‘The End of the Street?’

Informal Traders’ Experiences of Rights and Regulations in Inner City Johannesburg
Acknowledgments

This research report was written by Dennis Webster (SERI Researcher) and edited by Lauren Royston (SERI Director of Research and Advocacy). Lwazi Mtshiyo provided valuable assistance throughout the research process. Thanks to Michael Clark who was instrumental in the initial phases of the research. Thanks also to Mbekezeli Benjamin, Ayanda Collins, Irene de Vos, Michael Leonard, Edward Molopi, Naadira Munshi, Kate Tissington, Stuart Wilson, Helen Ye Zhang, who all provided assistance in the research and writing processes.

This report would not have been possible without the cooperation and assistance of the many traders with whom we spoke in Johannesburg’s inner city. They took time from their busy days to give us directions, introduce us to their families and neighbour traders, and tell us their stories.

Cover photo by: Jonathan Torgovnik
‘The End of the Street?’
Informal Traders’ Experiences of Rights and Regulations in Inner City
Johannesburg
## Contents

Executive summary .........................................................................................................................................................................................4

1. Introduction .........................................................................................................................................................................................8
1.1 About this Report ........................................................................................................................................................................10
1.2 Aims and Objectives of this Report ........................................................................................................................................10
1.3 A Dirty Business: The Context of Operation Clean Sweep ..................................................................................................14

2. Methodology ...................................................................................................................................................................................18

3. Realities of Informal Trade in Johannesburg ...............................................................................................................................22
3.1 Regulatory Realities ........................................................................................................................................................................23
3.2 Lived Experiences ...........................................................................................................................................................................34

4.1 Mismatches between policy and practice ...............................................................................................................................45
4.2 How the City failed in its consultative requirements ...............................................................................................................48
4.3 From Enablement to Restriction: The Businesses Act and Johannesburg’s By-Laws ........................................................................50
4.4 The place of informal trade in the City’s vision of inner city development ...........................................................................53
4.4 Misconceptions of ‘informality’ at the heart of approaches to informal trade ...........................................................................56

5. Conclusion .......................................................................................................................................................................................60
5.1 Better Management of Informal Trade ........................................................................................................................................62
5.2 Consequences of Prohibition and Restriction ..........................................................................................................................62
5.3 The Investigation Required by the Businesses Act .......................................................................................................................63
5.4 Policy Implications ...........................................................................................................................................................................63
5.5 A World-Class African City? ....................................................................................................................................................66

6. Bibliography ...................................................................................................................................................................................68

Annexure 1: Documentation .................................................................................................................................................................72

Maps and Figures
Map 1: SERI Street Trading Fieldwork ................................................................................................................................................21
Figure 1: Breakdown of respondents ....................................................................................................................................................24
Figure 2: Documentation of traders working on sidewalks and at linear markets ...................................................................................25
Box 1: Two accounts from between Edith Cavel and Plein Streets ..................................................................................................30
Figure 3: Length of trade at current location ......................................................................................................................................38
This report documents lived experiences of informal traders in inner-city Johannesburg, and explores the different ways in which the regulation of informal trade shapes these experiences. The context of the research is the illegal eviction of seven thousand street traders during Operation Clean Sweep in 2013, the litigation that followed, and the process of ‘consultation’ on which the City embarked in the aftermath of a Constitutional Court ruling.

Our first set of findings concerns the realities of the regulation of informal trade. The management of informal trade in the inner city is in disarray. Our investigation of existing regulatory practices shows that street trade regulation in Johannesburg is restrictive, inconsistent and enforcement-orientated rather than developmental or enabling. Although the City is far from absent from street trade regulation (as the term “informal” frequently denotes), its presence is characterised by inconsistency; strong on inspection and rent collection and weak on urban management and development planning.

The research reveals that many inconsistencies exist between the aims set out in informal trading policy and the ways in which it is actually implemented. While traders who have been successfully registered and possess the relevant verification mechanism – the smart card – appreciate the utility of these documents, many traders still do not possess smart cards for a variety of reasons. The infrastructure guaranteed to traders in policy, and crucial to their ability to run their businesses, has also not been delivered. Irregularities were also revealed in the rolling out of lease agreements also set out in policy. The majority of traders with whom we spoke were paying rent for their trading spaces, despite many being unaware of ever having signed a lease. These inconsistencies are indicative of the way in which regulatory authorities’ management of informal trade is characterised by sporadic rent collection and site inspections, at the expense of effective consultation and the delivery of infrastructure and services. Despite the inconsistencies revealed in this first set of findings, and perhaps surprisingly, better management is preferential for street traders than the regulatory status quo.

The second set of findings presents some of the lived realities of street traders identified during our research. One experience we foreground revolves around the self-organised arrangements through which traders manage trade. Some of these, such as the hereditary transfer of trading spaces, are overlooked in policy. Another reality of trade revealed in our research but undermined by the City’s approach to informal trade is the permanence and durability that characterise trade. Informal traders work to establish permanence and
forms of continuity in the inner city because their businesses depend on it: being near to key locations, or building a loyal customer base, or the predictability to customers of being in the same place. Relocations that neglect the importance of these kinds of permanence amount to, in the language of the Businesses Act, ‘driving traders out of business’, and the scale of Operation Clean Sweep is nothing if not a ‘substantial number.’ Other entrenched realities are the intricate social and economic arrangements that animate trade; the complex links between the trade happening on the streets of the inner city and the ‘formal’ economy and the varying experiences of informality according to registration status. Our research reveals that the City plays a central role in criminalising unregistered traders through a restrictive approach, which in turn compounds some of the challenges of informal trade management.

Conceptualising street trade as ‘informal’ reinforces the notion of a dual economy, ignoring linkages between the so-called formal and informal sectors that this study reveals and privileging an emphasis on ‘incorporation’ or ‘migration’ into the formal economy rather than tackling the systemic issues which underpin the terms of unequal access to the economy in the first place. The informal characterisation relegates street trade to an illegal activity, contributing to commonly held perceptions that traders are themselves illegal and to their criminalisation, brutally demonstrated in Operation Clean Sweep.

The findings of our research have implications for the management of informal trade, for informal trade policy, and for the more fundamental question of access to the city. Can street trade be better managed, prior to the consideration of prohibiting or restricting it? What would be the consequences of prohibition or restriction for traders? How would informal trade be managed in an African city that is truly ‘world class’? The Businesses Act requires that before a municipality can even consider imposing any restriction or prohibition on trade, it must investigate how it would affect informal traders: what can be learnt from this study for the investigation that municipalities are required to undertake?

Our two primary conclusions are that there is considerable scope for the City to improve the management of informal trade, and that any restriction or prohibition on trade is likely to negatively affect the way that traders make a living by undermining the benefits that traders derive from permanence.

There are four practical areas for improvement on which the City should focus, before considering prohibition or restriction: (1) reforming the use and application of regulation mechanisms or instruments (2) reforming regulation processes and procedures and (3) the provision of infrastructure and services are three important places to start. A fourth, more fundamental and likely more complex task to close the gap will be institutional overhaul to address the existing practices of the most significant regulatory authorities, JMPD and JPC.

Prohibiting or restricting street trade is likely to undermine the continuity and durability that characterises existing economic practices. Prohibition and restriction will continue to create scarcity thereby reproducing ‘informality’ and illegality. A further impact will be to undermine the social dimensions of making a living on which traders depend. Further,
prohibition or restriction will be detrimental to the existing, positive attitude that traders have to management.

The third conclusion is that, were the City to conduct the investigation required of it by the Businesses Act, it would discover that it is not ‘inconvenient’ to do so. Engagement with traders once the decision to restrict or prohibit has already been taken, even under the guise of designation, will not suffice. The City has yet to demonstrate that it is willing to engage directly with traders before considering restricting or prohibiting their trade. The law requires it to do.

The experiences of informal traders which the report foregrounds reveals that the way in which the City currently regulates informal trade is at odds with the purposes of the Businesses Act and its own informal trading policy. The aim of both of these instruments is to facilitate informal trade. The City’s operational objectives are geared towards severely curtailing informal trade, however, rather than engaging with traders to find a way to resolve problems of ‘crime and grime’ without significantly inhibiting existing trade. Through this restriction, it aims to create an inner city aesthetic which favours the interests of private businesses at the expense of those of the many informal traders making a living in the inner city. Our findings show that the pursuit of orthodox policy ideas about the importance of being globally integrated, competitive, and ‘world-class’ must be more openly interrogated and widely debated. Central to these debates must be the rights to trade and to dignity, as well as livelihoods development.

The fourth conclusion concerns the policy implications of the findings: the gap between policy and practice must be addressed. For example, were it to fulfil the role it has set out for itself in its Informal Trading Policy, the City would oversee the implementation of infrastructure and services to informal traders in the inner city. In this way, the ‘grime’ on inner city streets, which conflicts with the City’s aesthetic inclinations in policy, could be addressed in a manner that does not criminalise traders. However, deeper problems with the City’s approach exist: in particular, our study reveals that the “one-trader-one-stall” model is not applicable in practice because it fails to take into account the intricate social networks and economic arrangements that characterise the reality of making a living from informal trade. But even on their own terms, the policy frameworks are flawed because the binary conceptualisation of the economy that they contain leads to an implicit vision of ‘formalisation’ which means ‘incorporation into’ one sector and ‘migration out of’ the other. These fail to address the terms of unequal access to the economy that characterises street trade to begin with.

In Johannesburg being ‘world class’ equates with order, cleanliness, improvement to the aesthetics of the physical environment and participation in the economy that favours business interests over the livelihoods of street traders. Informal traders benefit from well maintained and clean working environments in the same way that formal businesses do. They are, however, criminalised for the waste on inner city streets, despite the City’s current services and infrastructure falling well short of its policy responsibilities.

---

Our fifth and final conclusion is that an alternative vision is possible. A more inclusive approach, one that starts with recognising traders, whether they are licensed or not, will do more to contribute to inclusive regeneration than any interventions designed to eradicate informality. This approach would also accommodate more equal access to the economy that an authentically world class African city must surely provide.
Denga, like many other young South Africans, came to Johannesburg for the economic opportunities it held. He currently runs a stall on Noord Street in the Park Station precinct of the inner city. He sells a variety of sweets and cigarettes from the stall, and lives off the income he makes there. He is well aware of the extreme rates of unemployment in South Africa, and winces while talking about what he might do for a living were it not for his business. The economic independence he has managed to fashion for himself by running his stall is a source of great security for Denga, and he speaks of the fact that often he earns more in a month than many of the jobs he might be lucky enough to get on Johannesburg’s current job market.

Things were not always so secure for Denga, however. Towards the end of 2013 Denga, together with thousands of other traders, was illegally evicted by the City of Johannesburg (the City) and the authority responsible for enforcing its by-laws, the Johannesburg Metro Police Department (JMPD) as a part of Operation Clean Sweep. Denga remembers the removals as “a month of hell”, when he was forced to try and sell cigarettes secretly from his pockets or under his coat. This clandestine operation was often stopped by the JMPD officials who were stationed on the streets where traders had until then made their living, and his monthly income decreased dramatically. As a result, he was forced to use his meagre savings to survive during the months that Operation Clean Sweep kept him from his business.

Emmanuel, who is from Zimbabwe and a few years older than Denga, did not have the safety of savings, and was forced to borrow money to support himself, his wife, and their four children during Operation Clean Sweep. Emmanuel’s stock, like that of many other traders, was confiscated during the operation and never returned to him. Sizani, a middle aged mother of two who trades near to Emmanuel, comments that, in spite of this, he was lucky to avoid the beatings meted out by JMPD officials during Operation Clean Sweep, especially on men of his age. But for Emmanuel, the most ruinous aspect of the operation was how it extended into the lives of his children when he was unable to pay their school fees for its duration: “There is nothing that I do but my business, and when my business is affected it affects my children.”

---

1 All the names of traders in this report have been changed to ensure anonymity. Interview with respondent PPP.
2 Interview with respondent QQQ.
3 Interview with respondent MMM.
A decision handed down by the Constitutional Court in April 2014 brought Operation Clean Sweep to an end. The decision interdicted the City from interfering with traders at their places of work, and condemned the operation as an act of “humiliation and degradation”.

Emmanuel speaks of the relief of returning to work after Operation Clean Sweep, when “life was normal again.” Life is normal now, he says, but he is worried. He and Denga are both aware that the City is pursuing plans to relocate traders in the inner city. While neither of them is fully aware of how the plans are proceeding, and both bemoan the lack of any engagement with the City in this regard, they fear that their businesses will be moved to a place where limited foot traffic will make trade extremely difficult. While Emmanuel is somewhat resigned to the possibility, and says that “we’ll just survive”, Denga foresees a bleaker outcome if relocations happen in the way he fears: “I think it will be the end of the street.” He is concerned that the City will render street trade unviable and force traders into a job market that has no place for them.

