

STREET TRADING IN THE CENTRAL BUSINESS DISTRICT OF CAPE TOWN 1864-2012: A STUDY OF STATE POLICIES

BY

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A thesis submitted in fulfillment of the requirements for the award of the Degree of Doctor of Philosophy in History in the Faculty of Arts, University of the Western Cape



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KEY WORDS

Hawkers

Informal Sector

Street Trading

Central Business District

Cape Town

Policy

City council

Apartheid

Democracy

Oral history



ABSTRACT

This thesis seeks to examine the making of official policies on street trading in Cape Town's city centre and the impact of such policies. It covers an extensive period from colonial times to the Union era and from apartheid to democracy. The local government and its role in controlling the trade is the centre of focus but the thesis also explores how the oral testimonies of street traders in the city centre contribute to our understanding of the activity as well as the impact of policy.

This thesis poses several questions. What influences policy? What is the impact of policy? Are there continuities or discontinuities in policy? How does one understand street trading and the impact of policy from the perspectives of street traders themselves? Given that there are significant studies of street trading in other municipalities, how does a history of street trading in Cape Town compare? Is there anything distinctive about Cape Town?

Several factors have influenced policy. These have been similar to other local authorities. These have been the desire to raise revenue for the city, to protect the interest of established businesses who feared competition from street traders, the city's desire to maintain a clean, beautiful and orderly city, as well as traffic and sanitation considerations. Like other local authorities, strategies have included: issuing licenses to street traders and the development and implementation of street trading regulations which either restricted or prohibited street trading. In contrast to studies of other cities, this thesis explores the practice of registration as a measure of control which nonetheless confers rights.

This thesis marks the 1980s as representing a decisive shift in policy from one characterized by the prosecution of street traders to a more sympathetic and supportive approach towards street traders. The post-apartheid context saw significant changes in policy motivated by the desire to

seek solutions to unemployment and poverty alleviation. Thus permanent stands for street traders in the city centre have been provided, traders have been involved in decision making and power has been devolved to associations. The latter practice has been significant in Cape Town.

This thesis has also found that out of the major South African cities, Cape Town comes after Johannesburg in having progressive street trader policies. This measure of progressive is seen in the number of street traders, in the provision of infrastructure such as stands and the encouragement of the sector. While the Cape Town city council has a developmental continuum plan which sees street trading leading to formal businesses, it has yet to put resources to further this.

Oral histories have been particularly useful in highlighting that street trading is not only the occupation of the urban poor. This thesis highlights individuals with skills and education and who see the sector as bearing many advantages. The thesis points to the sector as being differentiated. Further, the distinction between the formal and informal gets blurred in the contemporary era. This thesis highlights the hereditary nature of street trading in Cape Town thus challenging ideas of street trading as a transitory occupation. With regard to policy, interviews highlighted the negative impact of policy during apartheid. While traders see the advantages of the democratic era, they nonetheless argue too that the encouragement of the sector has seen an increase in the number of street traders but no significant increase in a customer base. There is thus some nostalgia for the pre-1994 years.

This study has allowed one to track continuity and discontinuity and to explore the idea of a progressive policy and to make comparisons with other cities drawing from official and oral sources.

DECLARATION

I, Fidelis Ebot Tabe, declare that, 'Street Trading in the Central Business District of Cape Town 1864 – 2012: A Study of State Policies' is my own work, that it has not been submitted for any degree or examination in any other university, and that all the sources I have used or quoted have been indicated and acknowledged by complete references.

Fidelis Ebot Tabe

Date: 24 November, 2014

Signed: _____



ACKNOWLEDGEMENTS

I would like to extend my heartfelt gratitude to a number of people and institutions without whose assistance this thesis would not have been completed. Special thanks to Professor L. Witz for proposing an idea which eventually crystallized into the topic of this thesis. Through his numerous research assistant opportunities, I was able to raise some finances which assisted my research.

I am heavily indebted to my supervisor, Professor Uma Dhupelia-Mesthrie for her contribution towards the completion of this thesis. Her knowledge and insight about the topic and her direction helped to shape my focus and the outcome of this research. Apart from being my supervisor, she also secured some funds to help with my research. I would like to once more thank her for the financial assistance.

I would also like to express appreciation for the support of the staff of the National Archive in Roeland Street Cape Town and the National Library in Cape Town where I did most of the research for this thesis. The staff of both institutions was of great help in providing the files and micro films used to gather information which form part of this research. I was amazed by the assistance I received from certain individuals whom I either did not take their names or forgot their names in the course of time.

My heartfelt appreciation also goes to the thirty-three people whom I interviewed in the course of my research. Emlyn Hammond and Richard Holdstock of the Business Areas Management Branch of the city of Cape Town were of great help in presenting the views of the administration with regard to street trading. They were more welcoming than I expected and I thank them for

being open and supportive of my research. I also want to thank Neil Engelbrect of The Passenger Rail Agency of South Africa for agreeing to speak to me about street trading on the station deck. Finally, I would like to extend my gratitude to the thirty street traders interviewed for this research. To those who went out of their way to make me feel comfortable during the interview, I will forever remain grateful to them for their support.



CONTENT

COVER PAGE.....	i
KEY WORDS.....	ii
ABSTRACT.....	iii
DECLARATION.....	v
ACKNOWLEDGEMENTS.....	vi
INTRODUCTION.....	1
CHAPTER ONE: STREET TRADING FROM 1864 TO 1947.....	31
CHAPTER TWO: STREET TRADING FROM 1948 TO 1993.....	77
CHAPTER THREE: DEMOCRACY AND STREET TRADING FROM 1994 TO 2012.....	118
CHAPTER FOUR: A VIEW FROM BELOW: PERSPECTIVES ON STREET TRADING..	167
CONCLUSION.....	202
BIBLIOGRAPHY.....	211



INTRODUCTION

A visitor to the Central Business District of Cape Town today would find street traders concentrated along Adderley Street, Darling Street, the Grand Parade, Lower Plein and Parliament Streets, the Station Deck, St. George's Mall, and Green Market Square. The street traders are made up of South Africans and people from many other nationalities. They sell products ranging from fruits and vegetables, shoes and clothing, bags, cosmetic products, sunglasses, caps, cell phone accessories, sweets and biscuits, cigarettes, plastic ware, food, jewellery, African art, curios, flowers to name just a few items. Among the street traders are also small service businesses like hairdressing stalls, barber shops and cell phone repair stalls.

Street trading in Cape Town dates back to more than a hundred and fifty years though the exact dates cannot be pinned down. The Central News Agency, for example, could not establish exactly, when people began selling periodical publications on the streets of Cape Town. It was alleged that the stands of the newspaper vendors had been handed down from father to son.¹ In relation to the selling of flowers in the streets of Cape Town, it is also not certain when this began, though on 26 October 2010, the flower sellers at Trafalgar Place in Adderley Street marked one hundred and fifty years of selling flowers there.² Official regulation of street trading dates to 1864, when Act 3 of 1864 (The Stamp Act) was passed to control and regulate street trading, businesses and the production and sale of stamps in the Colony of the Cape of Good Hope.³ This marked the beginning of many attempts to regulate the trade.

¹Western Cape Archive Depot (WCAD), The Record of the Town Clerk of Cape Town (3/CT), Vol. 4/1/11/407 file G18/49, Legislation and Regulation. Street Trading by Juveniles 1939-1965.

²M. E. Boehi, 'Being/Becoming the 'Cape Town Flower Sellers': The Botanical Complex, Flower Selling and Horticultures in Cape Town' (Unpublished MA Thesis, University of the Western Cape, December 2010), 83.

³*Statutes of the Cape of Good Hope 1864-1868* (Cape Town: Saul Solomon & CO., 1868), 5.

Lund *et al.*, place street trading as an activity that belongs to the informal economy.⁴ Cross has argued that attempts to define the informal economy have been difficult because the distinction between the formal, informal and even the illegal sectors may never be perfectly clear.⁵ Though Cross argues that the distinction between the formal and informal sectors is not clear, the Cape Town Informal Trading Policy and Management Framework of 2003, was very specific on what it termed the informal economy. It defined the informal economy as follows ‘The informal sector includes employees, employers, self-employed people or family business workers who work for private sector enterprises with 20 or less employees and in enterprises that are not registered or incorporated and do not keep a set of records separate from the household budget, do not make Unemployment Insurance deductions, the business is located on a street, open space or a market’.⁶

Marie Kirsten has divided the informal economy into four broad categories: trading and hawking, service and service industries, production and construction and, finally, ‘immoral’ activities. Within the trading and hawking category, she identified the following activities: street trading, shebeen operations and spaza shops.⁷ This thesis focuses on street trading as an occupation and not the entire broader informal economy. The Cape Town Informal Trading Policy and Management Framework also defined street trading as ‘the economic activity undertaken by entrepreneurs who sell legal goods and services within a space deemed to be public property, within the informal sector. This excludes any activity that is defined as illegal by

⁴ F. Lund, J. Nicholson and C. Skinner, *Street Trading* (School of Development Studies, University of Natal, Durban, 2000), 10.

⁵ J. C. Cross, ‘Street Vendors, Modernity and Post Modernity: Conflict and Compromise in the Global Economy’, *International Journal of Sociology and Social Policy*, 20, 1/2 (2000), 31-32.

⁶ City of Cape Town, *Informal Trading Policy and Management Framework*, Ukukhula Business Solution, July 2003, 4

⁷ M. Kirsten, ‘A Quantitative Assessment of the Informal Sector’ in E. Preston-Whyte and C. R. Rogerson (eds), *South Africa’s Informal Economy* (Cape Town: Oxford University Press, 1991), 153.

the national and/or provincial law'.⁸ Bromley has also provided a similar definition when he referred to street trading as the 'retail and wholesale trading of goods and services in streets and other related public places such as alley ways, avenues, and boulevards'.⁹ This thesis has focused on street trading as defined by both Bromley and the Cape Town city council. It focuses specifically on the sale of legal goods in the Cape Town city centre.

The South African story of street trading is marked by the desire of municipalities to bring street trading under control and to regulate it. Though municipalities have the responsibility to regulate street trading, their regulatory powers are exercised within national and/or provincial legislative provisions. The Cape Town municipality had to operate within different legislative authorities. Firstly, it operated within the legislative provisions of the government of the Colony of the Cape of Good Hope. Under the Union Government, the municipality operated within the legislative provisions of the Province of the Cape of Good Hope, and from 1991 onward, the national government became the authority that made provisions on how municipalities regulate street trading.

In March 2000, I arrived in South Africa from Cameroon. My move to South Africa and to Cape Town was motivated by a search for better economic opportunities. I first found employment at a laundry shop where I worked for two years. However, the working conditions were too difficult. I worked at night and the hours of work were very long between 5pm in the evening to 7am the following day. I then decided to move to street trading. Street trading gave me an opportunity to raise money to further my education. The flexible trading hours were an added advantage. In my experience as a street trader, I found that there was official discrimination of traders between

⁸City of Cape Town, *Informal Trading Policy and Management Framework*, 5.

⁹R. Bromley, 'Street Vending and Public Policy: A Global Review', *International Journal of Sociology and Social Policy*, 20, 1/2 (2000), 1.

those who were classified as historical traders and those who were new in the area. In terms of allocating trading bays in the upgraded Town Centre, in Mitchell's Plain, in 2010, the historical traders were given priority to choose where they would like to trade and were allocated bigger stands and in the best locations.

My personal experience as a street trader drew me to ask several questions about street trading in Cape Town. What attempts have there been to regulate street trading over time? What has the policy of the municipality been and how did it change? What impact has policy had on street traders? How does one understand street trading from the perspectives of legislators and the street traders themselves? While this thesis was motivated by a personal interest in the sector it was also spurred on by the fact that there has been very little written about street trading in Cape Town compared to other cities in South Africa. What follows is a review of literature on street trading in South African cities. However, mention is also made of select literature in other parts of the world. The literature review provides an opportunity to explore themes and research questions.

