that got their spaces allocated by Tshwane Barekisi Forum leaders. The traders emphasised the importance of paying leaders to get a trading space.

> "I sell in this market and it's called Tshwane Small Market. The spaces inside here are given by Big Market management and when you're looking for space you simply go

> there and register to get a space. Some traders on the streets have told me that Tshwane Barekisi Forum and other organisations sell spaces for a price. If you want a space you talk to the right people and you get it but you have to be prepared to pay big money because there are a lot of other people who are also looking for space" (Market trader, 25 April 2018).

It is interesting to note that while interviewing the street traders, I requested the name and contact details of the person in charge of allocation, which they refused to provide. They were however willing to organise face to face meetings with the organisation leaders. This indicated that the allocator's identity and crucial details are not shared with outsiders and this is a similar dynamic to that in Ekurhuleni.

The leaders are also alleged to be issuing 'fake' trading licenses and permits to prospective traders without the City's involvement.

> "Problems started when trader leaders started to think they are bigger than the City and they started to play the role of the City. They started to create their own licenses. They faked licenses using the City's letterhead. They think they are employed by the City, they are their own authority giving people licenses and trading spaces. They started rebelling when they were confronted" (LED official, 15 February 2018).

The formal inclusion of leaders into allocation processes has created space for them to act like the state, which includes here the use of forms and forging official documents, a dynamic that is specific to Tshwane. In a case where space is allocated to someone without the required documents, the transaction is legitimated by leaders issuing fraudulent trading licenses and or permits to the concerned trader. This is indicative of corrupt dealings and manipulation of processes to the leaders benefit and those in their inner circle. While the leaders have the power to allocate, they can also take away trading spaces in cases where their rules and regulations are contravened in any way by a trader.

> "They would say if you don't join us were are going to cancel your license and you will lose your stall" (United South African Traders leader 1, 8 February 2018).

In this way, Tshwane Barekisi Forum leaders as legitimised by the state through formal electoral processes have become a law unto themselves deciding when to award or take away a trading space without any involvement of officials. It appears that all of this is happening at the full view of officials who seem to be turning a blind eye. The leaders engage in informal practices of space allocation that run parallel to formal processes and legitimise these by issuing fraudulent documents to traders. By giving traders fake documents that look authentic, this gives them a sense of security in their newly allocated spaces. Documents that resemble official ones (although fraudulent) are used by leaders to justify and cement their legitimacy

as the face of the state. This point is made by Hull (2012) who argues that official documents are reproduced and mimicked by non-state actors so as to legitimise their role in urban governance. In this instance, the fraudulent documents produced by the leaders are used to extend the state and its borders as argued by Das and Poole (2004).

6.5 Trading space allocation with or through area-based committees in Ekurhuleni

In parts where area-based committees are constituted in Ekurhuleni, committee leaders are officially included in allocation processes with specific roles to play. According to the Ekurhuleni Metropolitan Municipality (2008: 16-17) 'street traders shall be allocated site and facility only by a designated employee and or official of Ekurhuleni Metropolitan Municipality *in consultation with* the street trader, street traders and or *associations or organizations of street traders* [my emphasis]' and the "management of trading areas shall the responsibility of Ekurhuleni Metropolitan Municipality and or designated official or agency and street traders, *their association or organization at agreed terms and conditions* [my emphasis]".

The roles of leaders include confirming availability and evaluating suitability of trading spaces. Once availability and suitability is assessed, trader leaders can make recommendations to officials in terms of whether a person should be allocated space or not. The allocation process entails area-based committee leaders being the face of the City on the streets and acting as the first point of contact for street traders searching for trading spaces. In instances where prospective traders have identified space, the leaders set out to inspect its availability and suitability to accommodate the activity they want to carry out. Based on the information they gather, the leaders will make recommendations to the municipality in terms of whether trading can be accommodated.

> "In terms of people getting space there is an organisation which is our eyes and ears in the Local Economic Development Department. They're the ones who will send people to us, however after looking and saying ok there is space, you need to go to Local Economic Development [department office] and ask. Because they should consult with us as we're working in that space every day, we know who is there and what spaces are there, the organisations don't give you the space, they confirm first that what you want is available and refer you to us. So the organisations don't do allocation it's a matter of recommendation. The organisation recommends to the municipality about the availability and suitability of the space and refer people to us" (Germiston Customer Care Relations official, 9 October 2018).