1.1 About this Report

This report documents lived experiences of informal traders in the inner city of Johannesburg, and explores the different ways in which the regulation of informal trade shapes these experiences. The vignettes above allude to some of the experiences and concerns of traders from Noord Street, and draw attention to the way in which they have experienced the City’s intentions for inner city trade. Emmanuel and Denga’s experiences and anxieties about the future of their businesses bear out the importance of key questions that arise out of the current situation of street trade in Johannesburg’s inner city: what are the experiences of traders on the streets and how does the City regulate informal trade in practice? These are the questions we set out to answer in this report.

The findings of our research have implications for the management of informal trade, for informal trade policy, and for the more fundamental question of access to the city. Can street trade be better managed, prior to the consideration of prohibiting or restricting it? What would be the consequences of prohibition or restriction for traders? How would informal trade be managed in an African city that is truly world class? What can be learnt from this study for the investigation that municipalities are required to undertake in terms of the Businesses Act? The Businesses Act 71 of 1991 is the main legislative mechanism through which informal trade is facilitated and regulated. It requires that a municipality must investigate how any restriction or prohibition would affect informal traders, before it can even consider doing so.

---

4 South African Informal Traders Forum and Others v City of Johannesburg and Others (SAITF); South African National Traders Retail Association v City of Johannesburg and Others [2014] ZACC 8.

5 We use the term ‘informal trader’ in this report. We are aware that it references the problematic formal/informal economy binary. However it is the most appropriate term in the context of this report. We are concerned here with those people who are effected with the City of Johannesburg’s informal trading management and policy, wherever they may be trading – on sidewalks, in linear markets, in malls. Terms like ‘street trader’, which refer to specific locations of trading activity, do not achieve this broader reference. It was for the same reason that the City revised its Street Trading By-Laws and renamed them the Informal Trading By-Laws. All of the traders interviewed for this report, and the great majority of traders working in the inner city, are black South Africans and foreign nationals. Race is a determining factor in the experiences of traders.

In this section we provide an overview of the study: its aims and objectives, its findings and conclusions. We also explore the background to the study, focusing on the illegal eviction of thousands of Johannesburg street traders during Operation Clean Sweep in 2013, the litigation that followed, and the process of “consultation” on which the City embarked in the aftermath of a Constitutional Court ruling. On the one hand, Operation Clean Sweep is an important allegory for processes of regeneration and the place of poor people in the City’s vision of the inner city, which we address later in the report. On the other hand, the operation, and the City’s on-going attempts to relocate traders in the inner city, raise the important question of whether the City could achieve its objectives regarding informal trade through more effective supervision or control, in accordance with the requirements of the Businesses Act, and whether the prohibition or restriction of trade would result in a number of traders going out of business.

In Section 2 we describe the methods employed during the research for this report, which were focused on bringing to light the voices, views, and experiences of traders themselves. As a result, our primary method was extensive qualitative interviews with traders at their places of business in Johannesburg’s inner city.

In Section 3 we present the findings from the research in two sub-sections. The first documents the realities of the regulation of informal trade. The research reveals that many inconsistencies exist between the aims set out in informal trading policy and the ways in which it is actually managed. While traders who have been successfully registered and possess the relevant verification mechanism – the smart card – appreciate the utility of these documents, many traders still do not possess smart cards for a variety of reasons. Similar irregularities were revealed in the rolling out of lease agreements also set out in
policy. The majority of traders with whom we spoke were paying rent for their trading spaces, despite many being unaware of ever having signed a lease. These inconsistencies are indicative of the way in which regulatory authorities’ management of informal trade is characterised by sporadic rent collection and site inspections, at the expense of effective consultation and the delivery of infrastructure and services. Despite the inconsistencies revealed in this first section of findings, traders are broadly in favour of management, but express the desperate need for its improvement.

The second set of findings presents some of the lived realities of street traders identified during our research. In the context of the inconsistencies in management outlined in the first section of findings, some of the experiences we foreground revolve around the self-organised arrangements through which traders manage trade. Some of these, such as the hereditary transfer of trading spaces, are overlooked in policy. Other entrenched realities of trade revealed in our research but ignored in policy, or undermined by the City’s approach to informal trade, are the permanence, endurance and durability that characterise trade, the intricate social and economic arrangements that animate trade, and the complex links between the trade happening on the streets of the inner city and the ‘formal’ economy. Another central aspect of informal trade brought to light by our engagements with traders is the varying experiences of informality according to registration status. Traders who are registered and those who are not have radically different experiences of making their living in the inner city. Our research reveals that the City plays a central role in criminalising unregistered traders through a restrictive approach, which in turn compounds some of the challenges of informal trade management.

Section 4 is an analytic discussion of some of the key contextual aspects of informal trade, which bridges the findings in the previous sections with the conclusions and implications we draw from them. We interrogate understandings of “informality” and how they relate to informal trade in Johannesburg, as well as review and analyse the legal and policy framework applicable to informal trade in the city. Here we highlight gaps between policy and practice pertaining to the management of informal trade, a shift from enablement to restriction that has occurred in the policy and legal framework, implications for the right to trade that come out of case law, and broader questions of the way in which informality and informal trade have been conceived.

Finally, Section 5 concludes with answers to the questions posed by the study about better management of informal trade, the anticipated impacts of prohibiting or restricting trade and the investigation required in the process set out in the Businesses Act. We also identify the policy implications of the research and provide some concluding remarks about the City’s vision of Johannesburg as a world class African city that could inform an alternative, inclusive vision of inner city regeneration.

1.2 Aims and Objectives of this Report

In the absence of the City undertaking the investigation required of it by the Businesses Act, this study examines existing regulatory practices in order to determine whether informal trade could be regulated more effectively (“more effective supervision or control” in the language of the Act) and to ascertain the impact on traders of restriction or prohibition (whether traders “would go out of business”).

12
By bringing regulatory practices to light, our study paints a picture of regulatory disarray. Our close enquiry into lived experiences of trade reveals the benefits of what we term permanence, continuity and durability: the importance of trading from the same space and of trading in that space for a long period of time.

Our two primary conclusions are therefore that there is considerable scope for the City to improve the management of informal trade before it even considers restriction or prohibition, and that any restriction or prohibition on trade is likely to negatively affect the way that traders make a living by undermining the benefits that traders derive from permanence.

A second and more general objective of this research is to make a contribution to a growing research effort concerned with documenting the dynamics of this case and considering the important implications they have for urban policy and practice in Johannesburg in particular and South Africa in general. This contribution is shaped by our lens on the lived realities of street traders and our qualitative interview methodology that engaged directly with traders on the streets of Johannesburg. We find that a major gap exists between informal trade policy and its implementation in Johannesburg. If closing that gap is an objective of the City, as we believe it should be, then (1) reforming the use and application of regulation mechanisms or instruments such as smart cards and lease agreements, (2) reforming regulation processes and procedures such as documentation, verification, confiscation and the payment of rent, and (3) the provision of infrastructure and services such as water, toilets, waste removal and storage facilities are three important places to start. A fourth, more fundamental and likely more complex task to close the gap will be institutional overhaul to address the existing practices of the most significant regulatory authorities, JMPC and JPC.

Our third objective is to identify what lessons can be learnt for the City’s approach to the regeneration of Johannesburg’s inner city, in which order and aesthetics are central features. This objective is premised on the view that critique should play an important role in policy formulation and implementation, and that there is much to be learned from what goes wrong, at least as much as there is to be learned from what goes right. Our findings show that the pursuit, seemingly at any cost, of orthodox policy ideas about the importance of being globally integrated, competitive, and ‘world-class’ must be more openly interrogated and widely debated, central to which must be the rights to trade and to dignity, as well as livelihoods development.

The experiences of informal traders which this report foregrounds reveals that the way in which the City currently regulates informal trade is at odds with the purposes of the Businesses Act and its own informal trading policy. The aim of both of these instruments is to facilitate informal trade. The City’s operational objectives are geared towards severely curtailing informal trade, however, rather than engaging with traders to find a way to resolve problems of “crime and grime” without significantly inhibiting existing

---

trade. Through this restriction, it aims to create an inner city aesthetic which favours the interests of private businesses at the expense of those of the many informal traders making a living in the inner city.

1.3 A Dirty Business: The Context of Operation Clean Sweep

Approximately 7000 street traders in Johannesburg were evicted on a mass scale between the 30th September and 31st October 2013 as part of the City’s ‘Operation Clean Sweep’. Accompanied by confiscations of stock, Operation Clean Sweep left the traders, many of whom were the breadwinners in their families, without their goods and places of business. The police did not provide a clear or consistent explanation for the evictions. By the end of October, a vast majority of Johannesburg’s inner city traders were left without both their places of business and their stock. The operation has been called a “brutal, arbitrary, and contemptuous way for the state to solve urban issues”.

Carolina, a female trader from Mozambique, for instance, watched the JMPD assault traders during an afternoon of Clean Sweep arrests, and experienced abuses shared by many of the respondents during our research. She tells of officials chasing people away from their stalls, taking bribes from traders desperate to hold on to their stock, and kicking another female trader with booted feet. The JMPD officers approached Carolina and confiscated her cellphone, where she had been recording the abuses, accusing her of pretending to be a journalist and telling her to go home. When she approached JMPD officials to ask for her phone back, they told her that she was under arrest because “it is illegal to take photos of the police doing their job”. They took her into a police van, where approximately 20 officers beat her and pulled out most of her hair. They took photos of Carolina without her hair and ridiculed her. A female officer eventually gave her back her cell phone, with which she continued taking photos of the violent assaults on other traders. The police took her phone once again and deleted the photos. They then drove around with Carolina and a number of other arrested traders to a police station where their hands were handcuffed behind their backs while they were spat on and further verbally and physically assaulted. Throughout this ordeal, Carolina and other traders from outside of South Africa were subjected to xenophobic abuse. One trader was told that that the JMPD “would drag her with the car like the other guy from Maputo”. Carolina was told, “All of this is Mandela’s fault for having married Graça”. The traders were eventually charged with “resisting arrest”.

12 A handful of traders continued business in defiance of Operation Clean Sweep.
14 Interview with respondent A.
15 A reference to Mido Macia, a Mozambican man who died after being tied by his hands to the back of a police van and dragged along the road while bystanders looked on.
16 A reference to former president Nelson Mandela having married Mozambican politician Graça Machel.
Over 7000 traders were eventually removed from the street, and estimates of dependents of evicted traders directly affected by Operation Clean Sweep range between 20000\(^{17}\) and 30000\(^{18}\). Under severe economic pressure from the sudden lack of income, and aware of the prospect of a protracted legal battle, traders initially decided to negotiate an agreement with the City, complying with the verification process in order that they might return to the streets as soon as possible. Upon returning to their stalls after verification, however, they were evicted again by JMPD officers. The process the City had proposed was exposed as pretence for the real intention of Operation Clean Sweep: the eradication of street trade from the inner city. This intention underscored JMPD spokesperson Edna Mamonyane’s announcement that the operation was a success, claiming that the “nightmare” of Johannesburg’s streets had been overcome owing to the fact that “now [they] look clean.”\(^{19}\)

Traders had been informed at a meeting with the Johannesburg Metropolitan Police Department (JMPD) on the 30\(^{th}\) September that they would not be able to trade in the inner city until the completion of an extensive verification and re-registration process. This was the first they had heard of the intervention, labelled ‘Operation Clean Sweep’. Importantly, not all street traders were represented at the meeting, no agenda was provided before the meeting, and no notice was given, nor opportunities for hearing afforded, regarding the operation before the decision was taken to implement it.