Literature Review: Themes and Research Questions

There is an extensive literature on street trading in various parts of the world. Some take a global perspective; others are focused on specific countries; while there is also a range of fairly local studies. South African scholarship deals with an extensive period from the 1900s to the post-apartheid era. I have grouped this literature into three main periods: those dealing with the earlier historical period from the 1900s to the 1970s; those that focus on de-regulation which is the period of the mid-1980s and the early 1990s; and those that focus on the democratic transition in South Africa. I have also drawn on an international literature that focuses on the contemporary

period. The literature highlights several themes such as, the reasons for and the influence of policy, reasons for taking to street trading, the importance of street trading, the concerns of interest groups, conflict between street traders, and conflict between street traders and local authorities. The literature review provides an account and analysis of what has been done by scholars.

Street Trading Between the 1900s and 1970s

In South African literature there has been a significant focus on policy and there are in depth historical studies of street trading in Johannesburg and Durban. As far as Johannesburg is concerned, Rogerson's work on street traders in Johannesburg is significant. His study focuses on policy and provides an analysis of reasons why street traders were harassed in Johannesburg and the methods used to get rid of them. He shows how numbers were reduced significantly. In the 1900s, there were about 2000 licensed hawkers in the city, but, by 1930, the number was reduced to less than 900. By 1977, during the apartheid era, the number dropped even further to only about 200 street traders.¹⁰ He argues that street traders were viewed as unsightly and unsanitary and not apt for a beautiful and modern city. Hawkers were also not wanted in the city because of the alleged competition with formal retail businesses. Hawkers were further associated with negative elements such as crime, dishonesty and litter, vices which did not befit a civilized city.¹¹ The mechanisms applied to control the presence of hawkers in the city were licensing requirements, the provision of fixed stands, the creation of prohibited areas and the requirement for constant mobility. Rogerson argued that 'the granting or withholding of a license was the prime mechanism through which the city council of Johannesburg sought to exert control

¹⁰ C. M. Rogerson, 'The Underdevelopment of the Informal Sector: Street Hawking in Johannesburg, South Africa', *Urban Geography*, Vol. 9, No. 6 (1988), 552.

¹¹ Rogerson, 'The Underdevelopment of the Informal Sector', 554-555.

on the population of street traders'.¹² It is worth asking the question does Rogerson's account and analysis resonate for Cape Town. In the context of Cape Town what controls were adopted and what interests prevailed? What was the local authority's vision for a modern city.

The conflict between street traders and local authorities is a major theme in the history of street trading in South Africa. Tomaselli's work on flower sellers in Johannesburg between 1900 and 1980, highlights such conflicts. Her study points to the Johannesburg city council as representing the interests of established business and as revealing a strong bias against street traders, a characteristic of most local authorities. She found that flower sellers were in a better position compared to other street traders, because they were not in direct competition with shops and flowers were beautiful and added colour and beauty to the city.¹³ What we have here in Tomaselli's analysis is a differentiation between different types of street traders and what they sold thus also influenced perceptions about them. Flower sellers, unlike Rogerson's street traders were not associated with filth. Coffee cart traders in Johannesburg, as Beavon and Rogerson, have shown for the 1930s and 1970s, were seen by the local authority as a public health nuisance.¹⁴ Several attempts were made by the city council to eliminate the traders but failed because the traders fought the council in the Supreme Court to prevent their elimination and most of the cases that were taken to court were decided in favour of the street traders. However, the traders could not prevent their eventual displacement. The end came in 1965 when the city council, with the backing of the Supreme Court, stopped renewing their licenses.¹⁵

¹² *Ibid*, 552.

¹³ R. Tomaselli, 'Indian Flower Sellers of Johannesburg: A History of People on the Street' In B. Bozzoli, *Town and Countryside in the Transvaal: Capitalist Penetration and Popular Response* (Jahannesburg, Raven Press, 1983), 215-220.

¹⁴ K.S.O. Beavon and C. M. Rogerson, 'The Council vs the Common People', 208-214.

¹⁵ *Ibid*.

Beavon and Rogerson also pointed to confrontation between flower sellers and the city council over the allocation of fixed stands. In the 1950s, the municipal council used the lottery system to allocate the limited number of stands to traders on a monthly basis. In the lottery system, the names of traders were put in a container and shuffled. Those whose names were selected from the container were given the stands. In the 1970s, the system of allocating stands was changed to a tender system. In the tender system, those who offered the highest amount of money were given the stands. This new system brought the council authorities and the community of traders into serious conflict. Conflict arose because the system favoured the more affluent street traders. They argued that the move by the municipal authority to eliminate traders from the streets was, for the most part, influenced by the complaints from respectable white citizens of the city who believed that street traders enjoyed unfair economic advantages.¹⁶ This argument is very significant as it explains a major reason why local authorities sought to prevent street trading. Studies of street trading in Cape Town, Durban, Maseru, the Transkei and the United Kingdom, have made similar arguments, as we shall see later.

Coco Cachalia provides us with a history of street trading by drawing on oral histories of street traders. She discusses how former Indian indentured plantation labourers on the sugar plantations in Natal, who later moved to Johannesburg in the later years of the nineteenth century, became street traders in Johannesburg. Drawing on oral evidence, her study, which focused primarily on the apartheid years, illuminated the conditions of trade for the hawkers, and the particular social conditions that existed for them. She confirmed that Indian hawkers in Johannesburg were amongst the poorest section of the Indian community. She argued further that though the

¹⁶*Ibid.*, 214.

hawkers' living conditions were poor, there were possibilities for social growth from street trading.¹⁷

Goolam Vahed has done pioneering historical work on the history of Indian flower sellers and hawkers of fruit and vegetables who operated on the streets of Durban during the first half of the twentieth century. His study focuses on the policy of the Durban city council towards street traders. He maintained that the activities of Indian street traders were regarded as a public health nuisance by the local authorities as they accused the traders of causing traffic congestion. As a result, the council authorities made efforts to restrict or even to eliminate their activities. Vahed posited that state policy on street trading in Durban moved from partial tolerance to suppression. He argued that a critical element that influenced official policy toward street trading was the complaints of unfair competition from licensed traders who were mainly whites.¹⁸

Vahed additionally, offers something new, pointing to street traders themselves. This arose at the Victoria Street Early Morning Squatters Market in Durban, started in 1910. Vahed argues that the market was an arena of struggle between Indians as well as between Indians and whites. The market highlighted the acute tensions and class differences between Indian traders, farmers and street traders.¹⁹

Melanie Boehi's MA thesis is one of the works that focuses on an earlier historical period in Cape Town. Though her thesis focuses more on the symbolic meanings and the social practices which are attached to flowers than with the economic and administrative aspects of flower selling, the thesis nonetheless points to policy in relation to the conservation of wild flowers. Her

¹⁷ C. Cachalia, *From Survival to Defiance 1940 -1980. Oral History Series No. 2* (Johannesburg, South African Institute of Race Relations, 1983), 7-30.

¹⁸ G. H. Vahed, 'Control and Repression', 1- 14.

¹⁹ G. H. Vahed, 'A Public Health Nuisance: The Victoria Street Early Morning Squatters Market, 1910-1934', *South African Historical Journal*, Vol. 40 (1999), 130-149.

thesis points to opposition to flower selling especially from conservationists who viewed the trade in the light of the 'destruction of the flora'.²⁰ In order to protect wild flowers, a number of protection laws were introduced. Boehi argues that flower sellers were treated differently from other street traders and did not fall under the regulation that governed the latter.²¹

This review of the literature on street trading in the period between 1900 and 1970 points to a number of things. In comparison to Durban and Johannesburg, there is nothing comparable written about Cape Town. The literature raises questions about interest groups that can influence the policy of local authorities, but there are other considerations such as sanitation, health, crime, traffic and the shape of a modern city. The literature highlights different types of street traders who evoked different responses. Many forms of controls are introduced. Race raises its head in Durban. These issues are worth bearing in mind in a consideration of Cape Town. To what extent does Cape Town's policy towards street traders bear similarities or does it follow a different trajectory? Cachalia's work also points to understanding street trading from the perspectives of street traders themselves. This study seeks to do both: focus on policy as well as how traders are impacted by this by seeking an understanding of street trading from traders themselves.

The Period of De-Regulation, 1980s to 1990s

We move next to the second period identified namely the period of de-regulation between the 1980s and 1990s. J. N. Nduma's MA thesis which focuses on the Transkei in the 1970s and 1980s, highlights the importance of street trading to the economy. She pointed to street trading being a vital component of the Transkeian local economy and its significance for the poorest households. Her work significantly points to hawking as a stable rather than a transitory

²⁰M. E. Boehi, 'Being/Becoming the 'Cape Town Flower Sellers', 18.

²¹*Ibid.*, 18-33.

occupation, for many hawkers remained in the trade for long periods.²² She highlighted the importance of street trading in providing employment for the urban poor. She argues that street trading has the potential to promote both economic and social growth for the urban poor even though not every street trader is likely to experience these advantages.²³

Dewar *et al*, undertook a review of the management of informal sector activities in Cape Town in 1989 and made policy proposals. They pointed out that before 1985 the official attitude towards street traders was to control and restrict street trading to a manageable level. After 1987, though, policy shifted to the promotion of street trading.²⁴ In terms of the management of street trading, they used the example of Green Market Square, which was under private control, to suggest the privatization of urban markets. They also advised that the traffic and health departments should continue to perform the role of inspectors, but the administration should shift from enforcement to a positive management style.²⁵

Zimitri Erasmus examined informal sector activities in Site C in Khayelitsha, Mitchell's Plain, Athlone and Grassy Park in Cape Town in the 1990s. She focused on the growth potential of particular informal enterprises and the possibilities for transition to formal enterprises. She examined small clothing manufacturing firms in the Cape Flats and the operation of retail and service business in Khayelitsha. Her study suggested that informal activities in fixed abodes were

²² J. N. Nduma, 'Street Trading in Transkei's Major Urban Areas' (Unpublished M. A. thesis, University of the Witwatersrand, Johannesburg, 1992), 82- 121.

²³ *Ibid.*

²⁴ D. Dewar, C. Postlethwayt and V. Watson, 'Proposal for the Management and Administration of the Informal Sector at the Local Authority Level: The Case of Cape Town City Council' (Urban Problem Research Unit, Working Paper No. 41, University of Cape Town, March 1990), 7.

²⁵ *Ibid.*, 22.

just as much a survival strategy as street trading. The study further showed that for most of the operators, the activity was a refuge and only a select few showed potential for growth.²⁶

Nesvag's work focuses on the deregulation of street trading in Durban between the mid-1980s and the mid-1990s. He indicated that there were very few street traders in Durban between the 1940s and 1970s because of a highly repressive street trading policy. Those who dared to trade were very desperate and were mainly African women and a few Indians who were trading in front of shops in Grey Street. Street traders were scared to venture into the city centre because they were constantly harassed by city officials in the form of arrests, confiscations and fines.²⁷

Due to economic, social and political pressures on both national and local government in South Africa, a slow process of deregulation for the informal sector was initiated in the mid 1980s. This saw a flood of street traders into urban areas in South Africa. Nesvag stated that in 1984, there were only about 200 street traders in Durban. Thirteen years later in 1997, the number had increased to almost 20 000.²⁸ He also pointed to the importance of street trading. While local authorities may view street traders as a source of crime and social problems in the city, Nesvag argued that street trading could provide a solution to the problems of unemployment, crime and other social problems. He argues, further that, by providing jobs to the unemployed and by providing a wide range of goods at very low prices to the urban poor, street traders play important roles in alleviating the plight of the urban poor.²⁹

Francie Lund, Julian Nicholson and Caroline Skinner who examined the livelihood of street traders in Durban in the 1980s and 1990s focused on the reasons why people turn to street

²⁶Z. Erasmus, *Unregulated Economic Activity in the Cape Peninsula, South Africa* (Geneva, International Labour Office, 1992), 5- 113.