Officials ascertain that even with the great extent of leaders' participation in these processes, trader leaders do not make the final decision regarding who and where to allocate space. Once the leaders have conducted site inspections, the LED officials then sends Ekurhuleni

Metro Police Department officials to verify the suitability of the space with respect to the bylaws. In cases where the trader leaders and EMPD officials' reports regarding suitability of space are inconsistent, LED will initiate another site check with both stakeholders so that a common decision can be reached. Following the checks and balances by leaders and EMPD, LED officials make the final decision regarding whether to allocate space or not.

> "When the space is identified by a person and organisations have been to check and made their recommendations, the EMPD will go to the same site to measure and assess the space to give the go ahead or not. The reason we send the EMPD to verify after the leaders have also gone to make sure that they are saying the same thing about the same place and if we find discrepancies we all go together, LED, EMPD and organisation leaders so that we can agree on the final decision. Once the site has been cleared the LED officials are the ones that do the actual allocation of people, they match people to trading stands" (Germiston Customer Care Relations official, 9 October 2018).

While it is not written in any (publicly accessible institutional) document or incorporated as municipal guidelines on 'how to apply for a trading space', some street traders stated that in order to access a trading space, a prospective trader has to become a member of the area-based committee where they wish to trade. This was however dismissed by the LED official interviewed.

> "There are area-based trader organisations in Ekurhuleni such as GEMTRAP responsible for Germiston who recommend suitable trading spaces for traders but don't allocate spaces. Claims that to get a space one has to join an organisation are not true because that would be stepping on individuals' right or freedom of association" (LED official, 15 February 2018).

While the inclusion of trader leaders in the process might be a strategy to address the incapacity of the state, it can also be seen as empowering the area-based committees as it in some ways compels prospective traders to establish relations with leaders. This could include the payment of membership and protection fees. GEMTRAP leaders (as illustrated in chapter 5) claimed that their members do not pay any fees, a narrative contradicted by some of the street traders interviewed. Some of the interviewed members indicated that the committee has real powers on the ground and they felt compelled to pay membership fees (some form of 'protection fees') to stay in the leaders' good books (Germiston street trader 2, 17 April 2018; Germiston street trader 6, 18 April 2018). The area-based committees effectively rule on the ground as their leaders are able to allocate or take away a trading space or not challenge police harassment on a non-paying member.

Area-based committees play an increasingly crucial role as they seem to have some control over the management of waiting lists. While this aspect was not disclosed by GEMTRAP leaders, Vosloorus Micro Traders Association leaders acknowledged the extent of their participation in these processes. The leaders claim to manage waiting list which they use to allocate people to spaces.

> "We have a list of people who want spaces. When a person wants space they come to us as leaders and we go with the person to the place they want. When we go to that space, we check if it's right for trading and if it's available and doesn't belong to another person. If it's unavailable we put that person on a waiting list or we recommend that they find another space. The waiting list is another story because you have to wait until a space becomes available" (Vosloorus Micro Traders Association leader 1, 30 August 2018).

Leaders are involved in the drawing up and management of waiting lists per street in their areas of jurisdiction, which they use as tools to allocate spaces. Street based waiting lists are constituted by writing prospective traders' names once the suitability and availability of space is confirmed by leaders. According to the leaders, the waiting list is constituted on a first come first served basis and allocation follows this process. Waiting lists are kept by the leaders and shared with officials in allocation events to confirm who is to be allocated.

Since there is no Ekurhuleni wide committee, different waiting lists exist for each street or block in the different towns, particularly in areas with high demand where access to space is competitive. Each committee creates a waiting list per locality or street and in most instances this is done without the involvement of officials. In most cases the waiting list consolidation does not include officials, they only get the final version from leaders. Waiting lists are not shared with anyone outside the committee leaders and officials, making the process non-transparent to the general public. Prospective traders registered on waiting lists have no guarantee of when space will become available and as such the process becomes a waiting game.

> "The LED office has a database [waiting lists] of people who're waiting for spaces in different towns of Ekurhuleni. You have a database for Germiston, one for Kempton Park, another for Springs and so on and these are areas of high demand and congestion. If you can see the database it's too long because the demand is higher than the spaces that can accommodate trading and some traders don't want to move from the streets so those that are waiting can wait forever. For example, in Plantation Street there is space for less than 100 people but there are more applications" (LED official, 15 February 2018).

With area-based leaders as the official assistants of the municipality, this provides leaders with opportunities to subvert formal allocation processes. Officials argue that some of the elected leaders have taken the mandate to allocate spaces into their own hands and extort money from prospective traders.

> "Some people think when elected as chairperson their word is final, so they do as they wish, not thinking they are accountable to anyone. The issue is around money being gained illegally while they were supposed to represent their people for instance they can ask money from a trader promising him or her that he or she will get space, there are always those individuals that engage in side dealings which are not legal" (LED official, 15 February 2018).