On 13th November it became clear that Operation Clean Sweep had nothing to do with the verification of registered and unregistered traders after the City proceeded to redesignate former areas of trade as areas where trade would no longer be permitted. This flew in the face of laws governing such designation, which the City seemed to be openly flouting for the sake of expedience. This expedience was written into the DNA of Operation Clean Sweep from the outset, however. For instance, the first proposal of the operation, contained in a 2012 report published by the Office of the MMC, was especially blunt about “there [being] major legal impediments to effective by-law enforcement”,\(^{20}\) and lamented that City officials often “get lost in a tangle of red tape” due to the legal obstacles getting in the way of them and their work from which they “need to be freed to do what they need to do”.\(^{21}\)

The impulse behind the operation seems to have come out of series of 'site visits’ by the MMC responsible for Development Planning and Region F22, MMC Roslynn Greef, and the stated aim was to:

> “tackle the current Inner City challenges, combat lawlessness, educate and collaborate with our citizens and finally change the face and aesthetics of the Inner City for the better”. \(^{23}\)

The ‘challenges’ referred to included ‘cleanliness levels,’ ‘illegal trading,’ informal settlements,’ ‘unauthorised businesses,’ ‘homeless people,’ and ‘anti-social behaviour such as excessive noise, urinating on the street etc.’\(^{24}\)

Operation Clean Sweep was founded on an assonant three-levelled strategic approach of ‘educate,’ ‘enable,’ and ‘enforce’, which the City understood as crucial to the achievement of the programme. At this formative level, Operation Clean Sweep was already riddled with problems. The intention of educating inner city communities in the City’s ‘new approach’ was so that they might be the “eyes and ears [of the City] in their own neighbourhoods.”\(^{25}\) The ‘enable’ section of the strategy had little to do with enabling people in the inner city to realise better livelihoods. Rather, it sought to enable people “to comply with the laws and regulations of the City of Joburg and the country.” The existing framework was supposedly one of

> “onerous laws coupled with policies that do not make it very easy to engage in sustainable economic activity, people may find it easier to break the law in their efforts to make a living.”\(^{26}\)

The alleged benefit of such an ‘enabled’ inner city, and one of the more revealing affirmations of the City’s attitude, was laid out in the ‘enforce’ section of the strategy:

\(^{21}\) Ibid. p. 3.
\(^{22}\) Beyond this, the rationale for the intervention has been difficult to trace.
\(^{23}\) Ibid. p1.
\(^{24}\) Ibid.
\(^{25}\) Ibid. p. 4.
\(^{26}\) Ibid.
“As behaviour changes and as people act more responsibly, the burden of the State decreases, allowing it to spend its money and use its resources on more important issues. An effective law enforcement programme that instils a culture of compliance or punishment empowers members of the public to assist in the management of their environment.”

Acting for the South African Informal Traders Forum (SAITF) and 1211 of its members, the Socio Economic Rights Institute of South Africa (SERI) challenged the operation in the South Gauteng High Court on 15th November 2013. The urgent application sought an interim interdict compelling the City to permit registered traders to return to and trade at their stalls, to re-erect stalls that were demolished during Operation Clean Sweep, and restricting the City and its functionaries from further demolishing stalls and confiscating goods of registered traders. The traders contended that they had permission to trade, that they were prevented from trading since the evictions, which threatened their livelihoods, and that they faced irreparable harm that undermined their rights to trade and dignity.

The application also outlined how the City had acted unlawfully and sought a judicial review of a series of the City’s decisions during Operation Clean Sweep. No part of the City’s Informal Trading By-laws permitted the actions taken by the City during Operation Clean Sweep. And the City’s plan to relocate traders in the wake of the evictions was in flagrant disregard of the carefully structured consultation process required of the City by the Businesses Act.

The High Court found that the application presented no grounds for urgency, and the application was struck from the urgent roll, thus refusing the interim interdict. An urgent appeal of this decision was heard in the Constitutional Court, however. Urgent appeals are heard in the Constitutional Court as an exception, and the ruling itself was clear that they “should be permitted as a last resort”. Nevertheless, the Constitutional Court concluded that “it was in the interests of justice to hear the appeal on an urgent basis” and that “without an order from this Court, the damage in the interim would be so severe that the applicants’ ability to obtain relief from the High Court in Part B [of SAITF and the traders’ initial application] would substantially be rendered nugatory”. The court granted the traders interim relief, and they were allowed to return to their stalls immediately.

---

27 Ibid.
28 South African Informal Traders Forum and Others v City of Johannesburg and Others, High Court of South Africa, Case No. 43427 / 2013, Applicants Heads of Argument.
31 Ibid. p. 13.
‘THE END OF THE STREET?’

2 Methodology

Jonathan Torgovnik
Before beginning the extensive qualitative research that is the cornerstone of this report, it was necessary to come to terms with the broader trends of the current regulation of informal trade in the inner city. Towards this end, we conducted two focus groups at the outset of the research, the first with executive members of the South African Informal Traders Forum (SAITF), and the second with sixteen informal trade block-leaders who trade, and act as representatives of traders, at different locations in Johannesburg’s inner city.

Eighty-nine interviews with individual traders were then conducted across two phases. In the first, thirty-three individual interviews were conducted with traders in order to reveal a better understanding of their individual and shared experiences in the inner city. Traders had experienced abusive treatment at the hands of the JMPD during Operation Clean Sweep, most of which went unreported in the local media. They also expressed frustration at the management of informal trade and at the reluctance on the part of the City to include the experiences of traders in any meaningful way in their limited engagements with them. As fieldworkers and researchers who had come to the streets to document the lived experience of trading, we were consequently welcomed, and sat down on sidewalks and makeshift stools as traders shared their daily business with us.

We spent a week walking up and down Wolmarans, King George, Twist, and Noord streets, speaking to traders generally, about where they come from and where they live, how much they earn in a month and how many people depend on that income. We also spoke with them about issues specific to their experience of making a living in the inner city – their trading history and how long they had traded at their current location, how they came about their stall, and how they access water, sanitation, storage facilities and other infrastructure, and how the levels of infrastructure access they enjoy affects the running of their business. We also spoke at length with traders about their experiences of different bureaucratic apparatus related to the management of trade – whether or not they had smart cards and leases, how they knew to get one, what their experience of applying for one was, what they understood its purpose to be, and what they used the documents for in practice. As part of our discussions on traders’ experiences of the management of informal trade, we discussed their relationships and encounters with the different institutions that are responsible for that management – the Metropolitan Trading Company (MTC)/City of Joburg Property Company (JPC), the JMPD, and the City.

MTC was absorbed into JPC in 2013. Many traders were however unaware that the management of informal trade is now the responsibility of JPC, and spoke only about MTC as a result.
Beyond these semi-structured aspects of our interviews, we spoke casually with traders, mostly about their general views on informal trade, how the experience of making a living in the streets of the inner city could be improved, and what role the City and traders might respectively play in that improvement.

A further fifty-six individual interviews followed the first round, later in the year. These interviews supplemented the first set and included similar questions, but they extended the geographic and occupational scope of the research. We conducted interviews at trading sites to which we had not previously been and which were characterised by different infrastructural and management realities – we spoke with traders in linear markets, for instance, and with traders who were trading at semi-privately managed locations. The City has entered into joint ventures with private property management companies, such as Afhco Property Management and City Property, to manage the informal trade in these locations. We also spoke with traders who were not registered with the City for various reasons.

The second phase of interviews was conducted during another week on sidewalks and under zinc shelters around the inner city. We conducted interviews along Noord Street, where rickety gazebos have come to stand for stall shelter, and goods as divergent as local football regalia, Nigerian movies and stationery are sold alongside stalls mending shoes or offering various mobile phone services. During this phase of the research we spoke with unregistered, or “mobile” traders, whose goods were displayed on hessian sheets. We were often mistaken for city officials, most probably because of the clipboards we carried, at which point the purpose of these sheets was quickly demonstrated. Mobile traders would nimbly grab the four corners of their hessian sheets, lifting them into makeshift satchels containing their goods which they would sling over their shoulders and disappear into the tumult of pedestrians on the streets around us. We also conducted interviews with traders working in semi-privately managed locations in between Bree Street and Plein Street. These areas were quieter and cleaner, and the interviews were easier to conduct as there were fewer people here than on other pavements around the city – there was no need to raise our voices over the usual pedestrian traffic, and stalls were arranged with ample space between them on the sidewalk.

Linear markets, an infrastructural change recently introduced by the City, comprise a pedestrianised lane with a zinc roof structure running down its centre. Stalls are accommodated beneath the structure, which is supposed to provide shelter against the weather for traders, although the majority of traders who have stalls on linear markets remarked that the design does little to keep the rain and sun out. Commuters from Park Station, together with many other people in the inner city, enjoy their daily meals at the Hoek Street linear market, where we conducted our first linear market interviews. Flanked on the one end by second hand shoe stores, and on the other by wholesale vegetable vendors, a collection of hot food stalls, run mostly by elderly women, takes up most of the linear market. Selling the staple of brisket, *pap*, and vegetables, with the odd offering of fish, these women are in most cases experienced traders, having sold hot food at other locations before being informed by the City that hot-food stalls would be

---

33 Both research phases are shown in Map 1.
grouped nearer together, or having provided other services to Johannesburg pedestrians, often hairstyling and the sale of hair extensions and hair products. The businesses run by these women are well established, and all include a staff of at least three – who are often younger family members – taking orders, seating customers, cleaning dishes and tables, and cooking the food. As a result, securing some time for an interview in the corner of one of the tables of these hot-food stalls was never a challenge. The stall owners, who mostly handle the significant cash coming in and out of the stalls, were prepared to share their experiences of trading, and had the time that many other traders did not to do so.

We also interviewed traders at the Kerk Street linear market. On the western end of the market, boxes and trays of fresh fruit and neatly assembled vegetable pyramids are arranged with the cardboard placards drawing attention to their prices. Towards the eastern end, stores selling trainers and tracksuits, or jewellery, hats and make-up, begin to dominate.

Although located relatively near to each other, these different sites of trade are remarkably different in terms of existing infrastructure, rental agreements, models of trading, regulation, goods traded, and storage agreements.

Desktop research was also conducted for this report. Drawing on various sources, we were primarily concerned with the legal and policy framework within which informal trade exists, as well as broader debates on informality and how it has been accommodated and excluded in different urban contexts around the world.

MAP 1: SERI STREET TRADING FIELDWORK
Realities of Informal Trade in Johannesburg
The experiences of traders have to a large extent been absent in accounts of informal trade in Johannesburg. Foregrounding these experiences is, however, crucial to understanding the reality of informal trade in the city. They reveal inconsistencies in the implementation of policy, as well as gaps between policy and the needs of people on the ground, that would otherwise remain obscured. They also serve to highlight the severe limitations in the official portrayals of inner city trade, which were used to justify Operation Clean Sweep. Calling attention to the ways in which trade is conducted and experienced in reality, and to the ways in which it is managed, reveals that the disorder often attributed to informal livelihood strategies is more often than not a result of ineffective urban management than of anything else.

In this section we explore some of the regular experiences of traders. We foreground the ways in which traders experience regulation, as well as the lived realities of making a living from informal trade.

### 3.1 Regulatory Realities

**Regulatory processes and procedures**

A central aim of the Informal Trading Policy of the City of Johannesburg is to provide a stable and predictable regulatory and management environment. It sets out an extensive set of regulatory devices which are intended to achieve this aim, and which are intended to create opportunities for the informal sector to share in the economic benefits of the city’s developmental approach to inner city revival. The implementation of the policy has been remarkably slow. Indeed, in 2007 already, the policy stated that the Department of Economic Development (DED) and the Metropolitan Trading Company (MTC) would collaboratively undertake the verification process of all informal traders in the inner city that was at the heart of Operation Clean Sweep. To date, this has not happened.

Documentation and verification are central to the City’s regulatory processes and procedures, including the roll out of two key devices, smart cards and lease agreements, both of which are to be handled by MTC. These two devices are used by MTC and the JMPD as evidence to verify whether or not traders are conducting their businesses legally. Envisioned as a central administrative tool for informal trade, smart cards provide biographical information of traders and identify the goods and services being sold as well as trading location. A valid smart card is evidence that proves the legality of a street trader.
Smart cards were initially meant to be operationalized by December 2007, but remain a contested and incomplete aspect of the regulation of informal trade. Most registered traders whom we interviewed across the inner city are in possession of smart cards, and our respondents emphasise the benefits of holding one. The primary advantage is cited as being an important tool to prove to police that they are trading legally. Some traders also identify a more intricate link between a bureaucratic instrument like smart cards and their right to the city as traders. Katlego34, for instance, uses her smart card to show “[s]he belong[s] here [and has] a right to be here”. Compare this to the City’s own verification system which found that more than half of traders still do not have smart cards35.

Indeed, many traders still do not possess smart cards. Our research into this group reveals a range of irregularities, as shown in the graphics that follow36: smart cards that were confiscated during Operation Clean Sweep and never returned; applications for smart cards that are still ongoing for undisclosed reasons; and repeatedly unsuccessful applications for smart cards, again for undisclosed reasons. Table 1 outlines the different documents held by the traders we interviewed at different locations during the research. Some people are caught up in lengthy bureaucratic processes and have heard nothing back from MTC since they began their application for a smart card: Zanele37 has submitted her application and supporting documents many times, but she says she is still waiting for her smart card from MTC, while it took Lwazi38 a full three years after his initial application before he received his smart card. Some traders do not understand the application process, indicating that it was never properly explained to them, and have either chosen not to follow it or have no idea about where to begin.

*Figure 1: Breakdown of respondents*

---

54 Interview with respondent LL.
56 See Annexure 1 for the documentation status of all the traders interviewed during the research.
57 Interview with respondent OO.
58 Interview with respondent P.
Many traders pay rent with no lease agreements in place.