²⁷ S. I. Nesvag, 'Street Trading from Apartheid to Post-Apartheid: More Birds in the Cornfield?', *International Journal of Sociology and Social Policy*, Vol.20, No.3 (2000), 42.

²⁸*Ibid.*, 34.

²⁹*Ibid.*

trading. They argued that the main reasons why people got involved in the informal sector were retrenchment, shortage of jobs in the formal economy and the lack of skills to find employment in the formal sector. They noted that some traders were wealthy and dealt in luxury goods and others were poor. The majority of the poor street traders were reported to be women.³⁰

Timothy Mosdell explores the impact of the deregulation of street trading on the street traders of Retief Street in Pietermaritzburg's CBD between the late 1980s and the 1990s. Many of the restrictive laws controlling the informal sector were amended. He argues that 'the system of control had changed from a highly regulated system backed up by heavy-handed police action, to one of indirect control within which street traders are given the responsibility to control themselves'. Mosdell argues that despite the easing of restriction on traders, many regulations continued to exist. What changed was simply the machinery for enforcing them.³¹ Enforcement, in other words, was not as effective as it was in the 1970s.

This thesis which covers an extensive period also highlights the period of de-regulation common to other cities. What form did de-regulation take in Cape Town and what restrictions and controls remained? The literature is suggestive of the importance of street trading for the urban poor. These are issues that will be addressed. However, one must consider, is street trading only of relevance to the urban poor? This thesis suggests otherwise by pointing to street traders with skills and education and in some cases even with means.

³⁰ F. Lund, J. Nicholson and C. Skinner, *Street Trading* (School of Development Studies, University of Natal, Durban, 2000), 10- 68.

³¹ T. Mosdell, ' Power, Patronage and Control: Ambiguities in the Deregulation of Street Trading in Pietermaritzburg' in Preston-Whyte and Rogerson, *South Africa's informal Economy*, 326-331.

Street Trading in the Democratic Era

Another focus in the South African literature has been the importance of the democratic transition on street trading. Rogerson's analysis of the post-apartheid era points to the impact that the shift from apartheid to a democratic political environment had on informal sector activities. From 200-250 hawkers in the 1970s in Gauteng the number soared to 15 000 by the late 1990s. This surge was attributed to the new policy environment which for the first time in South Africa's history saw the administration actually in support of emerging black-owned small enterprises and survivalist enterprises.³²

J. Cohen's work on street traders in Johannesburg in 2010, identified unemployment and poverty as the main reasons why people became street traders. Cohen found that street traders usually made a comparison between being unemployed and the more viable option of being a street trader. She points to the startup capital for a street trader as being very small with most borrowing the money from friends and family. Though most traders started very small by selling low-cost items like cigarettes and sweets there was room for growth. Some moved from selling low-cost items to higher-profit items like shoes and clothing. Cohen also highlighted some challenges that street traders face. She argues that low profit levels, stiff competition and large variation in sales are the main challenges facing street traders.³³ Weather conditions, lack of capital and storage facilities are some of the other challenges that street traders face.

Stephen Holness *et al*, explored the impact that the new democratic policy environment in South Africa had on street trading in the Central Business District of East London. The shift in the

³² C. M. Rogerson, 'Emerging from Apartheid's Shadow: South Africa's Informal Economy', *Journal of International Affairs*, Vol. 53, No. 2 (2002), 676- 689.

³³J. Cohen, 'How the Global Economic Crisis Reaches Marginalized Workers: The Case of Street Traders in Johannesburg', *Gender and Development*, Vol.18, No.2, July (2010), 280.

response of urban authorities and the national government from an attitude that focused on the eradication of street trading to a far more tolerant approach to the sector encouraged the mushrooming of activities within the CBDs which, under apartheid, were the exclusive domain of white enterprise. As a result, tens of thousands of people became involved in a largely legitimate form of livelihood which under apartheid was regarded as unsightly, a significant health hazard and an inappropriate element within an 'orderly urban environment'.³⁴

In comparison to studies which focus on one city only Skinner's study is broad ranging. She examines five South African cities (Cape Town, Johannesburg, Pretoria, Durban and East London) in the democratic era. She makes particular arguments about Cape Town. She found that street trading in Cape Town was different from the other cities in that it had more markets for street traders and that street trading was more lucrative in Cape Town. She also pointed out that trader organizations were better organized in Cape Town than in the other cities, and, in certain areas, the city council had surrendered its powers of control to traders' associations. She argued that the transfer of administrative responsibilities to traders' associations could lead to the discrimination of poorer traders by the more affluent traders.³⁵

Nina Hunter and Caroline Skinner have highlighted the influx of foreign street traders in the city centre of Durban in post- apartheid South Africa. The presence of foreign street traders has often resulted in conflicts between them and their South African counterparts. They suggested that this is a result of competition over trading space and over the trade itself. They argued that foreign street traders seem to have an edge over their South African counterparts in progressing to more

³⁴ S. Holness, E. Nel, T. Binns, 'The Changing Nature of Informal Street Trading in Post-Apartheid South Africa: The Case of East London's Central Business District', *Urban Forum*, Vol.10, No.2 (1999), 285- 289.

³⁵ C. Skinner, *Local Government in Transition: A Gendered Analysis of Trends in Urban Policy and Practice Regarding Street Trading in Five South African Cities* (School of Development Studies, Research Report No. 18, University of Natal, 1999), 12-13.

lucrative economic activities. They also argued that despite the fact that the local government has been able to settle the conflicts between local and foreign street traders whenever they occurred, a major unresolved issue is the Durban city council's refusal to grant trading sites to foreign street traders in the city centre because it is sensitive to the reaction of local traders.³⁶

E. J. Popke's and R. Ballard's study highlights the negative representation of street trading in Durban by other interest groups. They pointed out that the 1990s experienced dramatic social and spatial changes in the major metropolitan areas of South Africa. The most visible change in the spatial organization of Durban city centre was the dramatic influx of informal street traders. This influx of street traders attracted negative representation from some quarters of the city. They attributed the negative representation of street traders to the collapse of apartheid which saw people who were prevented from the city centre taking up trading positions in the area.³⁷

A further study by Skinner focused on Durban where there had been a significant growth in street traders in the post-apartheid era. The 1997 census found 19 301 street traders in Durban, of which over 10 000 were operating in the city centre.³⁸ In terms of incorporating informal trading into urban planning, Durban presented a good example in view of the provision of infrastructure for street traders in Warwick Junction in the inner city, as well as in other areas outside the inner city like KwaMashu, Umlazi, Phoenix and Chatsworth. Skinner's comparison of infrastructural development provided for street traders by Durban, Cape Town, Johannesburg and Pretoria, points to Durban as having allocated more resources than any other city to the development of

³⁶ N. Hunter and C. Skinner, 'Foreign Street Traders Working in Inner City Durban: Local Government Policy Challenges', *Urban Forum*, Vol. 14, No. 4, October-December (2003), 301-313.

³⁷ E. J. Popke and R. Ballard, 'Dislocating Modernity: Identity, Space and Representations of Street Trading in Durban', *Geoforum*, Vol.35, No.1 (January 2004), 2-10.

³⁸ C. Skinner, 'The Struggle for the Streets: Processes of Exclusion and Inclusion of Street Traders in Durban', *South Africa' Development Southern Africa*, Vol.25, No.2, June (2008), 229.

street traders.³⁹ Yet street trading would not remain unrestricted. Skinner points to a shift in 2004 in the Durban city council's approach towards street traders. This time, the city council only licensed 875 street traders to trade in the city centre. She concluded that although the licenses to street traders in the city centre were subsequently increased, street traders have continuously been harassed.⁴⁰

Lubna Nadvi discusses the struggle between the Durban city council and the Early Morning Market Traders' Association over a plan by the municipality to transform the market into a mall. It all began in 2009 when the municipality made its plan known to the traders. The traders' association held a series of meetings with the municipality in which they objected to the municipality's plans, but the latter remained steadfast. The municipality decided to resort to brute force to intimidate the traders to leave the market. The high-handed treatment of the traders by the municipality was resented by the general public which saw academics, trade unions and religious groups campaigning against the destruction of the market. The traders also sought the support of African National Congress and the Minority Front party which pledged to support the struggle to save the market. The resilience of the traders together with the support of civil society groups and political parties has been able to put on hold the plans to destroy the market, at least for about five years since the announcement in 2009.⁴¹

From the above account of street trading in the democratic era the major issues seem to be the dramatic increase in street traders in the cities, the addition of a new element in the form of foreign street traders and the role of traders' associations in managing street traders' affairs.

³⁹ *Ibid.*, 233.

⁴⁰ *Ibid.*, 238.

⁴¹ L. Nadvi, 'The Legacy of Indentured Indians in South Africa: The Politics of Saving the Early Morning Market In Durban', in S. Patel and T. Uys (eds), *Contemporary India and South Africa: Legacy, Identity, Dilemma* (London, New York, New Delhi: Routledge, Taylor and Francis Group, 2012), 97-105.

Although the environment is conducive to street trading, there are still many policies and decisions which can have an adverse effect on street trading. This thesis seeks to explore these issues in relation to Cape Town. While Skinner has done significant work on Cape Town, there is an opportunity to explore further the whole development of traders' associations and the implications of the policy of devolving responsibility to traders' associations. Further, one seeks to explore to what extent relations between street traders and city council are conflictual as a result of policy. How does the presence of foreign street traders affect policy and South African street traders in Cape Town?

Street Trading in Other Countries

There are contemporary studies of street trading in other countries which also highlight reasons why people turn to street trading, the influence of policy and the importance of street trading. Setsabi and Leduka gave two reasons for the growing interest in street trading in Lesotho in 2008. They cited the inability of the formal sector to create jobs for the ever increasing number of job seekers as a result of the economic crisis of the 1980s and 1990s. They also pointed out that some people turned to street trading as a means of supplementing their meager incomes from the formal sector. They noted that 65 percent of those who were street traders in Maseru were also involved in casual or piece work such as gardening, brewing, construction, factory work, and even domestic work.⁴²

Bhowmik's article, which focused on street trading in India in 2003, highlighted three reasons why people took to street trading. He cited the lack of skills to get jobs in the formal sector, the lack of employment opportunities in the formal sector, and a high rate of unemployment caused

⁴² S. Setsabi, R. C. Leduka, 'The Politics of Street Trading in Maseru', Lesotho, *Urban Forum*, 19, (2008), 221-241.

by the closure of textile and engineering firms in Mumbai, Kolkata and Ahmedabad. Bhowmik also highlighted the importance of street trading to the economy. He argued that street trading creates employment, and went further to state that the employment created from street trading is not limited to those who trade on the streets, but it includes employment in all those home-based industries that are sustained by street traders.⁴³

Aquilar also identified three reasons why people became street traders in Metro Manila in the Philippines in 1989. These were the lack of skills to find work in the formal sector, the need to augment incomes due to low wages in the formal sector, and unfavourable working conditions in the formal sector. While people left the formal sector due to poor working conditions, street trading offered them the advantage of flexible working hours, and the benefit of having an income on a daily basis. He argues that street trading is a lucrative activity and most owners of street trading businesses earn incomes that are better than the legal minimum wage.⁴⁴ While the lack of skills seems to run through the literature on street trading as one of the major reasons for street trading, Aquilar has presented street trading as a lucrative business which tends to lure people into the activity.

Cross presented a global perspective on street trading in 2000. In a response to the accusation by owners of formal businesses in Hong Kong that, people turn to street trading because they are lazy, Cross argued that street traders are not lazy and the reason they chose street trading is because they believed that they could earn more from the streets than from formal employment.⁴⁵

Cross's argument resonates with the argument by Aquilar that people turn to street trading

⁴³ S. K. Bhowmik, 'Urban Responses to Street Trading: India', www.Wiego.org. Accessed 11 March, 2014, 1-17.

⁴⁴ F. V. Aquilar, 'Curbside Capitalism: The Social Relations of Street Trading in Metro Manila' www.jstor.org. Accessed 17 March 2014, 6-25.