There was confirmation from some street traders in Germiston, of an organisation that works with the municipality to allocate trading spaces. There was reluctance from the traders to disclose details of the organisation (such as its name and the leaders) but they were willing to connect me to the leaders in a face to face meeting.

> "There's an association that controls the allocation of trading spaces in the area. The association is working with the municipality to allocate stalls and if you're looking for a space to sell, you talk to the association leaders who will come around 4 /5 [between 4 and 5pm] and you tell them you want to sell at a space. *Otla bona o ba leboga kang mara ba tla go lokisetsa* [You'll see how you thank them and they will arrange the space for you]. I followed the same process to get my space. You'll talk to them and hear what they say to you" (Germiston street trader 3, 17 April 2018).

Another trader narrates how the chairperson of an undisclosed organisation assisted him to become a legal trader. While during the interview it was clear that the trader paid the leader something, there was no disclosure of the amount and the payment process. The trader made mention of 'thanking' the leaders and it was clear to me that the process involved a payment being made.

> "I've been selling in this same spot for a long time and got the stall through an organisation [did not want to disclose its name]. When I first got to Germiston I saw that the street offered opportunities and I asked around for information on how to get a place to sell. I first allocated myself a space but was always being harassed by metro police then other traders told me I have to speak to leaders of a certain organisation. One of the traders connected me to the organisation chairperson who organised a proper space on this street. I was also not registered with the municipality and didn't have a permit but after that I got one through the organisation and the metros [traffic police officers] were not harassing me anymore" (Germiston street trader 5, 18 April 2018).

From the trader narratives, it seems there is an organisation in place, which assists some traders in gaining access to trading spaces in and around Germiston. There seems to be a certain amount that needs to be paid to the organisation in order for them to facilitate the allocation process, however, the details are not explicitly disclosed. It is not clear what the relationship and arrangement between the municipality and the organisation is in terms of the allocation process, but the organisation seems to be playing a pivotal role in ensuring people get access, while also benefiting from the process.

The area-based committee leaders are state endorsed and included in formal allocation processes with officials. The leaders play the role of evaluators of the availability and suitability of trading spaces and are responsible for making recommendations to officials who are mandated to make the final decision regarding allocation. There is a degree of denialism by officials regarding what is really happening on the ground and the power and influence that these committee leaders have. The officials underplay the actual power of area-based committee leaders even though the partnership with them is well recognised (prospective traders have to join these structures before they are eligible for a trading space, leaders have power to propose people and sites to be allocated). This position of the trader governance structure in relation to state power has opened space for leaders to find ways of extending their formally delegated tasks. The leaders have informalised practices of space allocation in ways that work for them as well as for the officials.

6.6 Conclusion

The extent of participation by trader leaders in street trade management has been illustrated in the three case study areas, and it is clear that the position of trader governance structure in relation to state power plays a crucial role in what leaders are able to do or constrained from doing. Table 9 below compares and contrasts various leaders' allocation powers in the case study areas.

Table 9: Allocation powers of trader leaders in the various case study areas.

Case study areas	Trader leaders	Delegated allocation powers	Extension of delegated powers
Johannesburg	Organisations	● Informal power to allocate spaces delegated by some state actors through 'unorthodox' arrangements	● Leaders facilitate 'invasion' of spaces by members ● Thereafter lobby officials to formalise the traders
	Block leaders	● Crafting & managing street or block waiting lists ● Allocation of spaces	● Create own waiting lists & approved by officials ● Allocate spaces without involvement of officials
	Task teams	● Assess availability & suitability of space ● Make recommendations to officials	● Allocate spaces without officials' involvement

		● Allocate spaces with officials	
Tshwane	Tshwane Barekisi Forum	● Administer Informal Traders' bursary ● Assess availability & suitability of space ● Make recommendations to officials ● Allocate spaces with officials	● Create own waiting lists independent of officials ● Allocate spaces without officials' involvement ● Forge official documents
Ekurhuleni	Area-based committee leaders	● Assess availability & suitability of spaces ● Make recommendations to officials ● Allocate spaces with officials	● Allocate spaces without officials' involvement

Table 9 shows the extent to which trader leaders participate in the everyday management of street trade in the different case study areas and how this is enabled or constrained by their position in relation to state power. Leaders who operate on the margins of the state, and were formally excluded from formal allocation processes, find various ways to insert themselves into these processes. For instance, organisations such as One Voice in Johannesburg mobilise their members to invade trading spaces that have prospects of being designated. This action is made possible by the unorthodox relations that this organisation has, with some state officials in charge of street trading management. In some instances, the organisation is informally delegated powers to allocate trading spaces in certain parts of the city.