Smart card irregularities refer to smart cards that were confiscated during Operation Clean Sweep and never returned, applications for smart cards that are still ongoing for undisclosed reasons, and repeatedly unsuccessful applications for smart cards for undisclosed reasons.
Similar inconsistencies exist with the lease agreement process that MTC has implemented on behalf of the city. The lease agreement, like the smart card, works on the basis of allocated stands or trading areas that are designated for the use of specifics traders. Some worrying trends regarding the implementation of lease agreements came to light during the course of this research, and explain why less than half of the traders interviewed had signed a lease agreement, as shown in Figure 2 and Annexure 1. Many traders remain unaware about whether or not they had signed a lease agreement at all. This is partly because traders do not understand the exhaustive documentation of the lease agreements, which are written exclusively in English and in legal jargon. Traders are also often forced to sign the papers that they do not fully understand, either by impatient block-leaders who hand them wads of paperwork at once, or by city bureaucrats who, concerned with expedience, refuse to explain terms in the agreements that are unclear.
The right to trade is often used coercively in these situations. Joshua, for instance, had no understanding of what signing the lease agreement entailed, indicating that it was not explained to him. He thought that the agreement meant that the city would empower him in some way and provide him with services. Yet he was forced to sign it under threat that he would no longer be able to trade from his spot if he did not.

Many traders were unaware of the purpose of their lease agreement, especially in light of the fact that they feel the City have not provided the infrastructure and services such rent should be affording traders. None of the traders we interviewed were provided with storage facilities for their goods by the city and had to make their own unofficial, arrangements with businesses and buildings close to their stalls to arrange storage. None of the trading areas had been provided with ablutions, and traders had to walk up to
five city blocks to find the nearest public toilet, which they had to pay to use. Of all the areas where we conducted research, only linear markets had been provided with running water, although in many cases severe drainage problems exist in these locations. Finally, inadequate security was a complaint levelled by a great majority of traders. The absence of infrastructure and services is worth emphasising as it flies in the face of the aesthetic aspirations outlined in all of the City’s development policies.

Despite these inconsistencies, most registered traders were paying monthly rent for their trading space, as highlighted in Figure 2 and Annexure 1. This ranged from R50 for a small stall to R300 for space in a linear market.

Regulatory Authorities

The MTC oversaw the administration of informal trade in the city until 2013. In 2013 it was absorbed into the Johannesburg Property Company (JPC), which then became the responsible authority. The majority of informal traders remain unaware of this, however, and during the course of the research only a handful of traders were aware that the JPC existed. This is as much an indication of the decline in consultation between bodies regulating informal trade and traders as it is of how recent the change is.

Most traders interviewed in the research could not specifically describe their relationships with MTC outside of where they happened to be in the smart card application process, simply because they had hardly any interaction with MTC. Edzai, who has sold hot food in the inner city for eight years, and sold hair extensions as an unregistered trader for a long time before that, highlighted a relationship with MTC that had deteriorated into non-existence. The reason that Edzai gave was that MTC no longer consults traders “the way that they used to.” As proof of this deterioration, Edzai bemoaned that she no longer had anywhere to raise her concerns about the state of trade in the inner city. Many other traders raised similar sentiments. Isabelle was more critical in her explanation of the lack of consultation, saying that MTC “do not care about us, only about money.”

As well as being inconsistent, the regulatory reality of informal trade in the inner city can therefore be characterised as being non-consultative. There are other important gaps in regulation and management, particularly in relation to the absence of infrastructure and service delivery. However in other ways the City is present, particularly in collecting rent and conducting inspections, evidenced in the operations of MTC, and now JPC.

These gaps mean that the only representatives of the City who have a reliably visible role in inner city trade are JMPD officers tasked with enforcing by-laws. While some traders admit that they understand the need for the JMPD, with a few saying that trade would be impossible without some measure to ensure security, the research revealed almost uniformly negative experiences of the JMPD (see the accounts in Box 1 for examples). Most traders witness police bribes of various sorts on a regular basis, and some admit to bribing police for the sake of convenience. S’ibu, while urging the city to find ways to
stop the culture of bribery amongst its authorities, says that if he doesn't pay the police bribes it affects his business badly. Ayanda claims to have witnessed police physically abusing traders, and Nandi, who sees police taking bribes “every day” substantiates the claims of many traders that if the bribes are not paid, the police confiscate goods arbitrarily or even arrest traders. Isabelle, who describes the JMPD as “tsotsis”, even claims to have a catalogue of photographic evidence of police breaking the law, which they do “every fucking day,” and says the reason she is not hassled by police is because they are aware of her evidence.

Often JMPD officials use arbitrary manipulations of by-laws to demand these bribes. Officials often accuse traders of displaying their goods untidily, displaying their goods beyond the demarcated limits of their trading sites, or of not maintaining the cleanliness of their trading sites. Also, if the registered trader of a specific trading site is not present at that site during JMPD inspections (for whatever reason - they may have gone to the bathroom, or to use a telephone, or to use a nearby tap to clean their goods), they are often threatened with the confiscation of their goods for not being able to produce the relevant documentation during an inspection. As a result, whenever traders ask family members, or those working at their neighbouring stalls, to watch over their stalls for a short time, they run the risk of having their goods arbitrarily confiscated, or paying a bribe to prevent the confiscation.

The ongoing failure of the management of informal trade in the inner city is perhaps best highlighted in cases of third-party intervention. One example is the traders at the Hoek Street linear market benefit from toilets built in the market by a nearby church, which has had a “very special relationship” with the market according to Tebogo, a 65-year-old man who has traded there for decades. Another is in some sections of the inner city where MTC has handed over management responsibilities to private entities entirely. And the experience of trade in these areas is markedly different. Felleng trades in one such area, where she pays her rent directly to City Property, a private residential and commercial property management company. As a part of her rental agreement she is allocated storage space for her goods, and security is provided for the trading area. Outside of Operation Clean Sweep, when she was also evicted from her place of business, Felleng claims to have had very little experience of JMPD.

The City is certainly not absent from the management of informal trade in the inner city. Its presence, though, is characterised by rent collection, site inspections, and arbitrary by-law enforcement by the JMPD. Many traders were confused when asked about their interactions with the City, saying that their only experience of MTC was during inspections of trading sites. The emphasis on rent collection and site inspection comes at the expense of effective consultation and the delivery of infrastructure and services, as it is outlined in the City’s Informal Trading Policy. A gulf between this policy and the reality of informal trade persists, as highlighted by the continued inconsistencies in the implementation of smart cards and lease agreements.
Menzi sells an assortment of fresh fruit from his stall in between Edith Cavel Street and Plein Street. He supports his 5 children from the R3500 he makes every month. Menzi has traded in the inner city since 2002, and at his current stall from 2012. Together with a group of his fellow traders, Menzi petitioned the City to be recognised as legal traders. The petition was successful, and the City directed the traders to the MTC who eventually registered them. Menzi now has a smart card and has signed a lease agreement. He pays R100 rent every month. While he does not understand the purpose of the lease agreement, he says that he signed it out of desperation after being told it was the only way to get a legal stand.

Since the Constitutional Court judgment, Menzi has not suffered the usual harassment, arbitrary confiscations, and bribes imposed by the JMPD. However the JMPD continue to impact on his business negatively by allocating spaces in front of his stall to unregistered traders. Menzi’s income has fallen since the JMPD blocked his stall’s access to pedestrian traffic by illegally allocating spaces in front of his stall to other traders. These traders are allowed to trade through continued bribes to the JMPD.

Interviews with respondents FF and CCC.
Eva sells fruit and vegetables on the same street as Menzi. She has traded there since 2003 and has supported her four children on the R3000 that she makes monthly. Similarly to Menzi, Eva is a registered trader. She has a smart card and signed a lease agreement, although she says that she did not read it before signing it. She signed it because she was told it was the only way she would be allocated a stand, and because she was guaranteed that if she signed it, toilets would be built for the traders in the area. The toilets were never built. Neither were the promised shelters, nor have the traders been supplied with running water.

Eva recounts similar JMPD abuses to Menzi. She often has to pay bribes, and her goods are frequently confiscated when they accuse her of displaying her goods beyond her demarcated area. Eva was also once arrested when she became vocal about the JMPD’s continued targeted abuse of foreign national traders on the street.
Insufficient infrastructure and service provision

Without fail, traders registered and unregistered alike, identified the desperate need for proper functioning infrastructure in the inner city. Our respondents cite running water, waste disposal and refuse bins, proper sanitation, shelter, and storage facilities for their stock.

John[^41], like many traders, wanted toilets to be made available to traders. He was irritated that he was forced to pay R2 to use the public toilet two blocks from his stall, where he also got the water he needed to clean the fruit he sells and the area around his trading space. Maria[^42], an elderly woman selling vegetables on the pavement of Klein Street, pointed to the lack of shelter available to traders. She indicated that she is often unable to trade as a result of bad weather, particularly rain. Adequate shelter would make trading possible for her in these conditions. Maria also spoke of the need for the City to provide storage facilities for traders. She currently stores her stock at a nearby shop at a cost of R150 a month, and her expenses are exacerbated by the transport costs she is forced

[^41]: Interview with respondent M.
[^42]: Interview with respondent G.
to pay to move the goods to and from the shop. James\textsuperscript{43} also expressed the need for storage. He went further to suggest that unregistered traders should be allocated storage as well. He felt that unregistered traders’ lack of access to storage contributed to litter and dirty streets. He felt that the City should be providing more cleaning services to address this dirt. According to James, traders are almost solely responsible for cleaning the streets, yet they lack access to water and do not have adequate cleaning equipment such as brooms. James, like many other traders interviewed, also expressed a willingness to “meet the city halfway” on cleaning the streets, and was prepared to help in whatever ways he could, provided that sufficient infrastructure and services were made available.

Operation Clean Sweep assigned the liability of ‘grime’ in the inner city to informal traders. The reality, however, is that the waste on the inner city streets stems from the public environment, which is characterised by a severe lack of adequate infrastructure and services.

\textsuperscript{43} Interview with respondent RR.
3.2 Lived Experiences

Different experiences of informality

Informal traders’ experiences of making a living in the inner city differ according to their registration status. Unregistered traders like Joseph have approached MTC on a number of occasions to apply for a stand, only to be turned away and told that none are available. While he feels he makes as much money as registered traders, and in some cases more, Joseph is at the whim of the JMPD. Officers collect ‘informal rent’ from him in the form of bribes, and he says that he “sometimes give[s] them bribes before they even ask, because [he] know[s] they will want a bribe”. If Joseph does not have any money to pay the bribes, he is forced to give them some of the food he sells from a trolley. Lynton, who has sold towels as an unregistered trader for the past decade, says that he has to contend with the JMPD as well as block leaders who call the JMPD to remove him from the street if he does not pay them their own bribes. Lynton has given up trying to get a stand allocated from MTC. Rather, he is waiting to try and bribe a block leader (who he feels “runs things around here”) for a stand if it becomes available.

Overall, unregistered traders expressed a greater concern with the actions of the JMPD than registered traders, and experienced a great deal more violence and corruption at the hands of city officials. Sally, an unregistered trader who sells dish cloths, explains that, as a result of previous abuses by the JMPD, she does business while constantly running from the police. During the course of the research we witnessed the reality of ‘doing business on the run’ on numerous occasions while trying to talk with unregistered traders: unregistered traders often use the hessian sheets on which they display their goods to quickly collect their stock and evade any approaching City officials or police. This is an example of another experience of making a living in the informal economy that registered traders do not undergo.

Winston, a block leader and registered trader, expressed a frustration, shared by several registered traders during the course of our research, at unregistered traders being allowed to trade through bribes. Winston felt that the rent he paid to the MTC as a registered trader afforded him no infrastructure, services, nor security. Neither did it protect him from corrupt JMPD officers looking for bribes. As a result, he feels the position of registered traders is in no way better than unregistered traders, despite the rent that they pay. Indeed, he felt registered traders were “at a loss”, having to pay rent and bribes in order to make a living, while unregistered traders are allowed to do business with the payment of bribes only erratically. Winston stressed that MTC and JMPD “need to be efficient” in order to address these problems. Other traders displayed a more hostile reaction, holding unregistered traders themselves liable for this situation.

Another example of how making a living from informal trade is experienced differently concerns foreign national traders, who have vastly different bureaucratic processes imposed on them than South African traders. For instance, smart cards issued to foreign

44 Interview with respondent AA.
45 Interview with respondent HHH.
46 Interview with respondent A.
national traders must coincide with the validity period of the documentation allowing them to live in South Africa. Any renewal, extension, or revoking of their relevant immigration documents has a direct effect on their trading documents.