⁴⁵ Cross, 'Street Vendors, Modernity and Post Modernity', 41-45.

because it is a lucrative activity. This presents a different understanding of the reasons why people turn to street trading.

A major theme, as in the South African literature, is policy and what influences policy. Jones *et al.*, highlighted in 2003 that, though street trading has a long history in the United Kingdom, it remained marginal and small because of oppressive regulations. They pointed out that in Cheltenham Borough Council for example, street traders were not allowed in the city centre. The council only permitted street trading 'at areas which provided links between districts areas within the town centre'.⁴⁶ In Tewkesburg, if a street trader was within 250 meters from a shop which sold similar goods, the municipality would only allow the street trader to trade for two days a week. These rules were meant to protect formal businesses against competition from street traders.⁴⁷ Jones *et al.*, pointed out that apart from the desire to protect formal businesses, there were other factors that influenced local government policy toward street trading. Such factors included the need to maintain public safety, to avoid nuisance, and to prevent crime and disorder which were associated with street trading. They argued that the regulations governing street trading in the United Kingdom were in favour of established businesses rather than in support of street traders.⁴⁸

Donovan examined street trading in Bogota in Colombia between 1988 and 2003. He pointed out that even though street trading is one of the most visible occupations in developing countries, the presence of such traders is viewed with ambiguity. They are accused of causing congestion to both pedestrian and vehicle traffic, and for bringing dirt and crime to the city. As a result of these

⁴⁶ P. Jones, D. Comfort, D. Hillier, 'Managing the Geography of Street Trading in the UK: A Case Study of Local Authority Regulation', *Management Research News*, 26, 6 (2003), 23.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*, 26-29.

ills, local governments had been taking drastic measures such as relocation and bans to remove street traders from the street. Donovan pointed out that between 1988 and 2003, successive mayors in Bogota, implemented a series of public space recovery campaigns and recovered over a million square meters of space on which 1500 parks were either constructed or rehabilitated, and 40 enclosed markets built with stalls for 5 000 street traders.⁴⁹

The importance of street trading to the urban poor has been discussed by Bromley who examined street trading generally. He pointed out that a minority of street traders make incomes that could be compared with those of successful shopkeepers and career professionals, while most of the traders earn low incomes comparable to those of unskilled manual labour. Bromley argues that the complaints against street trading usually come from big business and urban elites who accuse street traders of unfair competition with established businesses, and of being an unsightly nuisance, a source of disorder, congestion and crime.⁵⁰

From the above, we can see that the main themes raised by histories of street trading have focused on reasons why people take to street trading, on policy and what influences policy, the importance of street trading to the economy and the relationship between street traders and local authorities that control the trade, a relationship that has been described as one of constant conflict. The literature has highlighted the view that street traders were removed from the streets on the guise of bringing crime and disorder in the city centres. This view is debatable because it has also been shown that street trading can actually provide a solution to the problem of crime and disorder as well as providing solutions to other problems faced by the urban poor. In addition, they point to how street traders were opposed by other economic interest groups such as

⁴⁹ M.G. Donovan, 'Informal Cities and the Contestation of Public Space: The Case Of Bogota's Street Vendors, 1988-2003', *Urban Studies*, Vol. 4, No. 5 (2008), 29-51.

⁵⁰ Bromley, 'Street Vending and Public Policy', 2-18.

owners of shops. The different means that street traders utilized to prevent urban authorities from removing them from the streets have been highlighted. However, contemporary studies point to improvements in the relations between street traders and urban authorities in some countries due to changes in policy. Street trading has also been presented as a source of employment and a source of cheap goods for the urban poor. Research in South Africa has tended to interrogate policies that were passed to control street trading, and the importance of the shift from the apartheid policy environment to the democratic political dispensation. In addition, the presence of foreign street traders and the tensions this produces has been highlighted.

The literature on street trading in other parts of the world and in particular in the developing countries, has presented some perspectives that have not been highlighted in the literature on street trading in South Africa. Cross and Aquilar have shown it to be a lucrative activity. The economic potential of street trading has caused street traders in countries like India, the Philippines and Colombia to resort to bribing local government officials in order to stay in business.⁵¹ Most studies of street trading have shown how it is a major source of employment for the urban poor. This thesis will explore the relevance of these perspectives to street trading in Cape Town.

This study seeks to provide a survey of the policies of the city of Cape Town for an extensive period from 1864 to 2012. It commences in 1864 because that was when the first official legislation to control street trading was passed. It ends in 2012 for that was when the last interviews were conducted. In contrast to the literature surveyed above, this study provides the opportunity to explore continuity and discontinuity in policy over time. This thesis uses the

⁵¹Bhowmik, 'Urban Responses to Street Trading', 5, Aquilar, 'Curbside Capitalism', 24, Donovan, 'Informal Cities and the Contestation of Public Space', 34.

concept progressive to understand policy and impact. It provides examples of what progressive policy may be. In addition, one glaring absence in the above literature is a focus on the registration of street traders as a policy of control. Keith Breckenridge and Simon Szreter have highlighted registration as a subject of importance.⁵² This thesis then looks at issues from the local authority's perspective of how registration is linked to control and the form of registration.

While this thesis is primarily about policy, through oral interviews one is provided with a sense of what it means to be a street trader and how policy affects business. Additionally, while many of the street traders speak about recent years, they provide important family histories and their reasons for taking to street trading. Interviews throw light on work conditions and allow one to discuss whether street trading is just a survival activity of the urban poor or whether it is a step towards growth and economic mobility.

The central questions the thesis seeks to answer revolve around policy. This thesis poses several questions. What influences it? Are there continuities or discontinuities? What is the impact on street traders? Furthermore, given that there are significant studies of other municipalities, how does a history of street trading policies in Cape Town compare? Is there anything distinctive about Cape Town?

Research Methodology

The dominant sources used in this thesis have been archival sources, newspaper articles, oral interviews and secondary sources. The archival records available at the Western Cape Archives Depot contain useful information on street trading activities in Cape Town, street trading by-laws

⁵² S. Szreter, K. Breckenridge, 'Registration and Recognition: The Infrastructure of Personhood in World History' in K. Breckenridge and S. Szreter (eds), *Registration and Recognition: Documenting the Person in World History* (Oxford: Oxford University Press, 2012), 11-13.

and policies, the complaints by big business, traffic department, and members of the public about the nuisance caused by street traders in the city. The main series consulted were the Provincial Administration Secretarial Records (PAS), the Cape Town Magistrate Records (1/CT), the records of the Cape Town Clerk (3/CT), and the records of the Treasury Department (T).

C. Hamilton *et al*, have argued that the archive is not an institution that passively preserves information. Rather, it is the authority that determines what can be said and what cannot be said.⁵³ The process of archiving involves the active selection and preservation of information. In the process of selection and preservation, there is a deliberate exclusion of information. They suggest that oral history is often used to overcome the biases of official records because it is able to provide information about the past through a different record-keeping process.⁵⁴ This thesis approaches the archive with the knowledge that it allows us to access only what was important to the state. The archive frustrates in its hints and traces of the past. For instance, there were traces of the National Hawkers' Association in the 1920s and 1930s, but there is no further information about the profile of the association. Oral interviews cannot shed more light on such traces given that they were more about the 1990s and thereafter.

There are a number of articles that dealt with street trading and complaints about the activity in Cape Town in the *Cape Argus* and *Cape Times*. In addition, there are news clippings under the title which are available in the National Library of South Africa. These news clippings were important in pointing to how street trading featured in the media at the time and what controversies emerged. As the thesis covers a very long period, select years were examined.

⁵³ C. Hamilton, V. Harris, G. Reid, 'Introduction' In C. Hamilton *et al*, (eds), *Refiguring the Archive* (Cape Town: David Philip, 2002), 9-12.

⁵⁴ *Ibid*.

Interviews were conducted with 30 street traders on the Parade, Station Deck, lower Parliament and Plain Streets, Adderley Street, Darling Street and Trafalgar Place between Adderley Street and lower Parliament Street, Castle Street, St George's Mall and Green Market Square in order to record the views of traders on their interaction with the Cape Town city council and how policy impacted on them. They provided accounts of their journeys to street trading and much information about the period from the 1990s to 2012. Of the 30 street traders interviewed, twenty were South Africans and ten were foreign nationals. There were nineteen male and eleven female traders. To identify potential interviewees, I first visited the different trading areas in the city centre. During this visit, I introduced myself and my mission to more than 50 street traders in the city centre. Interviewees were chosen at random and some interviewees recommended others. The impression received was that the traders were ready to speak to me on the first visit but I was not ready because I had planned for the interviews to start in the next meeting. The majority of the traders visited accepted my request to interview them. There were some who refused to be interviewed.

Some of those who initially agreed to the interview later refused to take part. Some first asked to see the questions. When they saw the questions, they refused to continue with the interview and no reasons were given for the change of mind. South Africans were more willing to be interviewed than their foreign counterparts. Many foreign traders refused out right to be interviewed. One could suggest that their refusal was in some ways a ploy to refrain from talking about the process by which they acquired the stands. A few of those who agreed to the interview, asked to be anonymous. They did not want to give their names because they might not have acquired their stalls through the right channels. Some of them were sub-letting the stalls, which was against the local authority's allocation policy. The youngest of the interviewees was

24 years old in 2011, seven traders were in their 30s, nine in their 40s, eight in their 50s and five in their 60s.

Interviews were also conducted with two local government representatives of the Business Areas Management Branch of the Cape Town city council in an attempt to understand the attitude of the local government towards street trading. A further interview was conducted with an official of the Passenger Rail Agency of South Africa (PRASA) which controls street trading that takes place on land around Cape Town train station which is the property of the corporation.

There are significant works on the use of oral history as a source. Paul Thompson is recognized as one of the leading oral historians who have made a strong case for the use of oral history. Oral history, as Paul Thompson pointed out, has become an important source of historical information and historical writing. It focuses on the life experiences of people in order to reconstruct their history. It is an important historical resource because it allows for multiple views about a given subject. By giving room for a multiplicity of views on a subject, it therefore 'provides a more realistic and fair reconstruction of the past'. Thompson has pointed out how oral history sources lead one to new information about events, new subjects to write about and its greatest impact is bringing into history people who may otherwise be ignored.⁵⁵

A. Portelli has made an even stronger contribution to the field. He pushes the discussion beyond facts and argues for the importance of paying attention to narrative forms. He also argues that there are no false statements in oral history and that all accounts are 'psychologically true'. He thus embraces subjectivity as a subject.⁵⁶

⁵⁵ P. Thompson, 'The Voice of the Past: Oral History'. In R. Perks, A. Thomson, *The Oral History Reader* (New York: Routledge, 2006), 28.

⁵⁶ A. Portelli, 'The Death of Luigi Trastuli and other Stories: Form and Meaning in Oral History' in M. Frisch (ed.), *Suny Series in Oral and Public History* (New York: State University of New York Press, 1991), 51.

South African scholar, Belinda Bozzoli, in her study of women's urbanization has argued that oral history can lead us to an understanding of consciousness and she points to the significant interaction between interviewer and interviewee.⁵⁷ In an earlier writing, she expressed the importance of oral history in accessing experience. She argues against a use of oral history sources that serve 'simply... an illustrative or colourful function'. She suggests four ways to analyze experience without being caught up in either of the weaknesses mentioned above. She pointed to qualitative, ideological, interpretative and factual uses of experiential data. Oral history sources she suggests can 'convey something of the quality of the lives of people to outsiders who have not experienced that way of living themselves...'⁵⁸

For social historians accessing experience has been a critical goal and oral history is the route to this. Bozzoli argues that, through a qualitative analysis of experience one is able to gain an insight about a subject which enables one to have an understanding of what the subject is about. She points to how through Ruth Tomaselli's interviews we understand the flower sellers' business. 'You have got to keep this flower alive and fresh...You have also got to sell these flowers in a short time or you are faced with the prospect of selling dead value'.⁵⁹

However, the biggest challenge to the use of oral history has come from Joan Scott. She argues that experience is not self-evident nor what actually happened. To her, experience is a phenomenon that is open to contestation. She criticizes historians who regard evidence of experience as the truth. Scott stated that, it is only through interrogating the concept of experience that the weaknesses of the concept can be exposed. She advocates for a history that

⁵⁷ B. Bozzoli, *Women of Phokeng: Consciousness, Life Strategy and Migrancy in South Africa 1900-1983* (Johannesburg: Ravan, 1991), 6-15.