Quasi-state bureaucrats have been formally delegated allocation powers and given resources to manage street trade. Block leaders and task teams in Johannesburg, Region 3 committee in Tshwane and area-based committees in Ekurhuleni have formally been given the power to evaluate the availability and suitability of trading spaces, and make recommendations to state officials in terms of who is eligible for which space. The extent to which these powers are delegated varies within and across the case study areas.

While these leaders have been included in formal processes, they have extended their official powers delegated by officials, to devise their own informal practices. The quasi-state bureaucrats develop informal subsystems which are not the same across the case study areas. For instance, in Ekurhuleni, in order for prospective traders to be eligible for space, they first have to join the area-based committees. While this rule is not written anywhere, it gives leaders the power as small area bosses who have the discretion to decide who is included or excluded from accessing space. In Johannesburg, block leaders and task teams are given ultimate powers of allocation. These quasi-state leaders have the power to administer waiting lists and recommend people to receive trading spaces. In Tshwane, the Region 3 committee has gained real power on the ground, where they can allocate without officials even though the official rule is that officials must be consulted. The close working

relationship has made it possible for leaders to use official forms and forge documents, with no evidence of this dynamic in both Ekurhuleni and Johannesburg.

The involvement of non-state actors in the management of street trading reveals how governing with or through non-state actors strengthens the state's capacity to govern. This means that state officials are constantly being influenced by non-state actors' practices. These are often informal, resulting in an entanglement with formal practices. This effectively extends the realm of the state, resulting in constant production and reproduction of the fuzzy borders of the state, as argued by Das and Poole (2004).

While the above excavates practices of street trader leaders, it also illuminates informal practices of the state. At different times, officials adopt various practices such as turning a blind eye to the informal practices of quasi-state bureaucrats and just letting matters be, because the leaders are providing a needed service. In their official capacity, officials also deny the informal arrangements with non-state actors even when the partnerships are well recognised. However, in reality they tolerate these practices because re-deployment of public mandate extends the (capacity of the) state. This degree of denialism by officials of what is really happening on the ground, underplays the actual power of these quasi-state bureaucrats. Even though non-state actors assist officials to manage the messy terrain of street trading, their power is publicly underplayed because officials might be accused of nurturing a mafia.

Chapter 7: Reflections and Conclusions

7.1 Introduction

High unemployment rates and poverty often lead a considerable number of people to engage in street trading as an income generation strategy. This means that cities, particularly busy inner city centres face various challenges and complexities with regard to street trading management. The legacies of modernist design and the aspiration of many municipalities to attain world class status is in itself unsympathetic to street trading, leading to state practices that generally repress the activity. This has often manifested in clean-up campaigns that evict and relocate thousands of street traders as a way to control and limit the activity.

The research started on the premise that there are practices of the state that mainly stifle as opposed to developing street trading. These have spurred the creation of various representative structures to address issues in the sector, particularly those related to everyday management of street trading. These representative structures have become significant role players as avenues through which street traders voice their interests. This research investigated the role and influence of street trader leaders in urban governance. The research found that there is a multitude of representative structures, some initiated by state actors and others by street traders themselves in an effort to resolve issues confronting the sector. The investigation started in Ahmedabad, which acted as a source of inspiration where street trader organisations played a crucial role in the policy making processes in India. The study then moved to include the three metropolitan municipalities in Gauteng to understand the leaders' roles and influence in the everyday management of street trade in their areas of jurisdiction.

The research set out to recognise that street traders are not passive victims of state practices and discovered a complex and contradictory set of dynamics at play with regard to their participation in urban governance. One such dynamic is that representation of street traders is complex with variations in representative structures that are configured in various ways in relation to state actors. Often those positioning themselves as representatives of street traders become gatekeepers to matters such as trading space, from which they derive their own revenue. This chapter presents key arguments made throughout the thesis and offers reflections on key theoretical contributions of the study.

The study investigated the role and influence of street trader leaders in the everyday management of street trade in the context of Gauteng with brief reflections from Ahmedabad. Sub-questions were used to dissect the main question further and to guide the structure of the thesis. The sub-questions are: what are the prevailing street trader representative structures

in the case study areas? How are they configured (answered in Chapter 4)? How do the representative structure leaders relate to state actors and how these relations translate to the extent of their participation in urban governance (answered in Chapter 5)? What are leaders' roles in the everyday management of street trade (answered in Chapter 6)?