Unregistered traders make a living side by side with registered traders. Operation Clean Sweep was ostensibly implemented to rid the streets of the unregistered traders. But in practice all traders, whether registered or not, were evicted. While both registered and unregistered traders work in the informal economy, they occupy different levels of informality. The sort of informality experienced by unregistered traders is vastly different from registered traders, and it is, importantly, an informality created almost entirely by the City.

While policies like the Inner City Transformation Roadmap\textsuperscript{47} are increasingly inclusive of street trading, the City’s approach to street trading continues to be one characterised by restriction of the numbers of traders on the streets. Through this restrictive approach – by limiting the amount of trading spaces – as well as deficient street trade management, as discussed previously, the City plays a central role in criminalising a large number of traders, actively producing unlawful traders. The City’s creation of scarcity of trading sites constitutes an unsustainable approach to the management of trade in the inner city. By rendering a large number of traders unlawful, the City compounds the challenges of management in the inner city. These traders pay no official rent (although the bribes they are forced to pay instead encourage corruption amongst city officials) and the mobility of their trade (a reality of trade enforced by the unpredictable actions of JMPD officers, which results from their vulnerability as unregistered traders) means that they have neither the time nor the inclination to keep the areas where they trade clean. The result is that management of informal trade pays undue attention and resources to enforcement, rather than accommodating traders in the inner city.

Conceptual and policy discussions of the informal economy inadvertently present it as a homogenous reality: a bounded sector playing out on the inner city streets every day. It is important, however, to problematise such singular representations of informal economic activity. In reality there are different degrees and dynamics of informality. These variations have concrete implications for people’s lives.

Traders’ attitudes to management

Informal trade is often managed by self-organized arrangements in the absence of effective administration. One example is the ways in which traders have negotiated the storage of their goods. Despite the City foregrounding limited storage as one of the challenges of informal trade that it will alleviate,\textsuperscript{48} none of the traders interviewed in the research had access to public storage facilities.

\textsuperscript{47} The roadmap is designed to provide the framework for the implementation of the Growth and Development Strategy 2040, the City’s vision for its future, which includes outcomes against which to measure progress.

The means employed by traders as a result are varied. All unregistered traders we interviewed who had stock stored it at home. Some registered traders did the same. However a network of informal storage arrangements also exists. Many traders have diverse agreements with small shop owners nearby, where rents vary between weekly and monthly payments. Ntombi stores her stock in a nearby shop at a cost of R100 a week. Jeremiah also stores his in a nearby shop, at a cost of R60 a week. Thomas, an Ethiopian trader who works at his wife’s stall, says that they pay R150 a month to store their stock in a small neighbouring shop. Some traders have managed to make agreements with bigger stores. Ronald, for instance, stores his goods in one of Shoprite’s storerooms at a cost that varies between R50 and R60 a week.

These arrangements are never formalised, and are often insecure. Katlego used to store her goods in the basement of a small shop near her stall. The shop owners terminated the agreement when it became inconvenient to them, however. She has since been forced to store her goods in a friend’s flat a few blocks away from where she trades.

These sorts of storage arrangements also often imply transportation costs. Joyce, who sells hot food at the Hoek Street linear market, pays some men R20 every morning and every evening to move her goods to and from a storage facility at the nearby Park Station.

A further example of traders’ self-organisation is the way in which trading space is allocated. Hereditary spaces – transferred between family members – and spaces acquired through good relationships with block-leaders, or by relying on relationships with various gatekeepers which rely on bribing block-leaders or JMPD officials, highlight the ways in which trade is informally managed.

The City’s Informal Trading Policy thoroughly outlines how trading spaces should be allocated. The authority managing informal trade is to assign traders space after they have successfully obtained trading licenses. This allocation should be done electronically, relying on a ‘one-trader, one-stall’ model and taking into account things like goods and services traded, projected income, and any displacement the trader may have experienced. Siyanda, a middle aged woman trading on Noord Street, is one example of the irregularity of this policy in practice. After being moved from her previous place of business on the corner of De Villiers Street and Wanderers Street, she was informally allocated a new trading space by the JMPD. Thembeka, for instance, inherited her stall from her mother who traded there before her. Anna inherited hers from her brother.

Generally, traders expressed a preference for better management of informal trade. Unregistered traders and traders experiencing registration difficulties, for instance, uniformly expressed the desire to be officially registered and to have a stand of their own. Zwonaka, who travels to and from Orlando every day to trade in the inner city, has her

---

49 Interview with respondent TT.
50 Interview with respondent DDD.
51 Interview with respondent W.
52 There was evidence of both during the course of our research.
53 Interview with respondent PP.
54 Interview with respondent L.
55 Interview with respondent J.
own 1x2m stand. However she has no smart card and has signed no lease agreement. 
She also pays no rent. She has submitted applications for registration to MTC on several 
occasions, but has received no correspondence in return. The only experience she has of 
the regulatory body is when they undertake inspections of trading sites. Zwonaka voiced 
the same appeals as other traders in her situation: she is willing to pay, and even wants to 
pay for her stand. As things stand, she does not know where to go to lodge complaints 
or raise queries regarding trade and infrastructure. Her main concern in this regard is the 
lack of access to any sanitation or running water for the traders on her block. Traders are 
aware that formal registration entails opportunities of recourse regarding infrastructure 
and services, and access to gatekeepers like blockleaders.

Unregistered and registered traders also expressed the necessity for ‘proper’ management, 
going so far in some cases as to convey wishes that sound as though they may have been 
taken directly from a City of Johannesburg policy document. Patrick, for instance, when 
asked what inner city traders needed said that what he wanted most was for “the town 
to be kept clean and safe.” Traders and the City share similar interests in more effectively 
managed informal trade but this has been overlooked so far because the City has not 
undertaken any investigation that brings it into direct contact with traders.

Continuity in informal trade
One of the most compelling findings from the research is that informal trade in the inner 
city is in many cases characterised by permanence, endurance, and durability. Traders 
benefit from trading from one space continuously. Particular locations have certain 
business benefits, like high foot traffic or being located near to an ATM which makes
the handling of cash safer, and trading there for an extended amount of time eventually leads to the establishment of a familiar and loyal client base. The business security that comes from trading in one place for a longer period of time has been captured in previous research with traders in the inner city. Cohen, for instance, found that traders only stop viewing competition from other businesses as a problem to their own business after having traded in a place for longer than three years.56

The importance of location also stretches beyond business benefits. Selogadi57, for instance, cannot imagine earning her living anywhere else than from where she currently trades because her children go to school nearby. The diagram below shows the continuity that characterises inner city trade. The great majority of registered traders interviewed have been trading from their places of business for more than ten years. Even the unregistered traders whom we interviewed, whose experience of making a living in the inner city is characterised by a great deal more vulnerability, have largely been trading in the same areas for more than 5 years. Research revealed some astounding examples of

![Figure 3: Length of trade at current location](image)

57 Interview with respondent OOO.
58 Unregistered traders do not have permanent trading sites. They move their businesses around.
the efforts made by traders to establish and maintain permanence. Joshua, for instance, has been trading from the same spot in the inner city for 27 years now, first without registration, but now as a registered trader. He says he has built good relationships with his customers during that time, and the only time he has been relocated - during Operation Clean Sweep - affected his business very badly. Abraham also recounted the period during Operation Clean Sweep, when he temporarily moved from his place of business. His customers could not find him, as he was no longer trading at his stall en route to the taxi rank. He lost a great deal of income as a result. Awande also indicates that a loyal customer base is the reason for her trading in her current location, as well as the high number of pedestrians from the nearby MTN taxi rank. Letsie has traded in the same spot for 18 years, and Lebogang for 20 years. Tebogo says he has traded in the same area since the early 1970s, and Malusi since 1968. The ways in which trading spaces are bequeathed, as already discussed, is another manifestation of the how traders attempt to establish continuity.

59 Interview with respondent KKK.
60 Interview with respondent N.
61 Interview with respondent EE.
62 Interview with respondent H.
63 Interview with respondent O.
64 Interview with respondent UU.
The permanence and continuity of traders is crucial for understanding how relocation, prohibition or restriction might impact on making a living, something that the City is obliged to investigate under the Businesses Act. The informal sector is often characterised by non-permanence and transience, suggested in the City’s definition of informal trading as trade “which requires little more than the actual goods and/or services to commence”65. The policy aspiration to formalise the informal is predicated on this characterisation. The City’s actions during Operation Clean Sweep, and especially their continued intentions to relocate inner city traders en masse, demonstrate a conflation of informality and impermanence.

Social Networks

Intricate social networks and economic arrangements animate the way in which street trade is conducted every day in the inner city. The complexity of these networks, which are embedded in inner city trade, are too elaborate to be captured by the “one-trader, one-stall basis”66 for the allocation of trading space that is outlined in the City’s policy.

Sanele and David67, for instance, are a young married couple, 35 and 41 years old respectively, who have traded at the same stall in Block 4 since 2000. They live in the inner city, and together operate the stall, selling mostly scarfs and bags. They have raised a family from the living that they make at the stall, and continue to support their 5 young children from it.

Nolwazi68, an elderly woman who has traded outside of the MTN taxi rank since the early 1990s when she set her stall up herself, did not conduct her interview alone. She called her three sons, who work the stall with her, so that the four of them could answer questions together. She does not hold high hopes for the future of trade in the inner city. When speaking about the City’s plans for traders, she said “It’s like gambling: last year they were chasing us away [referring to Operation Clean Sweep]. What kind of future can you expect?” Nevertheless, she says that her sons will take over the stall, from which she raised them, once she can no longer work.

Youssef69 trades from a similarly complex familial network. He is quick to point out that he and his family have asylum papers, having come from Ethiopia. He feels that the papers are crucial to proving to the police that he, his wife, and her sister are trading legally. His wife and her sister were running their stall on Kerk Street selling sneakers for seven years before Youssef came to South Africa. Now for the last ten years the three of them have run it together as the family business.

The bequeathing of trading spaces highlights the importance of durability to informal trade in the inner city. It also brings into sharp focus another gulf between the regulatory policy and reality: the allocation of trading space on a ‘one-trader, one-stall’ model. The ways in which trading spaces are transferred hereditarily or bequeathed in the context of ineffective management of trade highlights the gap between how informal trade is understood in the policy context, and the ways in which it is practised on the ground.

65 COJ Informal Trading Policy. p. 9.
67 Interview with respondent X.
68 Interview with respondent C.
69 Interview with respondent XX.
Inner city trading should not be atomised into a model that relies on isolated traders. The reality of trade in the inner city is more complex. Any discussion of individual traders is an abbreviation of the more complicated realities that underpin trade.

A single economic sector

Networks of different relations are also evident in the economic fabric of the inner city itself. Various relationships between the so-called informal and formal economies are regularly revealed in the context of informal trade in Johannesburg, underlining that it makes little sense to practically distinguish informal trade from the 'formal economy'.

The most obvious examples of the relationships between the formal and informal sectors are the products that inner city traders sell. Ranging from name brand sneakers and sweat pants produced outside of South Africa, to airtime and mobile data on national networks, these commodities represent clear but labyrinthine links between the stalls of traders in the informal economy and what are conventionally viewed as formal sites of production, distribution, and consumption. In this way, traders selling cigarettes, for instance, invisibly complete the chain that links large foreign firms to consumers.

There are many other examples of these relationships in practice. This report has already discussed the way in which traders establish informal arrangements with shop owners, and sometimes even large nation-wide supermarkets, for the storage of their goods. Tsele’s story highlights how relationships with the formal sector help traders in areas where the City’s management is failing them. He is one of many unregistered traders selling MTN products from mobile booths near to the MTN taxi rank. For the first few years he traded at the rank he experienced the same harsh realities that all unregistered traders do, and especially the severe treatment at the hands of the JMPD. His goods were regularly confiscated unless he paid the requisite bribes, while the JMPD intimidated his customers and at times physically assaulted him. Tsele approached “managers” at MTN to make them aware of the difficulties the traders who were peddling their goods were facing, and how difficult it was making business. MTN proceeded to make contact with JMPD on behalf of the traders. Since then, and despite not being a registered trader, the police hardly ever harass Tsele. In this way, Tsele managed to make use of a private interest, squarely situated in ‘the formal economy’, to avoid the ineffectiveness that currently characterises the management of informal trade, and overcome the most constant hindrance to conducting his business successfully. He now takes any complaints or concerns he might have directly to the MTN managers. However he maintains that if the processes were clearer and made more accessible, he would register as a trader and pay the required rent. Regardless of the advantageous arrangement MTN has struck up with the JMPD on his behalf, he would much prefer the security and dependability of a permanent trading space. This was a sentiment expressed by the majority of traders we interviewed, and certainly by all of the unregistered traders.