⁵⁸ B. Bozzoli (ed.), 'Introduction' in *Town and Countryside in the Transvaal: Capitalist Penetration and Popular Response* (Johannesburg: Raven Press, 1983), 10-16.

⁵⁹ *Ibid.*, 10-14.

does not take experience as unmediated but as a concept that must be problematised. She concluded that historians should not simply transmit the knowledge gained through experience, but should historicize the production of that knowledge itself.⁶⁰

Sean Field has made an important intervention on how we should understand experience. Field argues that experience is not cast in stone. It is retold through memory which is not a passive retelling of past experiences. What is told is not exactly what was experienced but a reconstruction which entails 'images, thoughts and feelings which are mediated in different ways'.⁶¹

The concern for this thesis was how to engage with oral history given the fact that memory is mediated in different ways? This thesis used the qualitative interview method suggested by Bozzoli as one of the ways to go beyond simply using oral history sources for illustrative purposes. Bozzoli argues that to check one testimony against another on the same subject is important when we are trying to understanding a process rather than simply looking for fact.⁶²

The fact that 30 interviews were conducted gave me the opportunity to corroborate the testimonies against each other. The use of qualitative analysis also allows for a more systematic and comprehensive explanation of data because what counts is not the frequency with which something occurs, but rather the meaning that is derived from the data.⁶³ Through the qualitative interview method, the views of street traders about the trade and the impact of policy on their trade have been highlighted.

⁶⁰ J. W. Scott, 'The Evidence of Experience', *Critical Inquiry*, Vol.17, Summer (1991), 777-797.

⁶¹ S. Field, *Oral History, Community, and Displacement: Imagining Memories in Post- Apartheid South Africa* (New York: Palgrave Macmillan, 2012), 33.

⁶² Bozzoli, *Town and Countryside in the Transvaal*, 16.

⁶³ E. Henning *et al*, *Finding your way in Qualitative Research* (Pretoria: Van Schaik, 2004), 127.

Oral history thus leads to new information. While we may not get to the exact experience, this is the closest one can get. This thesis has not focused on the form and structure of narrative as that is another project altogether. Finally, the study has made use of secondary materials both published and unpublished that are relevant to this study. As there has been so little written about street trading in Cape Town, the approach of this thesis is to provide an empirical outline of policies, to analyse the shifts in policy and what this meant for street trading, and to make conclusions about how similar or different Cape Town is from other cities such as Johannesburg or Durban.

Chapter Outline

There are four main chapters in this thesis. Chapter one deals with the period from 1864 to 1947. This is an extensive period which saw the Cape Colony become part of the Union of South Africa in 1910. The chapter focuses on the nature and conditions of the trade from the colonial period to the eve of apartheid. It was not possible to break this period into separate chapters as the archival material is very uneven. The by-laws and policies governing street trading are examined in order to understand the position of the local government towards street trading. It discusses the attempt by the city council to bring under its control street traders who were not included in the regulations that governed street trading. The conflicts between street traders and the local authority are examined and analyzed. It explores the question of providing stands for mobile street traders in the city centre.

Chapter two examines street trading policies from 1948 to 1993 which is the apartheid era. It examines the introduction and extension of hawker prohibition zones, and explains the reasons for establishing prohibition zones for street traders. The chapter discusses plans by the city

council to introduce tougher regulations to control street traders and the response by street traders to the tougher regulations. It also explores the shift in policy towards the close of the apartheid era, and the importance of such a shift on street trading in Cape Town. The introduction of the Businesses Act of 1991 and its impact on street trading in Cape Town is discussed.

Chapter three examines the period after 1994 which is the democratic era, and explores the influence that the new democratic dispensation brought to bear on the operation of street trading in the city. It also highlights the changes brought by the new street trading policies and the impact of such changes to the sustainability of street trading. It discusses the administration of street trading in the city centre and highlights the three different authorities which control street trading in the city centre. The chapter compares the administration of street trading in Cape Town to that of three other South African cities.

Chapter four explores the oral histories of street traders in order to present an understanding of street trading and the impact of policy on street trading from the perspective of the traders themselves. The need for a chapter on the perspectives of street traders was motivated by the lack of such a perspective for the larger part of this thesis because of the difficulty in locating street traders who were in the city centre for the period before the 1980s. The majority of street traders in the city centre were new comers. However, a few traders reflected on the late 1980s. Many of the interviewees speak more about the contemporary period. Oral histories focus on why people get involved in street trading, the importance of the trade in their lives and the challenges they face. Their transition from being mobile traders to becoming traders on permanent stands has also been explored.

The conclusion addresses the central research questions. It thus provide an assessment of policy over this long period focusing on change and discontinuity, elaborating on the idea of what is progressive policy and how oral interviews contribute to our understanding of street trading and the impact of policy.



CHAPTER ONE

STREET TRADING IN THE CITY CENTRE FROM 1864 TO 1947

Introduction

This chapter covers an extensive period that extends from the colonial period, through the formation of the Union of South Africa to the eve of apartheid. It examines the legislative framework to control street trading and highlights inconsistencies in street trading regulations in the colonial period. It examines the process by which street traders were excluded from the city centre in the Union period and shows that there were many considerations in policy decisions such as traffic obstruction, crime and the interests of shop-owners. It also shows that the attitude of the local authority towards street traders was, for the most part, influenced by various interest groups that were in favour of restricting street trading. There were many committees in the council interested in street trading and they all sought to push policy in certain directions. Another interested party was the police. The introduction of technologies of identification and registration were intended to give the city council greater control.

Street Trading Policies, 1864- 1909

The first official census of 1865 put the population of Cape Town at 28 400. Whites constituted the largest group with 15 100 people, while 'Coloureds' and Malay followed at 12 400, with 628 'Hottentots' and 274 Africans.¹ The population of the town increased steadily with ever increasing immigration into the colony. Cape Town became the domicile of thousands of young men, in particular, who came to the colony in search of a better future. By 1875 the population of

¹ N. Worden, E. Van Heyningen, V. Bickford-Smith, *Cape Town: The Making of a City: An Illustrated Social History* (Cape Town: David Philip Publishers, 1998), 177.

Cape Town and its suburbs had increased to 45 000 residents. By 1891 the population had grown to 67 000, rising to 107 100 by 1904.² There was a significant growth in the African population in the city which by 1899 totalled 10 000 and a growth in the presence of Indians who in 1899 numbered 600.³ The outlying small villages of Salt River, Woodstock and Mowbray that were negligible by 1865 grew into substantial municipalities by the 1890s. By 1902 there were ten municipalities in the Cape Peninsula. These were: Cape Town, Woodstock, Green Point and Sea Point, Maitland, Mowbray, Rondebosch, Claremont, Wynberg, Kalk Bay and Simon's Town.⁴

There was a high degree of residential integration in the town. If segregation existed, it was on the basis of class rather than race.⁵ However, there was some segregation in the provision of amenities in the later part of the nineteenth century. The town's roller skating rink was confined to whites in 1879. There was segregation of hospitals by the 1880s. Africans were excluded from first class railway carriages by 1889, the Young Men's Christian Association in 1895, the circus in 1899. When cinema houses opened in 1900, most of them were for whites only.⁶ It was the bubonic plague that led to the first major legislation to segregate the city's African population. The plague was associated with the presence of Africans in central Cape Town. Between six to seven thousand Africans were removed from central Cape Town to Ndabeni.⁷ Swanson argues that the creation of such locations was as a result of pressure from white residents in the town for the creation of an African location through the rhetoric of disease and sanitation.⁸ The 'sanitation

² *Ibid.*, 212.

³ *Ibid.*, 213.

⁴ *Ibid.*, 212-222.

⁵ *Ibid.*, 227.

⁶ V. Bickford-Smith, 'The Background to Apartheid in Cape Town: The Growth of Racism and Segregation from the Mineral Revolution to the 1930s' (University of Witwatersrand, History Workshop, 1990), 6-8.

⁷ M. W. Swanson, 'The Sanitation Syndrome: Bubonic Plague and Urban Native Policy in the Cape Colony, 1900-1909', *Journal of African History*, 18, 3 (1977), 393.

⁸ *Ibid.*, 392.

syndrome' was based on the idea that whites had to be protected from contaminating blacks.⁹ While as Maylam has argued that there were many reasons for the establishment of locations in South Africa's cities such as ensuring white dominance and advancing material interests,¹⁰ the establishment of Ndabeni points to how sanitation and disease could form an important part of policy-makers' discourses. As a consequence of the plague and the removal of Africans from central Cape Town, legislation was passed in 1902 (Act 40 of 1902) by the government of the Cape Colony requiring all Africans in the urban area to live in the location. The only exceptions were domestic servants who were living with their employers, owners of property worth 75 pounds, and registered voters.¹¹ The reality was, however, that some Africans lived in the location but many more continued to have a presence in the city centre.

Economically, Cape Town was not a wealthy town. The economy revolved around the docks where the labour requirements fluctuated even on a day to day basis. Employment in the fishing and building industries was seasonal. Much of the employment in the town was on a casual basis which meant that people did not always have stable incomes. Casual work was usually very tedious and poorly paid.¹² Out of the population of 28 400 people in 1865 only about 9 000 were employed. There was a high rate of unemployment in the town. The economic climate characterized by poverty and unemployment provided the ideal conditions for a resort to street trading.

The Stamp Act of 1864 appears to be the first official attempt to control street trading in the colony of the Cape of Good Hope. Act No. 3 of 1864 included street traders in the existing law

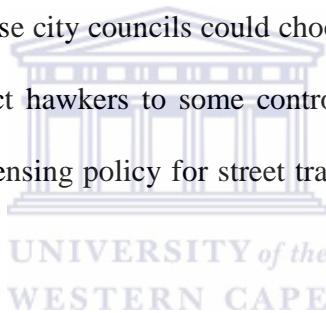
⁹ *Ibid.*

¹⁰ P. Maylam, 'The Rise and Decline of Urban Apartheid in South Africa', *African Affairs*, 89 (1990), 58-63.

¹¹ C. Saunders, 'From Ndabeni to Langa 1918-1935', *Studies in the History of Cape Town*, 1 (1984), 3.

¹² N. Worden, et.al, *Cape Town: The Making of a City*, 227.

that controlled businesses and the sale of stamps in the colony. The reason for including street traders was motivated by the need to raise more revenue for the colony.¹³ The street trader was required to pay one pound and ten shillings for a license if he/she had one vehicle or no vehicle. For a street trader who had more than one vehicle, the license was three pounds.¹⁴ It exempted certain hawkers who sold goods which were considered to be for public convenience from its control. Such goods included fish, fruit, vegetable, milk, eggs, butter, poultry and wild fowl. Those who were required to take up licenses were people who sold game, cakes, confectionary, honey, flowers, broom, charcoal, horse-bedding, lime, mats, baskets, straw hats of colonial make, and firewood.¹⁵ Vahed and Tomaselli have argued separately that licensing was an effective control mechanism because city councils could choose who to issue licenses to, control the number of licenses and subject hawkers to some control.¹⁶ The law's significance for the Cape is in its introduction of a licensing policy for street traders and its differentiation between categories of street traders.



The licensing policy of the Cape Colony soon proved contentious and the colonial government revisited its provisions seven years later. The challenge to the law came when farmers who produced those products were required to also take up hawkers' licenses. Farmers were not happy about applying for licenses because they did not sell their products on the street. They simply conveyed their produce to the market yet were asked to pay for hawkers' licenses.¹⁷ As a result, farmers wrote several complaints to parliament against the decision in 1871. The issue was discussed in a select committee of three members which included C. Mills, the Colonial

¹³ *Statutes of the Cape of Good Hope 1864-1868* (Cape Town: Saul Solomon & CO., 1868), 5.