7.2. Presentation of key points in the thesis

Much of the literature on street trading in the global south shows that street traders are marginal actors in cities. This is because cities were designed in ways that did not plan for the accommodation of street traders. In fact, many authorities across the globe would like to claim that their cities are world class, a vision that is unsympathetic to informality in general and street trading in particular. In an effort to attain such standards, clean up campaigns have often been initiated by authorities to remove street traders and other measures have been employed to discourage their use of streets. Repressive approaches are generally adopted in cities as a mechanism to control and limit the number of trading spaces, manifesting mainly in stringent law enforcement.

This research set out to examine the extent to which street traders are not just passive victims of the difficult circumstances they are confronted with. Indeed, the very phenomenon of trading is a kind of agency. According to Bayat (1997), street traders adopt 'quiet encroachment, tactics to inhabit urban spaces even in the face of contestations by authorities and other interests. However as Crossa (2009); Lindell (2010b); Huang *et al* (2013) and Gillespie (2017) have shown, street traders are not limited to 'quiet encroachment', but can also organise to mobilise against repressive treatment by authorities and claim their space in the city. The current study has shown instances in which street traders organise themselves, through their leaders in Johannesburg, Tshwane, Ekurhuleni and Ahmedabad and attempts to exert influence over or within local government. For instance, in Johannesburg, street traders organised against Operation Clean Sweep and took the City to Court so that they can be allowed back to their business sites. Such instances show an important way in which street traders are not just passive victims in the face of repressive treatment, but can organise and resist in various ways.

However the study also shows that this does not represent all forms of organising and influence by street traders, nor does it represent the behaviour of state actors entirely. In particular, many street trader organisations were not formed through bottom up pressure but rather were initiated by state actors themselves. State actors followed this approach in order to simplify their relationships with street traders. For street traders, this was a two edged sword. On the one hand, state actors sought to use organisations in order to exert control over street traders, to delegitimise actors they did not sanction and to have a flow of intelligence from the streets to officials. In other words, the direction of influence of street trader

organisations might relate less to bottom up influence on authorities than top down influence on traders. On the other hand, state actors cannot be characterised as only being interested in world class cities and clearing traders from the streets. Many expressed the need for pragmatic solutions to issues, and even an openness to working with traders on various issues.

The study also revealed the complicated relationship that trader organisations have with their supposed constituencies. Having been established as representative structures, whether by state actors or through traders' self-organisation, a number of organisations began to acquire bureaucratic roles, notably with the allocation of trading spaces and management of waiting lists. In some instances, trader leaders leverage this responsibility in order to extract payment from those seeking trading sites. This means that officials are able to delegate difficult management of street trade away from their direct responsibility into street trader leaders' hands. It also allows them to exert some indirect control in that trader organisations will help contain the proliferation of new trading sites by denying new and unauthorised traders protection from Metro Police.

The delegation of official duties to street trader leaders while useful to deal with pragmatic issues, it also creates some level of unfairness, including on those who are unable or unwilling to pay trader leaders for their spaces. However, it does create a somewhat stable ecosystem of interests, opportunities and influence. It also creates the conditions for some traders at least to trade, and to have some autonomy in self-organisation, notwithstanding the internal hierarchies amongst traders. Officials attempt to preserve this stability by trying to prevent, not always successfully, break away groups from forming and constituting competing centres of power in the allocation of trading spaces, or coordinating the occupation of new trading sites.

7.2.1 What are the prevailing street trader representative structures in the case study areas and how are they configured?

The study shows that there are various street trader representative structures in the case study areas with varying organising and internal dynamics that boast certain degrees of recognition with state officials. These representative structures act as avenues that street traders can use to articulate their interests and their leaders act as mediators between street traders and state actors. There are state and street trader initiated representative structures. Street trader initiated structures include organisations in Johannesburg and Tshwane and these were created in the face of contention and hostility with state officials. The state initiated ones exist in all three study areas with block leaders and task teams in Johannesburg, Region 3 representative structure in Tshwane and area-based committees in Ekurhuleni. The state initiated platforms are endorsed by state actors and mostly rely on cooperation with the leaders

while those initiated by traders often rely on confrontational politics when interfacing with the state.