Ayanda, a young woman who works at her mother’s stall, recounted the story of when her mother first started trading in the inner city. A farmer, who grows produce for market near to Johannesburg, organised a trading space and stall from the City for her. He then

---

70 Interview with respondent J.
71 Interview with respondent GGG.
supplied her with produce to sell at a cheap price. This relationship continues today, and the carrots, tomatoes, and beans colourfully arranged on the 3x2m wooden plank, which serves as her stall, still come from the farmer’s crop.

Policy documents encouraging the migration of people making a living in ‘the second economy’ into the formal economy fall well short of capturing the links that exist between the two. These links are indicative of a single entity, different parts of a whole, rather than two distinct sectors. The informal/formal binary should be problematized not only
because it inaccurately conceptualises reality, but also because it engenders a ‘migration’ impulse in policy. This impulse targets the migration of people who make a living informally into the formal sector of the economy. However, it overlooks the unequal levels of access that determine the structure of the economy in the first place.

Developmental interventions on the part of the City will have to be more imaginative in their economic interpretations if they are to make space to for the complex economic arrangements that exist in practice.
4 PERCEPTIONS, GAPS, AND SHIFTS: THE CONTEXT OF INFORMAL TRADE
The causes of the failings of informal trade regulation in inner city Johannesburg and the City’s persistent attempts to curtail trade can be found in the discrepancies between informal trading policy and the ways trade is conducted in reality, the City’s restrictive departure from the enabling spirit of the Businesses Act, the City’s general misunderstanding of informality and its failure to include poor people in its vision of inner city development. In this section we trace the City’s approach and attitude in the ways they have used and deviated from different instruments designed to promote trade and inclusive economic opportunities.

4.1 Mismatches between policy and practice

The experiences of traders throw the mismatches between policy and practice into stark contrast. The Informal Trading Policy for the City of Johannesburg guarantees that within sixty days of an application, a trader will be granted a smart card, or be given reasons as to why their application was declined. Smart cards are designed as a tool for important administrative functions. For example, they contain information on where a trader has been allocated space to trade, and the corresponding rent that they need to pay. Traders who have them certainly appreciate their benefits. In practice, however, the delivery of smart cards is inconsistent, leaving traders who have not been able to get smart cards for undisclosed reasons, or whose smart cards have been confiscated and not returned, both unable to access the administrative benefits of the cards and vulnerable to JMPD officials who take advantage of their lack of bureaucratic protection.

There are similar mismatches regarding lease agreements, which are the other administrative means of securing a trading space. While most of the traders with whom we spoke pay rent to MTC, many of them remain unaware of having signed any lease agreement. This gap is made all the more alarming by the fact that the informal trading policy outlines that the “amount of rental payable should take into account... the services and infrastructure available at the trading space allocated”. Poor infrastructure and services are plainly one of the greatest obstacles not only to conducting trade effectively, but to the orderly urban environment coveted by the City.

These mismatches stem from a deeper misunderstanding of informal trade in policy. The stipulation in policy that, “trading space will be allocated on a one-trader, one-stall

---

72 COJ Informal Trading Policy. p. 15.
basis”, for instance, is out of touch with the complicated social relations and networks that animate the way in which traders allocate spaces themselves, especially hereditarily.

The most recent policy document pertaining to inner city trade is the Inner City Transformation Roadmap of 2013, which “provides the framework for the City of Johannesburg “...” in rolling out the Growth and Development Strategy 2040 (GDS) in the inner city.”

The most recent policy document pertaining to inner city trade is the Inner City Transformation Roadmap of 2013, which “provides the framework for the City of Johannesburg “...” in rolling out the Growth and Development Strategy 2040 (GDS) in the inner city.”

The GDS contains an inclusive conception of the informal sector:

“A robust informal sector is essential in supporting economic resilience... While this sector’s role is often unrecognised, it is an essential contributor, serving often as a base for innovation, creativity, new approaches to delivery, personal ownership... Regulation and policy that manages informality, without destroying informal economic activities and the opportunities they present, serves as additional support, growing resilience further within these economies.”

The Inner City Transformation Roadmap holds the promise, in policy at least, for a more inclusive approach to the management of informal trade in Johannesburg. It outlines a progressive strategy for the inner city, in contrast to such policies that precede it:

“A diverse offering of economic activity will be promoted within a mixed economy... Informal trading will be supported within managed linear and demarcated markets and will be integrated with transportation routes and movement plans for the inner city. Micro trading and informal trading will be appropriately regulated... Employment, through meaningful work and livelihood opportunities, will be increased.”

The policy also highlights that the issues of ‘crime and grime’ in the inner city, to which Operation Clean Sweep was designed to attend, will be best addressed through an urban management approach. With regard to informal trade, it highlights the need for effective management to bolster livelihood opportunities:

“These issues ['crime and grime'] require effective urban management, ongoing maintenance, and repair by many City departments and entities.”

“Well managed informal trade is important both for the dynamism of that sector and for its co-existence with other forms of retail and with pedestrian activity in the inner city.”

75 COJ Inner City Transformation Roadmap. p. viii.
76 Ibid. p. 10.
77 Ibid. p. 15.
The road map reads as a basis for cooperative interventions and management enabling traders to generate a livelihood in the inner city. However Operation Clean Sweep flew in the face of this urban management approach, failing to comply with the City’s economic and spatial policy intentions. The City chose rather to adopt a law enforcement approach to the development of the inner city. Indeed, sections of the policy seem to be to prevent something like Operation Clean Sweep, and eerily forecast some of the City’s failures:

“Policing styles, which are at times aggressive, need to be examined. In addition corrupt practices amongst law enforcement officers must be rooted out.”78

“While much has been done to improve cleaning of the inner city, there is an on-going need to muster support of inner city users to participate in cleaning, recycling and reducing the waste that is generated in the area. More staffing, resources and infrastructure are required for these tasks. A concerted campaign to recycle and reduce waste must be established.”79

With Operation Clean Sweep being at such odds with the road map, and with the City’s continued failure to engage with traders regarding the way forward for the management of informal trade, it remains to be seen whether the approaches adopted in the Inner City Transformation Roadmap will be pursued in practice.

78 Ibid. p. 11.
79 Ibid.
4.2 How the City failed in its consultative requirements

Since Operation Clean Sweep, the likelihood of the City pursuing the inclusive and progressive approaches outlined in the Inner City Transformation Roadmap has begun to seem unfortunately slim. The judgment in the Constitutional Court case that followed Operation Clean Sweep made several references to the City’s concessions during the hearing. Specifically, the City recognised that it “had gone about achieving its objectives in flagrant disregard of the traders’ rights”80 as well as that its “decision to declare certain areas as prohibited or restricted was not made in accordance with the procedure in section 6A(2)(a) of the Businesses Act.”81 Indeed, the judgment held that these concessions:

“were so extensive that it even seemed conceivable that this court might grant final relief. The relief sought in the pending review in Part B of the notice of motion is likely to be granted [in the High Court] and thus bears prospects of success”82

Section 6A of the Act provides for the process that a municipal council must follow before passing a resolution to restrict or prohibit trading in an area. The first part of this provision sets out that the local authority “shall consider whether more effective supervision or control” in an area would render restriction and prohibition “unnecessary”. The second part provides that the local authority should take into consideration whether any restriction or prohibition “will drive out of business a substantial number” of traders. Essentially, no municipality may restrict or prohibit trade if it might achieve its aims through better supervision of that trade, or if the proposed actions would cause traders to go out of business. The experiences of street traders in Johannesburg’s inner city plainly demonstrate that the management of trade is in desperate need of improvement. The extensive efforts made by traders to establish themselves in one trading space over time, and the severe effects that Operation Clean Sweep had on their livelihoods both indicate that the City failed outright to follow this consultation process before or during Operation Clean Sweep. During the Constitutional Court hearing on the matter, the City itself admitted to this. The judgment of 4th April 2014, when referring to the City’s continued evictions of traders even after ‘negotiations’ had resulted in the verification process the operation had ostensibly sought to achieve, declared that “the City’s new scheme to relocate the traders was, in any event, unlawful because it had not followed the steps required of it by section 6A of the Businesses Act”.83

After the Constitutional Court judgment, the City of Johannesburg took a council resolution on 21 May 2014 that was ostensibly a motion in terms of section 6A (2) (b) of the Businesses Act.84 However, the resolution showed that the City was persistently

80 Ibid. p. 6.
81 Ibid. p. 15.
82 Ibid. p. 16.
84 Correspondence between SERI and City of Johannesburg 4 August 2014.
violating the letter of the Act, revealing that no investigation into factors pertaining to traders as set out in section 6A (2) (c) of the Act had been undertaken. Putting the cart before the horse, the resolution outlined the course of action the City would take as guided by the Constitutional Court judgment, including:

“The City will ensure that informal traders participate in proposed new processes to designate trading areas and guide the development of the informal sector” [emphasis added]

“The work will include identifying streets with less traffic and congestion impact that will be newly designated as trading areas” [emphasis added]

The City remains unconcerned with how relocations will affect the businesses of inner city traders, and has set aside the crucial part of the Act that stipulates that they must “have regard to the effect of a presence of a large number of street vendors” and must “consider” the effect that any planned restrictions or prohibition may have on them.

The resolution also hinted at the City’s view on the spirit of the Act. After acknowledging that the Act enshrines the basic rights of traders, and in this case of the informal traders, the report spells out the City’s discontent with the procedural safeguards for traders contemplated in the Act:

“Whilst the requirements set out in the Businesses Act may by far be administratively cumbersome and possibly inconvenient, it is important to note that the Act makes no provision for an exemption there from or alternative for another, less cumbersome procedure to be followed.”

The resolution goes on to outline the reasons why the City should comply with the provisions set out in the Act, chief among which are to “avoid adverse [legal] consequences” and to “be prepared if it [the City] is faced with future litigation in this regard.”

While the City has hosted workshops for various stakeholders to voice their concerns, its intention remains the same as it did during Operation Clean Sweep. During the most recent of these, in May 2015, presentations were made to traders on two documents. The first was alleged to provide a “progress report” in relation to the “Promulgation and Designation” of new trading areas in the inner city. The second was a traffic flow study of the inner city of Johannesburg, making recommendations as to the curtailment of informal trade. The study was done by Arcus Gibb on behalf of the City. When read

---

87 COJ Proclamation of restricted trading areas and designation of new trading areas in the inner city of Johannesburg. p. 32.9.
88 Ibid. p. 32.10.
together, it is clear that the documents deal with more than simply designating new trading areas: the City continues to pursue restriction and prohibition within the inner city. Traders were informed, for instance, that no informal trading should be allowed in close vicinity of major public transport facilities (precisely what constitutes a “close vicinity” was not defined), and that informal street trading should not be close to intersections or pedestrian crossings. While the City did not clarify many of the details of the documents, it was clear that implementing “changes” to trading in many areas of the inner city, as well carrying out the “deproclamation” of trading areas, stood for prohibition and restriction. At the time of writing, traders has been warned by contractors hired by the City that they would be removed from their trading sites soon in order that these plans can be implemented.

The City understands adherence to the Businesses Act as a matter of future legal security, rather than as a means of meaningfully engaging with traders around the management of informal trade in the inner city.

4.3 From Enablement to Restriction: The Businesses Act and Johannesburg’s By-Laws

Instead of being consultative and inclusive, the management of informal trade has come to be characterized by the arbitrary enforcement of by-laws. Arbitrary abuses of these by-laws is often the foundation of the bribes that traders are forced to pay to the JMPD officials. By-law enforcement was also the operational basis of Operation Clean Sweep. These by-laws, however, represent another departure from the Businesses Act. The City of Johannesburg Metropolitan Municipality Street Trading By-Laws were promulgated in May 2004 under the Municipal Systems Act and in accordance with the Businesses Act. Their stated purpose is “to regulate Informal Trading within the jurisdictional area of the City in a manner that recognises and enhances the City’s constitutional and other statutory obligations”.90 They are the procedural instructions for implementing the Businesses Act. The Act empowers local authorities to make such by-laws regarding the supervision, restriction, and prohibition of trading in certain places.