¹⁴ *Ibid.*, 23.

¹⁵ *Statutes of the Cape of Good Hope 1652-1895, Vol. 1* (Cape Town: Port Elizabeth, Johannesburg: J. C. Juta and Co., 1895), 1129.

¹⁶ Vahed, 'Control and Repression', 2, Tomaselli, 'Indian Flower Sellers of Johannesburg', 219.

¹⁷ Cape of Good Hope, House of Assembly, *Report of Select Committee on Hawkers' Licenses, July 1871* (Cape Town: Saul Solomon & Co., Steam Printing Office, 1871), 1.

Secretary as chairman, and J. D. Barry and Moodie who were members of parliament, and one interviewee who was a member of parliament from Beaufort West, M. A. L. Kinnear.¹⁸

In dealing with the problem, the committee considered two issues. The first was the effect of the cost of the license on the cost of the farmers' products. The committee members expressed the view that if farmers were required to pay for hawkers' licenses, they would transfer the cost to the consumer by selling the product at a high rate. Secondly, the committee made a comparison between hawkers in England and hawkers in the colony. They found out that while hawkers in England who sold local produce did not pay for hawkers' licenses, their counterpart in the colony were required to do so. On the basis of these two points, the committee recommended that hawkers who sold colonial produce should not be required to pay for licenses. Though it was farmers who opposed the payment for hawkers' licenses, the result of their opposition tended to benefit hawkers the most as they were exempted from paying for licenses if they sold local produce. The chairman of the committee was given the responsibility to report the resolution to the house of parliament which was accepted by the house and incorporated in Act 11 of 1871.¹⁹ This act thus made a distinction between local and foreign produced goods and targetted the latter.

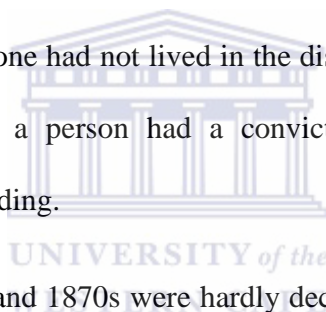
This exemption did not last very long because in 1884 it was withdrawn and all hawkers were again expected to pay for their licenses. Hawkers were also not simply expected to pay for their licenses, but to pay more. In 1884 there was new legislation governing hawking known as the Stamp and Offices Act. It provided that for hawkers with one or no vehicle, the license fee was increased from one pound ten shillings to three pounds. For hawkers of general merchandise the

¹⁸*Ibid.*

¹⁹*Ibid.*, 4.

license fee was put at ten pounds.²⁰ This was higher than the five pound license fee paid by either a general dealer or a chemist. This was indicative of the negative attitude towards this line of business as it was viewed as a possible threat to shop owners. This act, like the previous ones, was also motivated by the need to raise revenue for the colonial government.²¹

The significance of this act was that it laid down rules for how licenses would be issued. It reversed the policy that exempted hawkers selling colonial produce from paying for licenses, and increased fees for hawkers. In terms of the rule that governed the carrying on of the business of hawking, hawkers had to be resident in the area that they wanted to trade for over a month and had to be of good character. These conditions tended to present a barrier to entry into the business of hawking since if someone had not lived in the district for one month, he/she was not qualified to trade. The fact that a person had a conviction against his/her name equally disqualified him/her from street trading.



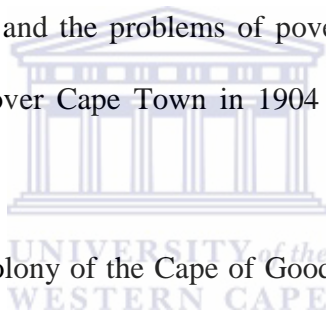
Street trading laws between 1864 and 1870s were hardly decisive on how to deal with hawkers. The Stamp Act of 1864 required some hawkers to pay license fees but exempted other hawkers. The Stamp Act of 1871 exempted all hawkers who sold produce made in the colony from taking up licenses. It was in 1884 that a more decisive law was passed to control hawkers. From 1884, all hawkers were registered and had to pay a fee for their licenses.

The outbreak of the South African war between 1899 and 1902 helped to improve the unemployment problem in the Cape Town. As a result of the war, over 25 000 people came into the town. The immigrants, troops, and the needs of the soldiers led to a war time economic boom

²⁰Colony of the Cape of Good Hope, *Bill for Imposing Certain New and Increased Stamp Duties, and for levying Certain New and Increased Fees of Office*, 4 July 1884, 1.

²¹ *Ibid.*

in the town. The war brought full employment in the town.²² The docks experienced a shortage of labour and dock workers enjoyed higher wages. The construction industry also experienced prosperity and areas around Tamboerskloof, District Six, Woodstock saw rapid growth as new buildings, houses, schools, factories, and shops were constructed. There was development in the rail and road transport systems which fostered the development of the suburbs and made the areas more accessible to the city centre. The war hastened the industrialization of the town as some of the needs of the British troops had to be produced locally. Between 1899 and 1904, capital investment in machinery doubled, and the number of factory workers increased to about 12 000 by 1904.²³ However, the wartime economic boom did not last long. After the war, the economy experienced a recession and the problems of poverty and unemployment resurfaced. There were protest meetings all over Cape Town in 1904 demanding work and a fair living wage.²⁴



In 1906, the government of the Colony of the Cape of Good Hope amended Act 20 of 1884. It was replaced with Act 35 of 1906 which was known as the General Dealers' and other Licenses Amendment Act, 1906. The bill that led to this act was sent to parliament by the Governor of the colony. The house was informed that the decision to table the bill in parliament was as a result of complaints to the Governor from white shop owners who wanted the government to protect them against competition from Indian traders. The bill was intended for general dealers only and the intention was to protect white shop owners against competition from Indian traders who were

²² V. Bickford-Smith, E. van Heyningen, N. Worden, *Cape Town in the Twentieth Century: An Illustrated Social History* (Cape Town: David Philip Publishers, 1999), 13-25.

²³ *Ibid.*, 25-26.

²⁴ *Ibid.*, 33.

accused of forcing white traders out of business.²⁵ It was during the debate in the house, that some members suggested that hawkers should be included. Two points were presented to support the argument to include hawkers. The first was that white hawkers also faced competition from Indian hawkers. The second point was that hawkers paid a small amount for the license and in return made huge profits while the general dealer had to take care of several overheads. The suggestion was accepted and the Bill became known as the General Dealers and Other Licenses Bill.²⁶

Though the Bill received the support of a significant number of members of parliament who wanted to prevent the issuing of licenses to Indians newly arrived in the Colony, they failed to push their view through the house. In this regard, it was a victory for those who opposed the bill. Those who supported the bill argued that many white traders had been driven out of business by Indian traders. Those who opposed the bill argued that it was unfair to allow Indians into the country and refuse them the means of making an honest living. According to them licenses should not be refused on the basis of race. The Bill provided that no new license would be refused unless two thirds of the members of a local council voted against issuing a license.²⁷ The most important change for hawkers in the new law was that the category of hawkers who traded in general merchandise was abolished. This points to the attitude of the colonial government towards such hawkers whom they believed were a competition to shop owners. Vahed also found that local government policy towards street traders in Durban was, to some extent, influenced by

²⁵ Cape of Good Hope, *Debates in the House of Assembly, Third Session of the Eleventh Parliament*, 25 May to 20 August 1906 (Cape Town: Cape Times Ltd., Government Printers, 1906), 229-230.

²⁶ *Ibid.*, 526.

²⁷ *Ibid.*

complaints of unfair competition from shop owners.²⁸ Being a national law, it affected every corner of the colony and Cape Town was no exception.

While the colonial government passed the legislation it was left to local authorities to implement this. We have an insight into how the city of Cape Town responded soon after the act was passed. The Public Health and Building Regulation Committee put forward a proposal to the Cape Town city council on how to administer the new act. The proposal was discussed at a meeting of the council in November 1906, chaired by the Mayor Liberman. Also present were councillors A. R. Mckenze, A. Hilliard, F. W. Smith, J. Jones, A. Benning, T. Palmer, W. Irwin, Dr. Forsyth, Dr. Abdurahman, M. Alexander, C. Friedlander, and J. R. Finch (Town Clerk).²⁹

The central concern of the committee was how applications for licenses would be processed. One proposed rule was that applications for hawkers' licenses should include a police report about the conduct of the applicant, the name, age and address of the applicant.³⁰ The requirement for a police report seems to be a continuation from a requirement in 1884 that required hawkers to be of good conduct. This is an indication of how the city council wished to control the type of person who took to street trading. However, the requirement for hawkers to present a police report provoked a debate amongst the councillors.

There were two opposing views. There were those like Friedlander, Abdurahman and others who argued that the requirement for a police clearance should be deleted from the requirements for a hawker's license. They based their argument on the fact that the act did not authorize the city council to prevent people from trading. Obviously, a police report would indicate whether an applicant had a criminal record against his/her name or not. This group did not want the city

²⁸ Vahed, 'Control and Repression', 14.

²⁹ 'City of Council, General Dealers' Licenses'. *Cape Argus*, 23 November 1906.

³⁰ *Ibid.*

council to refuse granting a license based on one's past criminal record. On the other hand, there were those like Hilliard and Forsyth who did not accept the motion to delete the requirement for a police clearance. They argued that, without a police clearance, it would be difficult to know about the character of an applicant who wanted a hawker's license.³¹ This group preferred to have only people, whom the police had cleared as having proper conduct, to be given street trading licenses. This was in view of complaints that street traders were stealing from the homes of their customers (information about traders involved in theft cases will be discussed later).

At the end of the debate, those who argued for the cancellation of the requirement for a police report emerged victorious as the committee resolved that the requirement for a police report should be deleted.³² This was a victory for Dr. Abdurahman (the President of the African Political Organisation formed in 1902), and the other councillors who supported his position. The debate revealed the division amongst the councillors on how to apply the law to street traders. It also revealed that the interest of hawkers was defended by a majority of the council at least for the time being.

Dr. Abdurahman's support for hawkers had a lot to do with the fact of him being a 'coloured'³³ and being aware of the hardship and the plight of 'coloured' people in the District of Cape Town and beyond. The formation of the African Political Organisation (APO) in 1902 had as its main objective, to uplift the status of 'Coloured' people in the Cape Colony and the Northern Colonies politically, economically, educationally and socially.³⁴ When he became the leader of APO the obligation of the organization towards its 'coloured constituency' seemed to become

³¹ *Ibid.*

³² *Ibid.*

³³ Some Comments on Dr. Abdurahman's Presidential Address, in *APO*, 27 January, 1912, p.7.

³⁴ African Political Organisation Conference Resolution, in *APO*, 12 March 1910, p.8.

his priority.³⁵ Being a councillor in both the Cape Town municipal council as well as after 1910 the Cape Provincial Council, he was ideally placed to speak on behalf of 'coloured' people in the colonies and in the Union of South Africa. In this regard, Cape Town was different from both Johannesburg and Durban in that not only did coloureds, Indians and Africans have a qualified franchise but some even became councilors. They could speak for their constituencies and in some instances could win support in the council.

Though the act provided that no new licenses would be refused on the basis of race, in the implementation of the act, many Indian traders most especially, hawkers were refused licenses. Cape Town city centre was the only area in the colony where Indian hawkers were granted licenses based on merit. In the suburbs of Cape Town, for instance, in Woodstock, Muizenberg, Sea Point, and other areas in the colony, Indian hawkers both old and new were refused licenses.³⁶ The effect of the act on Indian traders, coupled with other grievances, forced the British Indian Association, to present a petition on behalf of Indian traders to the colonial secretary in 1908 in which it protested against the General Dealers' Act and against immigration legislation.³⁷ These grievances were discussed in a select committee in the house of assembly in 1908.