An interesting dynamic is the reliance on elections as a mechanism to install leaders. Both trader and state initiated structures have leaders elected into positions through various means. Some of these leaders have been put into positions through once-off elections which took place during the development stages of the representative structures. Processes leading up to the elections also vary where in most instances voting was on the spot and negotiated without nomination of candidates to stand for elections. It is only in Tshwane where formal elections processes facilitated by the IEC took place with candidates nominated before the voting. The IEC involvement in the process was an attempt by state actors to ensure democratic and fair elections but in reality this ended up excluding a majority of traders, who were considered unauthorised by authorities. The informal voting processes in the other case study area seemed inclusionary in practice because they allowed for wider participation by both authorised and unauthorised street traders.

In the structures studied, there have been no regular elections to renew the leadership even in Tshwane where formal processes took place. This in some ways illustrates the challenge of organising meetings to renew leadership positions in the sector. If these elections are made regular to allow for candidates to prepare for the next election, it would require increased capacity on the part of the state to be able to drive such processes. Trader leaders would also be required to campaign for elections which will take them away from their businesses.

7.2.2 How do the representative structures' leaders relate to state actors and how these relations translate to the extent of their participation in urban governance?

The position of street trader governance structures in relation to state power affects the ways in which state and non-state actors interface. There are leaders operating on the margins of the state and those acting as quasi-state bureaucrats. Leaders who operate on the margins of the state mainly have strained relationships with state actors while quasi-state bureaucrats are mainly included in urban governance and everyday management of street trade by state actors in various ways.

The practical criteria for determining whether leaders are quasi-state bureaucrats include the regular payment of stipends to leaders, making office space available, having a form of contract in place, they have been delegated administrative powers and they have dynamics showing that they are recognised by the state. Block leaders and task team members in Johannesburg and Region 3 representative committee members in Tshwane receive regular payment from the state for performing official duties. There was no evidence in Ekurhuleni showing that the quasi-state leaders receive payment from the City. The leaders in all case

study areas have been delegated some administrative powers by state officials including crafting of waiting lists and allocation of trading spaces. These leaders have power on the ground as they act as the face of the City to traders because they are the first point of contact. While the distinction between leaders on the margins of the state and quasi-state bureaucrats shows two extremes of a continuum, there are also gray areas in between with multiple configurations. These gray spaces have been configured differently in each of the case study areas, enabling or constraining certain actions.

Both cooperation and antagonism are utilised by all representative structures in different forms at various times depending on the agenda and interests being pursued. There are however variations between leaders operating on the margins of the state and quasi-state bureaucrats. Leaders operating on the margins of the state rely mainly on contentious politics and are able to openly challenge state practices in ways that quasi-state bureaucrats are unable to. For instance, some organisation leaders in Johannesburg and Tshwane Barekisi Forum (before and after inclusion into Region 3 representative structure) overtly challenge the state using avenues such as litigation. This is a different case for area-based leaders in Ekurhuleni as well as block leaders, task team members and Tshwane Region 3 Informal Traders Representative Committee (during the phase of incorporation) where leaders mainly cooperate with state officials and maintain the *status quo*. These leaders are often constrained from openly challenging authorities and in fact there are often official mechanisms in place to ensure that this does not happen. In Tshwane, quasi-state leaders have signed a code of conduct which prohibits them from engaging in marches and strikes that publicly shame the City. The leaders are therefore confined to activating covert strategies that challenge officials in clandestine ways. For instance, block leaders relay 'confidential' and valuable information obtained from exclusive meetings with officials, to organisation leaders so that they can act. These types of actions are enabled by the multiple platforms, particularly in Johannesburg, that open space for numerous ways of engaging with officials. This is different from Tshwane and Ekurhuleni where there is a single channel of communication which increases chances of capture of leaders.

7.2.3 What are leaders' roles in the everyday management of street trade?

The extent to which leaders participate in the everyday management of street trade depends to a large degree on the position of their leadership structures and relationships with state actors. Leaders on the margins of the state have formally been excluded from the everyday management of street traders, while quasi-state bureaucrats have been delegated some powers and resources to undertake official tasks. Those formally excluded from the processes find numerous ways of including themselves through activating clientelist relations with officials, or partaking in parallel processes. In Johannesburg for instance, some organisations

that lie outside the formal processes of allocation have inserted themselves through collective invasion of spaces that have not yet been legalised by the state. In this way they open an opportunity to lobby the state to legalise its members through official processes.

Quasi-state bureaucrats in all case study areas have officially been delegated some powers in the trading space allocation process. For instance, officials in Johannesburg depended on block leaders and task teams to inform them when space is available, and who is next in line to be allocated. While these leaders have been included in formal processes, they have devised their own informal practices, which extend formal management processes. These processes detail the ability of leaders to rule on the ground, effectively making decisions without state actors.