There are aspects of the Act that do deserve scrutiny. These include that it does not compel local authorities to investigate the livelihoods that will be affected by restriction or prohibition of trade, and that it is not more explicit regarding the shape that the considerations for which it provides should take. Nevertheless, the Act is characterised by a spirit of enabling trade and the right to make a living, and in the main it is not a restrictive and preventative piece of legislation. Section 6A(1), for instance, ensures by-laws cannot:

---

90 COJ Street Trading By-Laws.
Despite the enabling nature of the Act, the by-law’s distinct focus is on maintaining safety, hygiene, cleanliness, open space, and public order in the city. A clear concern is the safeguarding of ‘formal’ businesses, public buildings, pedestrians and traffic flow. Section 7 of the by-laws is dedicated to ‘Environmental Health and Safety’, and compels traders to keep both their trading areas and their property “in a clean, sanitary and well maintained condition.” The section goes on to dedicate three of its eight points to outlining the proper disposal of litter, stipulating that “precautions” must be taken to prevent the spilling “of any fat, oil or grease”, and sets out that traders must ensure that no “pollution of any kind”
should be caused by the “smoke, fumes... odours, or noise” emanating from their trade. Section 9 of the by-laws prohibits traders from trading, amongst others:

- in “a garden to which the public has a right of access”
- alongside a “place of worship”
- alongside “an autoteller bank machine”
- “at a place where it is likely to obstruct vehicular traffic”
- “on that half of a Public Road, contiguous to a building used for residential purposes”
- “within 5 [five] metres of any Intersection”
- “on a Sidewalk contiguous to a building in which business is being carried out by any person who sells goods of the same or of a similar nature to the goods being sold on such Sidewalk by the trader”

While section 10 of the by-laws stipulate that traders should ensure they leave “an unobstructed space for pedestrian traffic”, it also restricts traders from, amongst other things:

- sleeping “at the place where he or she carries on Informal Trading”
- erecting “any structure for the purpose of providing shelter”
- carrying on business in such a way as to “create a nuisance”
- creating “a traffic or health hazard, or health risk”
- interfering “with the ability of a person using a Sidewalk to view goods displayed behind a shop display window or obscure such goods from view”
- accumulating, dumping, storing, depositing, or causing or permitting to be accumulated, dumped, stored or deposited, any litter “on any land or premises

The by-laws are a restrictive deviation from the Businesses Act that they are meant to make operational. On the one hand, this departure represents the City’s more general move towards restrictive rather than enabling forms of informal trade management. On the other, it raises serious questions about the validity of the by-laws at all.

Superordinate legislation like the Businesses Act always takes precedence over subordinate legislation like the by-laws in similar matters, and those sections of by-laws that are in conflict with a national law on the same subject are invalid.

The case law in this regard suggests that the by-laws are in conflict with the Businesses Act and as such they are, by virtue of section 156(3)92 of the Constitution, invalid. In *Mackwickana v Ethekwini*, a case with many parallels to Operation Clean Sweep and the ongoing enforcement of the informal trading by-laws, for instance, the Durban High Court considered the Businesses Act 71 of 1991 and the eThekwini Municipality: Informal Trading By-law. The eThekwini Municipality had confiscated a trader’s goods for his failure to produce his trading license. He had a license but he could not present it. The trader

---

92 In terms of section 156(3) of the Constitution a by-law that conflicts with national or provincial legislation is invalid. If the inconsistency falls away, the by-law will not be revived.
sought damages for the goods impounded, but the by-laws prevented him claiming such damages.

The Court addressed the fact that the by-laws must comply with the Business Act and the Constitution. As the by-laws overstepped what the Business Act empowered them to do, the Court declared them invalid, concluding that the by-laws exceeded their mandate on several fronts. The Court however went further and found that the by-laws were in conflict with the constitutional rights to trade and access to court, and were discriminatory.

4.4 The place of informal trade in the City’s vision of inner city development

The gaps between the policy and practice of informal trade management, as well as the failure on the City’s part to consult meaningfully with informal traders, even in the light of a Constitutional Court judgment that has demanded it to do so, can both be traced to the more fundamental ways in which the City has misunderstood informal trade and correspondingly incorporated the people who make their livings from that trade in its vision of urban development.

The City has adopted an approach to street traders in which space, the built environment, physical amenities, and the ability of private business to utilise them effectively, are redeveloped at the expense of people’s capacities and livelihoods. Similar approaches elsewhere in the global south have been called the “aestheticisation of poverty”.\textsuperscript{93} It is an articulation of what Scott called ‘high modernism’: the search for rational order in aesthetic terms, the belief that an efficient city is one that looks regimented and orderly.\textsuperscript{94} Essentially, the city’s approach equates urban upgrading to aesthetic improvement rather than the improvement of livelihoods.\textsuperscript{95} The focus of aesthetics runs throughout other important Johannesburg policy documents addressing development such as the Informal Trading Policy and the Inner City Regeneration Charter.

The Informal Trading Policy of the city is clear that future spatial development should “focus on the gradual development of aesthetically inferior” informal trading spaces.\textsuperscript{96} The 2007 Inner City Regeneration Charter highlights the inability to address problems “that give rise to grimy and disorderly urban spaces”\textsuperscript{97} as a key issue facing the city. The same charter groups the poor management of street trading together with littering and illegal dumping of waste under the key issue of ‘waste management’. When Operation Clean Sweep was eventually proposed in 2012 one of the aims was to “finally change the face and aesthetics of the Inner City for the better”.\textsuperscript{98}


\textsuperscript{95} Roy, A. (2005).

\textsuperscript{96} COJ Informal Trading Policy.

\textsuperscript{97} City of Johannesburg Metropolitan Municipality (COJ). (July 2007). Inner City Regeneration Charter.

\textsuperscript{98} Office of the MMC. Report on the Status of the Inner City.
In this policy climate people are analogous with waste, the “clean sweep” of which, in the planning language of Operation Clean Sweep, will require a “new broom”.99 It also accounts for the otherwise irrational connection between the City wanting to stop unregistered trading and crime, but removing traders, including those who were registered, *en masse* during Operation Clean Sweep. This despite the City’s continued failure, as revealed time and again during the course of this research, to provide the infrastructure required to achieve the sort of aesthetic they so urgently want: access to water, sanitation and refuse removal, and litter bins.

Operation Clean Sweep may have been the most drastic expression of the City’s preoccupation with aesthetics in the development of the inner city, but it was not the first. The first action, associated with the Inner City Regeneration Charter, was as a week-long urban management “spring clean”, where trees were trimmed while unregistered traders were issued with fines and had their goods confiscated. The responsibility for the “urban decay” noted during the clean-up was allocated to informal traders, the homeless, and squatters.100

**Trade, traders and trade-offs: who sets the agenda?**

A concession lies at the heart of the City’s vision for the development of inner city Johannesburg and contributes directly to the way in which aesthetics and order have been privileged in the City’s approach at the expense of informal trade. A trade-off exists between people’s livelihoods and the concerns of formal businesses. The City has gone so far as to enshrine this trade off in its policy on informal trade, stating that,

> "while the needs of street traders to sustain a livelihood and explore and exploit future economic opportunities is [sic] very important, these needs cannot be met at the expense of the needs of commuters, pedestrians, formal businesses, residents, and other users of Inner City space for clean, safe and well organised public environment."101

According to the City, there are examples of successful upgrading in the inner city, and their success is an offshoot of this trade off. Braamfontein, for instance, an inner city district where the City and private businesses have successfully removed informal traders from the sidewalks, is an example of “what can be done if a concerted effort is made to ensure that the public environment is safe and walkable and dignified”. The City foregrounds a “sense of dignity and pride” which such spaces supposedly engender in inner city residents, along with how attractive they are for investment from the private sector, as reasons to aspire to these kinds of upgraded spaces.102

The City’s priority is for inner city development and management that is business friendly. The Inner City Regeneration Charter glows in its appreciation of the ways in which the private sector has responded to the challenges presented by the inner city. Considering

---

99 Ibid.
101 COJ Informal Trading Policy.
102 COJ Inner City Regeneration Charter.
the role that businesses and property owners play in the control of Central Improvement Districts at the expense of tenants and traders, it leaves little to the imagination when considering who sets the inner city development agenda:

“It is recognised that the private sector has responded positively to the situation by establishing City Improvement Districts (CIDs)... In areas where the private sector has proactively intervened, or where the City of Johannesburg and private sector players have been able to work in partnership, the urban environment tends to be much better managed and maintained. The challenge is to continue to support private sector efforts... while striving to bring the rest of the Inner City up to the same standard of urban management.”¹⁰³

¹⁰³ Ibid.
4.4 Misconceptions of ‘informality’ at the heart of approaches to informal trade

Alongside the aesthetic impulse in the City’s vision for inner city development, damaging binary conceptions of informality were at play during Operation Clean Sweep, and continue to shape the City of Johannesburg’s approach to informal trade and the inner city in general.

Informality, and the informal economy in particular, have been at the heart of development discourse since Keith Hart coined the term in the early 1970s, arguing that the masses living outside of wage labour in African cities were positively employed rather than ‘unemployed’\(^{104}\). The term has since been used toward various ends, most notably to describe deregulation and deproletarianisation in their various guises around the world. The World Bank and International Labour Organisation (ILO) welcomed the term, as evidence that the circumstance faced by (especially urban) poor people was not as desperate as previously believed. It was later championed as the embodiment of the ‘free market’ after structural adjustment policies had ravaged third world governments’ capacity for economic policy during the 1980s, because of its almost unique lack of any official regulation.

The term took its most notable shape in post-apartheid South Africa in former President Thabo Mbeki’s ‘two economies’ thesis, which first appeared in his post-Cabinet Lekgotla media briefing in July 2003. Mbeki posited that the South African economy was best understood as ‘dual’ in make-up, and that poverty in the country could be beaten if sturdy market-focused ladders are built between the second economy (an approximation of the informal economy, which supposedly describes “specific South African conditions”) and first economy (the formal economy), which are ‘structurally disconnected’:

[The first economy] is the modern industrial, mining, agricultural, financial, and services sector of our economy that, everyday, becomes ever more integrated in the global economy. Many of the major interventions made by our government over the years have sought to address this ‘first world economy’, to ensure that it develops in the right direction, at the right pace. It is clear that this sector of our economy has responded and continues to respond very well to all these interventions... The successes we have scored with regard to the first world economy’ also give us the possibility to attend to the problems posed by the ‘third world economy’, which exists side by side with the modern ‘first world economy’... Of central and strategic importance is the fact that they are structurally disconnected from our country’s ‘first world economy’\(^{105}\).


\(^{105}\) Mbeki, T. (2003). Steps to end the two nations divide. ANC Today 3, 33.
Since the advent of neoliberalism and the sweeping deregulation that characterised it, informality has become an economic norm. Indeed, Hart himself recently expressed that he does not “see much value in the concept [of the informal economy] anymore” in an economic climate where the global money circuit has become lawless and “national control over economic policy has been emasculated.” He has argued that “the informal economy does not exist in any empirical sense” and that it is “nominalism of the most haphazard sort to claim that the urban poor have an informal economy but their rich masters do not.”

Indeed, when in South African public administration discourse ‘informal economy’ can simultaneously refer to “black market”, “clandestine activities”, “community of the poor”, “family-enterprise sector”, “non-westernized sector”, “people’s economy”, or “unrecorded economic activities,” the analytical precision and efficacy of the term must be scrutinised. The formal/informal distinction is commonly taken to refer to size (large-scale/small-scale), productivity (high/low), and patterns of rewards (wages/self-employment). The logic of this conceptual dualism, which underpins many understandings of the informal economy, serves to perpetuate myths about the informal sector, for instance that it is low in productivity. It also disguises extensive formal and informal linkages.

Despite the critiques of the formal/informal binary, the ‘informal economy’ under the guise of ‘the second economy’ came to inform policy, perhaps most notably in the infrastructure-centric Accelerated and Shared Growth Initiative for South Africa (AsgiSA) launched in early 2006. While the state’s commitment to the dual economy thesis was expressed in the strategy in various ways, none was as distinct as the citation of credit as a ‘ladder’ between the two economies:

“One key mechanism is to use the leverage of the First Economy to address the Second Economy. There are two key examples in AsgiSA. The first is to leverage the increased levels of public expenditure, especially investment expenditure, to promote small businesses and broad-based empowerment addressing such issues as access to finance.”

Little has been done to move towards understandings of ‘the informal’ in policy terms that take into account underlying processes of poverty generation. Questions of why the formal economy cannot accommodate large sections of the population have not been critically explored.

AsgiSA became one of the driving strategies behind the City of Johannesburg’s ‘Joburg 2040 Growth and Development Strategy (GDS)’\textsuperscript{112}, and the 2007 “Informal Trading Policy for the City of Johannesburg” in turn adopted the dual economy approach almost verbatim. The policy claimed to “assist this sector and alleviate some of the challenges impeding the further development of this second economy” [emphasis added]\textsuperscript{113}, as well as outlining some of the City’s aims regarding informal trade, one of which was to “facilitate the migration of informal traders into the formal sector”\textsuperscript{114}. Coupled with its much vaunted goal of becoming a ‘world-class African city’, as set out in the GDS, the city’s approach to informal trade maintained the first world ‘models’/third world ‘problems’ dichotomy.

Some problems with the continuation of ‘the second economy’ as the conceptual backing for urban policy is that it locates informality and poverty (which become repeatedly conflated in these frameworks) in such a way as to suggest that they are caused by separation from global capitalism, or ‘the first economy’. This overlooks intricate links between informal and formal markets, some of which have been shown in the experiences of the traders with whom we spoke. These ranged from managers at a multi-national company securing a better working relationship between traders selling their products and the JMPD, to farmers overseeing the registration of traders before developing a supply relationship with them.