After interviewing representatives of the South African Indian Association, E. Norodien and S. Cassimali, and A. Cader of the British Indian Association, on the effect of the General Dealers' Act on Indian traders, the committee acknowledged that Indian hawkers experienced hardship as a result of the act. The committee then recommended that Indian hawkers in the suburbs of Cape

³⁵ *Ibid.*

³⁶ E. Bradlow, 'The Cape Community During the Period of Responsible Government' in B. Pachai (ed) *South Africa's Indians: The Evolution of a Minority* (Washington: University Press of America, 1979), 2-10.

³⁷ *Ibid.*, 165.

Town and everywhere in the colony who were in the colony before the act was passed should be allowed to trade.³⁸ The intervention by Indian political organisations managed to secure the right of Indian hawkers to trade in the colony. The fact that it was solely the Indian political associations that took up the Indian grievances with the colonial authorities is an indication of the racial divisions that existed in the colony. The political organisations in the colony were race based organizations that represented different constituencies. As was seen in the case of Indians and the General Dealers Act, it was only the Indian political organizations that stood up to defend its constituency.

Street traders in the colonial period had the freedom after obtaining a license to trade anywhere in the town. Though hawkers were free to trade anywhere in the town, those who sold goods that were similar to those sold by general dealers were prevented from trading because it was believed they presented a competition to established businesses. Indian hawkers were also targeted for driving out white street traders out of business. Cape Town city centre has been shown as the only area in the Cape Colony where Indian street traders were not refused licenses. This period saw the colonial government moving towards licensing as a measure of control and a source of revenue for the government.

Fingerprints, Photographs and Certificates of Character

In 1910 the Cape Colony joined with other colonies in South Africa to constitute the Union of South Africa. In the new political dispensation the Cape Colony became the Province of the Cape of Good Hope, Johannesburg with its mines was the economic centre of the Union, and about this time Durban overtook Cape Town as the busiest harbour due to its proximity to

³⁸ Cape of Good Hope, House of Parliament, *Report of Select Committee Report on Asiatic Grievances* (Cape Town: Cape Times Ltd. , 1908), xvi.

Johannesburg.³⁹ In Cape Town, another form of unification occurred at the local level. The municipality of Cape Town and the suburban municipalities of Kalk Bay, Sea Point, Woodstock, Mowbray, Rondebosch, Claremont as well as Maitland united in 1913.⁴⁰ Wynberg later joined in 1927.⁴¹ The union between the municipality of Cape Town and the other municipalities meant that street trading regulations and laws made in the centre, had to be respected in the suburbs. The outbreak of the First World War contributed in accelerating the industrial development of Cape Town. As a result of the war, demand for food, clothing, tobacco and drinks increased, thus accelerating the growth of light industries. The development of the docks and manufacturing industries increased employment opportunities in the town. Despite the increase in employment opportunities in the town, unemployment remained a feature in the town. This was made worse by the Great Depression which began in the United States of America in 1928. Though unemployment remained a feature in the town, industrial and infrastructural developments had transformed the town from a small commercial port to an industrial city by 1939.⁴²

The most important legislation passed by the Province of the Cape of Good Hope to control and regulate street trading was Ordinance No. 10 of 1912. The Ordinance had twelve parts. The part that is of interest to this study is the tenth part that dealt with regulations. The Ordinance empowered local authorities to make regulations to control street trading. In line with the provisions of the provincial legislation, the municipality of Cape Town framed a set of

³⁹ V. Bickford-Smith, E. van Heyningen, N. Worden, *Cape Town in the Twentieth Century: An Illustrated Social History* (Cape Town: David Philip Publishers, 1999), 46.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid.*, 62-63.

regulations to control street trading which was approved by the Executive Committee of the Province of the Cape of Good Hope in 1914.⁴³

The regulations that the Cape Town municipality introduced in 1912 to control street traders, required street traders to be registered and to secure a license from the municipality. In order to register, one had to fill a form provided by the council in which the name, address, nationality and the place of birth of the applicant were specified. The local authority was resorting to developing a bureaucratic system of paper controls to regulate and control hawkers. Every application for registration had to be accompanied by a certificate signed by the Medical Officer of Health to show that the applicant was in good health, and by the Chief Officer of the Police District in which the applicant resided to show that the applicant was a fit and proper person in terms of character (See figure 1). This new regulation thus overturned the decision that was taken in 1906 not to ask hawkers to present a police report when applying for a license to trade. What was also new about the new regulation was the introduction of a medical report. The introduction of a medical report indicated a concern for public health and sanitation. Tomaselli, as well as Beavon and Rogerson, have argued separately that the concept of sanitation was an important part of the regulation to control street traders in Johannesburg.⁴⁴

Szreter and Breckenridge have shown that registration has a long history and has been used for several purposes. For the state, registration is an instrument of government and taxation. However, Szreter and Breckenridge argue that registration also confers rights.⁴⁵ Their edited

⁴³ WCAD, Record of the Provincial Administration Secretariat (PAS), Vol. 2/132, file L18A. Cape Town Municipality: Additional Regulations.

⁴⁴ Tomaselli, 'Indian Flower Sellers of Johannesburg', 218, Beavon and Rogerson, 'The Council vs the Common People', 208.

⁴⁵ S. Szreter, K. Breckenridge, 'Recognition and Registration: The Infrastructure of Personhood in World History' in K. Breckenridge and S. Szreter (eds), *Registration and Recognition: Documenting the Person in World History* (Oxford: Oxford University Press, 2012), 11-23.

volume neglects a focus on the registration of street traders, yet their arguments have relevance. The registration of street traders in Cape Town meant that they were recognized by the local authority. Recognition gave the traders the right to trade in the city. It gave the local authority control over the traders as well as a source of revenue.

The decision to introduce the requirement of a police report was based on reports from the police authorities that some traders were convicted for stealing from homes. In many cases, people reported to the police that valuables such as jewellery and other articles were stolen from their homes. In order to prevent theft from houses, the police authorities advised the Cape Town municipality to ask hawkers for their fingerprints when they applied for certificates. The municipality took the advice and in 1914 introduced a regulation that required all hawkers to be fingerprinted when applying for certificates.⁴⁶ The police were to use the fingerprints to ascertain whether applicants for registration had previous criminal convictions against them or not. Applicants who were found to have previous criminal records were refused licenses.

⁴⁶ WCAD, 3/CT Vol. 1/4/8/1/1/5, Trade Licenses and Shop Hours Committee Minutes, 20 May, 1918.

1CT 3/1/9/1 page 96

The Corporation of the City of Capetown.

City Hall, Capetown.

12 June 1914

To the Medical Officer of Health,
Capetown.

I beg to inform you that an application has been made by

residing at John Martin
43 Buxton St, Maitland

for a certificate to carry on, or to assist

residing at _____

to carry on, within the limits of the City, the trade, business or profession of an
Itinerant Vendor, Pedlar or Hawker of Fish

In conformity with Regulation No. 185 will you please report whether you
approve of the premises in which any foodstuffs proposed to be sold or significant
are stored.

Town Clerk.

The Corporation of the City of Capetown.

City Hall, Capetown.

12 June 1914

Sir,

An application has been made by John Martin
residing at 43 Buxton St, Maitland for a Certificate

to carry on, or assist

residing at _____

to carry on, within the limits of the City, the trade, business or profession of an
Itinerant Vendor, Pedlar or Hawker of Fish

I shall be glad if, in accordance with Regulation No. 181, you will be good
enough to submit a report upon the application.

I am, Sir,

Your obedient Servant,

John Smith

Town Clerk.

To the District Commandant,

S.A. Police, vice
Capetown, Maitland.

Figure 1: Application form for a medical certificate and a police clearance. 3/CT Vol. 3/1/9/1, MOH and Police Re-Hawker's Licenses, 12 June 1914- 1918.

The use of fingerprints on Indians in the Transvaal dominates the story of the application of this technology by the South African colonies in the early 1900s.⁴⁷ Breckenridge has shown how Gandhi familiarized himself with this technology and initially supported its use for illiterates in Natal in 1904. It was the demand of the Transvaal for compulsory ten fingerprints from all Indians that produced Gandhi's *satyagraha* because of the association of fingerprinting with criminality. Yet, even in 1908, Gandhi came to accept the merits of fingerprinting as long as it was voluntary. Breckenridge argues that 'the Asiatic fingerprint registry that was built ... remained a tool of policing, taxation, and movement control of precision and longevity unprecedented in the history of the South African state'.⁴⁸ It was this experience that turned Gandhi against the tools of modernity.

Less well-known in the literature is the use of fingerprinting in the Cape by the Immigration Department long before its application to hawkers. It was specifically used against Asians to control their entry into the colony.⁴⁹ The establishment of the Union saw a greater use of fingerprinting. According to the Deputy Commissioner of the first Police District in Cape Town, fingerprints were taken by big commercial houses and banks in South Africa from people they did business with and the fingerprints were filed for identification purposes in the future. Fingerprints were also taken by the Civil Service Commission of Cape Town from all applicants

⁴⁷ K. Breckenridge, Gandhi's Progressive Disillusionment: Thumbs, Fingers, and the Rejection of Scientific Modernism in Hind Swaraj, *Public Culture* Vol. 23, No. 2 (2011), 331-348.

⁴⁸ *Ibid.*, 334.

⁴⁹ Dhupelia-Mesthrie, 'Cat and Mouse Games: The State, Indians in the Cape and Permit System, 1906-1920s' in I. About, J. Brown and G. Lonergan (eds), *People, Places and Practices: Identification and Registration in Transnational Perspective 1500-2010* (New York: Palgrave Macmillan, 2013), 190.

who applied for positions in the Civil Service in order to investigate the character of the applicant before appointments were made.⁵⁰

The extension of fingerprinting to hawkers is an indication of how a procedure initially applicable to criminals began to be used more widely on the citizens of Cape Town. The importance of the use of fingerprints on permits issued to Indians has been highlighted by Dhupelia-Mesthrie. Thumbprints were required on certificates of domicile issued to Indians and from 1911 it became routine for Indians to provide thumbprints on permits which entitled them to leave and re-enter the Cape. Fingerprinting was a means to better deal with illegal entry of Indians and acted as a supplement to the photograph which had been used earlier to identify Indians. She argues that, 'though fingerprinting did not end illegal immigration, as a technology of state, it did pierce through biographical fictions, unsettled narratives and became the trump card of the immigration department'.⁵¹ The extension of fingerprinting to hawkers marks the confidence of the bureaucrats in this identification technique.

The introduction of fingerprinting had an impact not only on how hawkers went about their businesses, it also gave the authorities an opportunity to keep hawkers in check. Fingerprints enabled the police to identify hawkers who were convicted of theft. The table below shows the number of hawkers convicted of theft from homes between January 1913 and May 1918.

⁵⁰WCAD, 3/CT Vol.1/4/8/1/1/5. Letter from the Deputy Commissioner of Police about the Suspension of Fingerprint Regulation for Hawkers to the Town Clerk on 4 October 1918.

⁵¹Dhupelia- Mesthrie, 'Cat and Mouse Games: The State, Indians in the Cape and Permit System', 200.

Year	White		Coloured		Total
	Male	Female	Male	Female	All Races
1913	15	1	69	59	144
1914	24	4	61	43	129
1915	3	-	13	4	20
1916	-	-	14	1	15
1917	-	-	-	-	-
1918	-	-	-	-	-

Table 1 Numbers of hawkers convicted of stealing from homes between 1913 and 1918. WCAD, 3/CT, Vol. 1/4/8/1/1/5, Trade Licenses and Shop Hours Committee Minutes, 24 June, 1918.

The table shows that in 1913, when the regulation requiring fingerprints was not operative, the number of convictions was 144. With the introduction of the regulation in April 1914, the number of thefts by hawkers from homes began to drop and in 1917 and 1918 no conviction was made against hawkers stealing from homes. This, therefore, meant that the taking of fingerprints acted as a deterrent which prevented hawkers from stealing, as licenses were only granted or renewed to those with clean records.