The development of informal subsystems by leaders means that the power of allocation is not the same in all cases. In Ekurhuleni, prospective traders have to join area-based committees before becoming eligible for a trading space. While this is not a rule written in any official document, leaders utilise this informal rule as a basis for space allocation. This has created small bosses that have the power to decide who is included or excluded from accessing trading spaces by setting their own rules on the ground. In Johannesburg, block leaders and task teams are given powers of allocation and administering waiting lists to recommend eligible candidates. In Tshwane, the Region 3 committee has gained real power on the ground where they can allocate without officials, even though the official rule is that officials must be kept informed. The involvement of non-state actors in the management of street trading in the above cases reveals how collaboration with the state strengthens its capacity to govern. The recognition of these informal partners by the state is important as it determines the extent of their participation in the everyday management of street trade.

7.3 Key theoretical contributions of the study

The empirical work summarised above explores institutional histories and governance interfaces together with the relationships between street trader leaders and their constituencies and between the leaders and state actors. The study has used existing literature and concepts as a framework to make sense of and analyse street trading management and governance in Gauteng. One of the key contributions that the research makes is to bring a number of literature threads and concepts from various disciplines into conversation with one another. The various disciplines that the research straddles include policy studies, sociology, anthropology, planning and urban studies. This approach illuminated by the nexus of literature threads deepens some of the earlier work by other scholars on street trading and urban governance in the global south. The current study is located at the intersection of various literature themes including street trading studies, collective organisation and mobilisation, urban governance and related state-society interfaces and state practices.

This illuminates unique and complex understandings of street trading governance and management in the case study areas specifically and contributes to the literature on the subject matter in the global south more broadly.

While there is acknowledgment of the growing role of street trading in the global south, most research in this domain focuses on aspects of economic contribution as well as the size of the sector. Insufficient attention is paid to unravelling the complexities of street trader leadership and what this means for urban governance. This research goes towards filling this gap by investigating the role and influence of street trader leaders in urban governance. The study finds complex relationships between trader leadership and their members as well as an active role for street trader leadership in the governance of everyday practices in their varied configurations.

On the broad theme of organisation and mobilisation, the study shows the multitude of street trade representative structures and their various configurations. It shows the variety in size, scope, structure, functioning and relationship between leaders and members. The various structures forge their own ways of working internally and democratic elections are not the only way to ensure leaders' accountability. The use of three frameworks to analyse specificity of street trader mobilisation proved to be useful as each lens opened up avenues for analysis. The study contributes to debates regarding how best to characterise street traders' organising and mobilising efforts. One of the lenses used is to view street traders as a social movement which a number of scholars have argued is not useful due to their fragmentation, divisions and their inability to form long lasting coalitions. However, using the social movement framework opens an avenue to understand street traders' mode of action, their structure, and strategies used to influence decision making such as balancing between discrete lobby and antagonistic street politics and forming alliances and networks to amplify their voice.

The other framework used is interest group which opens up avenues to analyse the strategies adopted by street traders to influence decision making. Although interest groups are often used in policy studies to understand stakeholders in the policy making process, it proved useful in the study to analyse the mobilisation efforts of street traders. While street traders are not powerful economic players to constitute an interest group in the strict sense, the lens helps study strategies used to influence decision making such as lobbying, formation of coalitions, networks and alliances and venue shopping. The trade unions lens is also used to analyse how organisations act as a link between authorities and street traders, much like trade unions act as an interface between an employer and employees. The important dimension that this lens brings is how to build unity among workers (street traders in this research) in spite of divide and rule tactics by employers (the state in the case of street traders). Another dimension

that is useful and contributes to literature on organisation is what happens to unions and relationship between leaders and rank and file in the face of institutionalisation. This is a particularly interesting aspect in the street traders' context because the nature of relations between the leaders and constituents and between the state and leaders shift as a result of inclusion into the state apparatus. For instance, limiting contention and generally collaborating with state actors in the face of institutionalisation.

The study unpacks the broad concept of urban governance in the interface between street traders, who constitute non-state actors and state organs. It contributes to debates on how street trading is governed in the global south and the place of street traders in the governance and management of their activity. It extends an understanding of relations between street trader leaders and state actors in various interfaces. The investigation of the interface between trader leadership and the state elucidate an area of governance that is opaque and requiring further study. The interface is investigated from both above and below to grapple with the politics of street trading management.