\textsuperscript{112} COJ Joburg 2040 Growth and Development Strategy, p. 13.
\textsuperscript{113} COJ Informal Trading Policy. Section 1.4.
\textsuperscript{114} Ibid. p. 4.
The conceptual residue of the second economy also tends to produce the idea of ‘migration’ in policy: enabling environments must be fostered in order that the poor might help themselves to move out of the informal economy. On the one hand, this revelry in self-help delegates the responsibility of poverty to the poor, and on the other muddies the function of the state, even rendering it unnecessary¹¹⁵.

Maintaining the informal/formal binary at the policy level, with the focus being placed on how the formal might be leveraged in order that a ‘bridge’¹¹⁶ might be established between the two which could ‘facilitate migration’ from the informal to the formal, severely limits the possible interventions that can be made. It does not take into account the shortcomings of the formal economy, nor does it make space for successes in the informal economy. The intersectoral relationship between formal and informal sources of employment is significant for models of economic development. In particular, the dynamism of the informal economy might be a crucial ingredient of economic transformation in some cases. This demands an appreciation of the economy not as a binary, but as an asymmetrical continuum characterized by unequal access. The severely limited access that informal traders have to adequate infrastructure and services in Johannesburg’s inner city, when compared to the access enjoyed by formal businesses, is a case in point.

¹¹⁶ See Peruvian economist Hernando de Soto’s “bridge-building” hypothesis in The Mystery of Capital in which there are echoes of the same binary conceptualisation, in his case applied to the property market.
Conclusion
The management of informal trade in the inner city is in disarray. Our investigation of existing regulatory practices shows that street trade regulation in Johannesburg is restrictive, inconsistent and enforcement-orientated rather than developmental or enabling.

The City is far from absent from street trade regulation (as the term “informal” frequently denotes) but its presence is characterised by inconsistency; strong on inspection and rent collection and weak on urban management and development planning. The enforcement approach combines with weaknesses in urban management and planning to contribute to the existence of a ‘bribe economy’.

MTC and JPC have failed respectively to successfully implement the City’s informal trade policy. Infrastructure and services remain non-existent in many traders’ daily experiences of making a living. The regulatory mechanisms, especially registration and verification, work for some but not for others. In many cases traders are forced into compliance without fully understanding them, while others refuse to comply outright. The MTC and JPC seem to have abandoned consultative endeavours with traders to focus on rent collection and site inspections. JMPD officers, who use their positions of power to harass traders for their own benefit, have filled the gap left by MTC and now JPC.

Our investigation into the lived experiences of street traders shows that street trade is durable, enduring and continuous, despite the City’s attempts to characterise and enforce informal trade as impermanent and transient. Informal traders work to establish permanence and forms of continuity in the inner city because their businesses depend on it: being near to key locations, or building a loyal customer base, or the predictability to customers of being in the same place. Relocations that neglect the importance of these kinds of permanence amount to “driving traders out of business.” And the scale of Operation Clean Sweep is nothing if not a “substantial number.”

Conceptualising street trade as “informal” reinforces the notion of a dual economy, ignoring linkages between the so-called formal and informal sectors that this study reveals and privileging an emphasis on “incorporation” or “migration” into the formal economy rather than tackling the systemic issues which underpin the terms of unequal access to the economy in the first place. The informal characterisation relegates street trade to an

illegal activity, contributing to commonly held perceptions that traders are themselves illegal and to their criminalisation, brutally demonstrated in Operation Clean Sweep.

Perhaps surprisingly, better management is preferential for street traders than the regulatory status quo. Where the regulatory devices set out in the Informal Trading Policy have been implemented, such as those registered traders who have received smart cards, traders identify that they are beneficial.

5.1 Better Management of Informal Trade

Our first conclusion is a direct response to what the Businesses Act requires: considerable scope exists for more effective supervision and control of informal trade in the City of Johannesburg. The findings indicate four practical areas for improvement on which the City should focus, before considering prohibition or restriction:

- Regulation mechanisms and instruments: the consistent and transparent use and application of smart cards and lease agreements in particular.
- Regulation authorities: beginning with addressing the widespread practice of bribery by the JMPD and more fundamental institutional reform of street trade management.
- Regulation processes and procedures: prior to taking the steps outlined in the Businesses Act, addressing the flaws in processes such as documentation and verification, confiscation of stock and the payment of rent and bribes.
- Infrastructure and services: improvements in management of the public environment including the provision of storage facilities and toilets, waste removal, and water access. Ironically, it is these improvements that would address the inner city “grime” for which Operation Clean Sweep criminalised traders. Urban infrastructure plays a significant role in supporting livelihoods amongst poor people trading on the street, not just in the formal sector.

5.2 Consequences of Prohibition and Restriction

The second conclusion concerns the negative impact that prohibition or restriction would have on informal traders and their businesses. Prohibiting or restricting street trade is likely to undermine the continuity and durability that characterises existing economic practices. These benefits are associated with traders having established themselves in one place over long periods of time. Prohibition and restriction will continue to create scarcity thereby reproducing “informality” and illegality. A further impact will be to undermine the social dimensions of making a living on which traders depend. Further, prohibition or restriction will be detrimental to the existing, positive attitude that traders have to management.
5.3 The Investigation Required by the Businesses Act

At the time of writing this report it became apparent that the City of Johannesburg was avoiding the investigation required of it by the Businesses Act by naming its planned intervention “designation” rather than “prohibition” or “restriction” during a workshop with representatives of different trader organisations. While working with trader organisations is an important component of the investigation that municipalities are required to undertake, it is insufficient. Direct engagement with traders on the streets of Johannesburg is an essential element of investigating the effect of restriction or prohibition on their livelihoods and businesses. The absence of this engagement means that the plans which the City is currently trying to implement still fail to consider whether more effective supervision and control might make the restriction or prohibition of trading unnecessary, and whether the intended restriction or prohibition will drive out of business a substantial number of traders.

Were the City to undertake this investigation it would, like any investigation, require that a series of activities be undertaken including a rational selection of respondents and careful sampling, the development of a questionnaire in consultation with trader organisations, contracting of fieldworkers, interviews in the field for a specified number of days and the synthesis and analysis of results. Aside from being legally required to do so, the City is eminently suited for and capable of undertaking this work.

The third conclusion is therefore that, were the City to conduct the investigation required of it by the Act, it would discover that it is not “inconvenient”118 to do so. Engagement with traders once the decision to restrict or prohibit has already been taken, even under the guise of designation, will not suffice. The City has yet to demonstrate that it is willing to engage directly with traders before considering restricting or prohibiting their trade. The law requires it to do so before it takes any other steps, including publishing a spatial plan indicating where restriction, prohibition or indeed designation will occur.

5.4 Policy Implications

The gap between policy and practice, explored in the various inconsistencies discussed in this report, must be addressed. For example, were it to fulfil the role it has set out for itself in its Informal Trading Policy, the City would oversee the implementation of infrastructure and services to informal traders in the inner city. In this way, the ‘grime’ on inner city streets, which conflicts with the City’s aesthetic inclinations in policy, could be addressed in a manner that does not criminalise traders.

However, aside from the scope for more effective management of informal trade and the gaps between policy and practice, deeper problems with both the City’s approach to and understanding of street trade exist. In particular, our study reveals that the “one-

118 The City argued in the Constitutional Court that not following the requirements of the Businesses Act had been “convenient”. See Evans, S. (2013). ‘Convenient’ to remove lawful traders in Op Clean Sweep. Mail and Guardian, and South African Informal Traders Forum and Others v City of Johannesburg and Others (SAITF); South African National Traders Retail Association v City of Johannesburg and Others [2014] ZACC 8.
trader-one-stall” model is not applicable in practice because it fails to take into account the intricate social networks and economic arrangements that characterise the reality of making a living from informal trade. Policies that rely on a model of individual traders operating single stands are inadequately positioned to address the needs of the people whose lived realities are constituted by these complex networks and arrangements.

In addition, the City’s stated need to “balance” the interests of street traders and “business” interests prioritises aesthetics and order above the steps it could take to promote more
equal terms for economic inclusion and livelihoods support that its policy documents intend to fulfil. It must overcome the traditional disregard of informality in planning, and include informal economic activity much more imaginatively than is currently the case. Parallels exist here with the housing sector, where informal settlement ‘eradication’ was eventually replaced with an ‘upgrading’ approach that began with a philosophical shift in the mindsets of officials and politicians about informality and played out into the development of a progressive programme and funding instrument, the Upgrading of Informal Settlements Programme.
Even on their own terms however, the policy frameworks are flawed because the binary conceptualisation of the economy that they contain leads to an implicit vision of ‘formalisation’ which means ‘incorporation into’ one sector and ‘migration out of’ the other. These fail to address the terms of unequal access to the economy that characterises street trade to begin with. One implication is that this version of regeneration recreates informality. For example, the absence of official recognition of succession practices means that family members who have inherited, or might temporarily be looking after trading sites, are unlawful. Another implication is that the dual economy assumption shuts down a more inclusive regeneration agenda, relegating the traders whose practices exist in the informal, irregular or extra-legal realm to being illegal themselves because they don’t ‘fit’ with the conceptualisation of ‘formal’ economic activity.

5.5 A World-Class African City?

The pursuit, seemingly at any cost, of orthodox policy ideas about the importance of being globally integrated, competitive, and ‘world-class’ must be more openly interrogated and widely debated. The rights to trade and to dignity and the development of livelihoods should be central to this discussion.

In Johannesburg being ‘world class’ equates with order, cleanliness, improvement to the aesthetics of the physical environment and participation in the economy that favours business interests over the livelihoods of street traders. Informal traders benefit from well maintained and clean working environments in the same way that formal businesses do. They are, however, criminalised for the waste on inner city streets, despite the City’s current services and infrastructure falling well short of its policy responsibilities. The City is not alone in this approach. Yet it need not be this way. An alternative vision is possible.

Perhaps the most compelling evidence in this study to support an alternative vision is that a restrictive approach to informal trade reproduces illegality because it creates scarcity. The City’s restrictive approach, which limits spaces in the inner city for informal traders, and continues in its latest ‘designation’ plans for informal traders, coupled with the fact that its regulatory mechanisms are currently in disarray, mean that the City is complicit in producing the kinds of unregistered trade which Operation Clean Sweep ostensibly set out to end. A more inclusive approach, one that starts with recognising traders whether they are licensed or not, will do more to contribute to inclusive regeneration than any interventions designed to create order or eradicate informality. This approach would also accommodate more equal access to the economy that an authentically world class African city must surely provide.

---

‘THE END OF THE STREET?’

Bibliography
Books and Chapters


Articles


‘THE END OF THE STREET?’


Research Reports


Media


Legislation and Policy Documents
City of Johannesburg Metropolitan Municipality. (July 2007). Inner City Regeneration Charter.
City of Johannesburg Metropolitan Municipality. (June 2009). Informal Trading Policy for the City of Johannesburg.
City of Johannesburg Metropolitan Municipality. (February 2013). Inner City Transformation Roadmap February.

Court documents
South African Informal Traders Forum and Others v City of Johannesburg and Others, High Court of South Africa, Case No. 43427 / 2013, Applicants Heads of Argument.

City of Johannesburg documents
City of Johannesburg Feasibility Study: Additional investigation into trader accommodation in the Johannesburg Inner City, presented 18 May 2015.
Annexure 1
Documentation of traders

<table>
<thead>
<tr>
<th>PLACE OF BUSINESS</th>
<th>TOTAL INTERVIEWED</th>
<th>FEMALE</th>
<th>MALE</th>
<th>SOUTH AFRICAN CITIZEN</th>
<th>FOREIGN NATIONAL</th>
<th>SMART CARD</th>
<th>SMARTCARD IRREGULARITY</th>
<th>LEASE AGREEMENT</th>
<th>PAY RENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL INTERVIEWED</td>
<td>89</td>
<td>45</td>
<td>44</td>
<td>56</td>
<td>33</td>
<td>47</td>
<td>10</td>
<td>34</td>
<td>52</td>
</tr>
<tr>
<td>SIDEWALK</td>
<td>53</td>
<td>30</td>
<td>23</td>
<td>34</td>
<td>19</td>
<td>33</td>
<td>9</td>
<td>23</td>
<td>39</td>
</tr>
<tr>
<td>LINEAR MARKET</td>
<td>18</td>
<td>10</td>
<td>8</td>
<td>12</td>
<td>6</td>
<td>12</td>
<td>1</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>JOUBERT PARK</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>UNREGISTERED</td>
<td>16</td>
<td>5</td>
<td>11</td>
<td>10</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>