The study uses various concepts such as 'twilight institutions' and 'governing by discharge' as starting points to explain the participation of non-state actors in urban governance. The concept of quasi-state bureaucrats is used, not as a typology of street trader leadership, but as a way to understand how street trading is governed. The concept is used to explain the variety of leadership structures and practices adopted in governing street trading in the various metropolitan areas. The concept is not used to limit this variety but to unpack how leaders are deployed by the state in diverse relationships with state actors. The study uses a continuum (from margins of the state to quasi-state bureaucrats) to depict leaders' position in relation to state power as a way to analyse ways in which leaders govern and their practices. The ways in which leaders govern is very diverse and is dependent on multiple variables such as the history of their struggle, structure of their organisation, level of competition and types of practices adopted. These dynamics also add to how the state structures its relationship to trader leaders as governance arrangements are not configured the same in all case study areas.

Using Hibou's (2004) line of thought, the state reaches out and delegates leaders to govern. This is done through some form of contractual agreement and this is a way of governing by discharge. In this way, the state expands its reach to areas it would otherwise not be able to reach, thus increasing its capacity to govern. The delegation of public authority is also in the context of limited resources and in the quest to find pragmatic solutions to complex issues regarding street trading management. The state thus governs with and through non state

partners through various arrangements. The state often keeps these arrangements in the gray zone, mainly informal, temporary and unstable-to maintain control.

While the study presents complex dynamics between state and non-state engagements in urban governance, it shows how the involvement of non-state actors in the management of street trade strengthens state capacity to govern through various arrangements on the one hand, and empowers traders on the other. The state uses non-state actors to deal with issues and find practical solutions. The study finds that delegated powers to non-state actors presents on the one hand empowerment of leadership, while on the other a layer of conflict and exclusion. In other words, the inclusion of non-state actors also has a dark side which manifests in corruption, abuse of powers, subversion, monopoly over power, creation of small bosses and exclusion.

The study also adds to emerging literature on practices of the state in urban governance. From the cases presented in this study, it is evident that the state governs street trading with and/or through informal partners who in turn act as quasi-state bureaucrats. The state becomes a critical role player in recognising and thus legitimating the place of civil society actors in urban governance. These non-state actors are delegated some powers to exercise public authority to act like the state. The process of civil society inclusion in urban governance processes thrives on constant negotiations, interactions, resistance and agreements between the state and non-state actors. These processes of governance are often temporary, based on informal or formal agreements or contracts which can be written or unwritten. These agreements are deliberately kept temporary and uncertain by the state in order to maintain control. These processes of 'governing by discharge' (Hibou, 2004: 1) do not signify dynamics of a weak or failing state, but rather a reorganisation of the state that extends its boundaries in order to address practical challenges. This is an important aspect that the study has illustrated through the case studies. The state has extended its reach to areas that it would otherwise not reach without the inclusion of trader leaders in the everyday management of street trading in the various cities.

While the delegation of public authority to non-state actors is often useful to extend the realm of the state, there is also a dark side to this. This sometimes creates opportunities for corruption to take place and for non-state actors to abuse their delegated powers through various means. In the case of trader leaders being included in the management of street trading, they also extend their delegated power and subvert formal processes that sometimes run in parallel to state practices. Quasi-state bureaucrats are able to undermine or change official systems to work in their favour, and this can often lead to the abuse of delegated powers. These practices can thus become new spaces to redefine parameters of inclusion

and exclusion, for instance, bypassing those following official processes and including those that pay ‘service fees’ to decision makers.

The inclusion of non-state in governance means that state practices and practices from below by non-state actors are constantly influencing each other, resulting in an entanglement of formal and informal practices. This effectively results in constant production and reproduction of the state in various ways. State actors can selectively adopt (while at the same time publicly denying) informal practices whose parameters have been set by non-state actors that assist in addressing issues on the ground. At different times, officials adopt various practices such as ‘…acknowledging, incorporating, and even adopting locally framed instruments of regulation…’ while ‘…in other cases, it means delegating its governing powers for tasks that it cannot openly or directly perform’ (Benit-Gbaffou, 2018:2141). In some instances, state actors turn a blind eye to (informal) practices and let matters be, because non-state actors are providing a needed service that the state may be unable to provide at the time. Denialism of informal arrangements by officials is a frequent phenomenon even if partnerships are well recognised in the context within which they are active. In this way, state actors are able to underplay the actual power of non-state actors on the ground as they might be accused of abdicating their mandate and nursing mafias.

The above raises the question of whether the informal state practices are intentionally adopted to achieve specific aims, or if they are a result of complex urban governance processes. In the cases studied, it seems some of the informal practices of the state are purposefully activated to address practical issues on the ground in a messy terrain of street trade management. In this instance, discretion of state actors can be both practical and aimed at problem solving with the participation of non-state actors possessing the experiential knowledge.

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