The introduction of the fingerprint regulation was opposed by street traders who believed that the regulation was introduced because they were considered as criminals. Some people rejected it outright, especially those who could read and write in the English language. Dhupelia- Mesthrie has also shown that an Indian, named Shirajudien Salahudien Desai, who was a general dealer was one of the people who refused to give his fingerprints to the Immigration Department because he could write and sign in English. She stated that he could not escape the system since

he had to travel in and out of the country, and his fingerprints were later ‘captured on a passenger form on one of his trips out of the country’.⁵²

Chanthier Moulie applied for a certificate of registration as a hawker of fruit and vegetables in 1917. He deliberately refused to submit to the fingerprint requirement. As a result of this refusal, the police did not recommend that his application be granted. The licensing committee then recommended that because the applicant refused to comply with the fingerprint requirement, his application should be refused.⁵³ Though Chanthier Moulie’s application was rejected for refusing to provide his fingerprints, the committee resolved to report the case to the city council in order for the council to decide whether the provisions of the regulations were to be strictly adhered to in cases where an applicant could sign his name in the English language.⁵⁴

The police authorities had a difference in opinion. The District Commandant of the South African Police in Cape Town informed the committee in December 1917 that the police were not prepared to waive the authority granted by the municipal council regulations to take fingerprints from all persons who applied for registration as hawkers. They argued for the maintenance of the technology. They argued that with the fingerprints, the fingerprint bureau had been able to ascertain whether there were any convictions recorded against applicants for trading licenses in any other part of the country.⁵⁵ Thus the regulation remained but the matter did not go away though.

Two years later, on 7 January 1919, a mass meeting of hawkers was held to discuss the issue of fingerprints. The hawkers voiced their opposition to the demand for their fingerprints and the

⁵²Dhupelia-Mesthrie ‘The Form, the Permit and Photograph: An Archive of Mobility between South Africa and India’. *Journal of African and Asian Studies*, Vol. 46, 6 (2011), 16-17.

⁵³WCAD, 3/CT Vol. 1/4/8/1/1/3, Trade Licenses and Shop Hours Committee Minutes, 19 November 1917.

⁵⁴*Ibid.*

⁵⁵WCAD, 3/CT, Vol. 1/4/8/1/1/4, Trade Licenses and Shop Hours Committee Minutes, 18 December 1917.

wearing of badges. They argued that the request for fingerprints was derogatory and an infringement on their rights as citizens.⁵⁶ The Trade Licenses Committee expressed the opinion that they would not entertain any demands to stop hawkers from wearing badges, but asked for proposals to be forwarded in the case of fingerprints. Councillor Dr. Abdurahman proposed the suspension of fingerprints for a period of twelve months while proposals were being discussed to amend the regulation. This motion was put to the vote and the decision went in favour of suspending the fingerprint regulation.⁵⁷ This was another victory that Abdurahman achieved on behalf of hawkers in the city centre. His support for hawkers was in line with his view that 'coloured' people should avail themselves of the opportunities that were available in the area of trade. In the course of the year as requested by Dr. Abdurahman, the fingerprint regulation was amended. The amendment gave hawkers a choice between the right thumb print, photograph, or signature.⁵⁸ It thus allowed some choice to hawkers who had serious objections to providing compulsory fingerprints. The amendment to the requirement of fingerprints saw the authorities turning to the use of photography as a means of identification.

Patricia Hayes has pointed to the growing use of photography in South Africa in the late nineteenth century and its centrality to colonial projects.⁵⁹ With regard to the Cape Colony, Dhupelia-Mesthrie has pointed to official uses of the photograph to identify Indians. She points to the prior use of photographs in Natal where indentured Indians carried a pass with their photographs and in the Cape, where Indians leaving the colony, had to secure permits with their photographs on it. She argues that the rate at which the photograph as a technique of

⁵⁶ WCAD, 3/CT, Vol. 1/4/8/1/1/6, Trade Licenses and Shop Hours Committee Minutes, 20 January 1919.

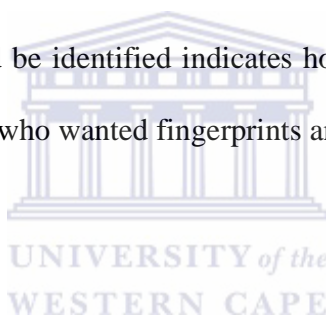
⁵⁷ *Ibid.*

⁵⁸ WCAD, 3/CT, Vol. 1/4/8/1/1/6, Trade Licenses and Shop Hours Committee Minutes, 24 February 1919.

⁵⁹ P. Hayes 'Power, Secrecy, Proximity: A Short History of South African Photography', *Kronos: Journal of Cape History*, Vol. 33 (2007), 139-141.

identification was used in the Cape surpassed its usage in Natal and elsewhere.⁶⁰ A study of the regulation of hawkers provides further evidence of the use of the photograph by officialdom as a mechanism of surveillance and control. The photograph on the hawkers' license served as a means of identification and control for the city council. In the absence of fingerprints, the photograph served as an effective control mechanism. Yet what is significant is that hawkers were given a choice of identification between photograph, thumbprint or signature – a choice not offered to Indians by the Immigration Department. The issue of the wearing of badges, however, was non-negotiable. Hawkers had to carry the badge on their person at all times, and these were meant to be worn on the right chest.

The issue of how hawkers should be identified indicates how the city council had to take into account different interests: police who wanted fingerprints and hawkers who opposed this. What emerged was a compromise.



⁶⁰Dhupelia-Mesthrie, 'Cat and Mouse Games', p.15.

Figure 2: A Sample of the Permit that Hawkers used in the 1920s and 1930s

CITY OF CAPETOWN/STAD KAAPSTAD.

CAPETOWN MUNICIPALITY
CERTIFICATE OF REGISTRATION.
REGISTRASIE-SERTIFIKAAT.

AS AN/AS 'N

Itinerant Vendor, Pedlar, or Hawker of Fruit, Vegetables, Flowers, Plants, Firewood,
Rondtrekkende Koopman, Venter of Marskramer in Vrugte, Groente, Blomme, Plants, Brandhout,
Fish, Foodstuffs, Poultry or their Products.
Vis, Voedingartikels, Pluimvee of Hulle Produkte.

No. _____
 Badge No. _____
 Renteken No. _____

Whereas
 Nademaal

residing at
 woonagtig te _____

has made application to be registered as an Itinerant Vendor of:—
 aplikasie gemaak het om geregistreer te word as 'n Rondtrekkende Koopman in:—

pursuant to the provisions of the Regulations promulgated in that behalf under Notice 221
 ooreenkomstig die bepalinge van die Regulasies in daardie verband uitgewaardig onder Kennisgewing en 221 van 1922
 of 1922 and 260 of 1928, appearing in the Provincial Gazettes of 28th July, 1922, and
 wat verskyn het in die Provinsiale Staatskoerant van die 28ste Julie, 1922, en 260 van 1ste Julie, 1928, respektief.
 18th July, 1928, respectively.

And Whereas the said
 en aabemaal gesegde

submitted a certificate of fitness dated the _____
 oorskrif van geskiktheid voorgede gedateer die _____

of _____ 193 _____ from the Chief Officer of the _____
 van _____ 193 _____ van die Hoofampenaar van die _____

District as required by Regulation 181;
 Distrik, soos vereis deur Regulasie No. 181;

And Therefore I, the undersigned, as Town Clerk of the City of Capetown, do hereby
 waarde sertifiseer ek, die ondergetekende, as Stadsklerk van die Stad Kaapstad, dat gesegde

certify that the said _____
 sertifiseer dat die gesegde _____

been duly registered and is hereby authorised to carry on within the limits of the City
 oortik geregistreer en is hierby geregtig is om binne die gebied van die Stad Kaapstad handel of besigheid te

Capetown the trade or business of an Itinerant Vendor, Pedlar or Hawker of _____
 'n Rondtrekkende Koopman, Venter, of Marskramer in _____

on the date hereof until the 31st December, 193 _____
 op die datum, hiervan tot die 31ste Desember, 193 _____

Dated this _____ day of _____ 193 _____
 Gedateer die _____ dag van _____ 193 _____

Town Clerk/Stadsklerk.

N.B.—The Regulations are printed on the back hereof, and should be carefully read by all Vendors.

The registration certificate represented every requirement that was stipulated in the law. It had a space for a photograph, badge number, the name and address of the applicant, and what the applicant intended to sell. There was provision to confirm that the applicant had submitted reports from the police and the Medical Officer of Health, as well as indications of the date of issue and expiry of the certificate. The history of the registration certificate thus belongs to a broader history of documents governing the lives of citizens in urban South Africa.

Regulating Street Trading in the City Centre

Race played some role in the granting of applications for street trading licenses and also the determination of the area in which a racial group could trade. In this regard, Africans rather than Coloureds or Indians were affected. Application forms required disclosure of nationality and residential address. On this basis, the licensing authority was able to know whether an applicant was eligible to trade in the CBD or not. Africans were only entitled to trade in the African townships.⁶¹ Before an African was given permission to trade in a township, a report had to be received from the Manager of Native Administration to determine whether he/she was permitted by the law to reside within the urban area of Cape Town.⁶² Favourable reports from the Manager of Native Administration, the Medical Officer of Health and the Police Authority were required before a license would be issued.⁶³ The restrictions on Africans points to how they more than other groups were affected by segregation in an otherwise least segregated city.

⁶¹ WCAD, 3/CT, Vol. 1/4/7//4/2/1/1, 20 January 1941.

⁶² *Ibid.*

⁶³ *Ibid.*

In 1915, 2 220 certificates were issued to hawkers and pedlars to trade in the city centre.⁶⁴ Once this was issued, the holder could trade anywhere in the city centre. From 1916, the city council began to further regulate street traders in the city centre. The strategies used were intended to spread hawkers to different areas in the city centre and prevent an over concentration of hawkers in certain areas. The measures used included granting licenses that allowed hawkers to trade in specific streets only, the creation of stands for hawkers on the Parade, and the creation of prohibition zones. The city council began by issuing hawkers' licenses to specific areas only. Some hawkers were given licenses to trade only in particular streets or areas and not in others. The police were called upon to ensure that hawkers respected their restriction to the streets that were endorsed in their certificates.⁶⁵

Another important measure that the municipality took was to allow some hawkers to sell fruits and vegetables on the Parade as a temporary measure. In 1916, the municipal council allowed a limited number of fruit and vegetable hawkers to take up stands on the Parade. A total of 23 fixed stands were provided and hawkers were called upon to tender for the stands, which were given out to the highest bidders for a period of one month. At the end of the month, the trader had to tender again to renew the ownership of the stand.⁶⁶ The tender system introduced by the municipality of Cape Town was akin to the tender system which was introduced by the Johannesburg city council to allocate stands to hawkers in the 1970s.⁶⁷ This was a positive move for hawkers in the city centre and might have influenced the demand for more stands by hawkers in the decades that followed. The provision of stands for hawkers was important because it gave

⁶⁴WCAD, 3/CT Vol. 4/1/3/97, File E.24/3, Regulations: Re-Hawkers of Fruit and Vegetables, 1916.

⁶⁵ WCAD, 3/CT Vol. 4/1/5/1060 File I.25/5, Hawkers of Fruit and Vegetable Restricted from Trading in Certain Areas 1918-1928.

⁶⁶WCAD, 3/CT, Vol. 4/1/5/1060 File I.25/5, Extract from Minutes of a Meeting of the Trade Licenses and Shop Hours Committee Held at the City Hall, Cape Town, 21 January 1918.

⁶⁷Beavon and Rogerson, 'The Council vs the Common People', 212.

them access to a permanent location from where they could develop a regular clientele. Yet the tenure of the stand holder was insecure.

The most drastic of the measures taken by the Cape Town city council was to prohibit hawkers from the principal streets of the city (Plein, Darling, Longmarket, Adderley, Parliament, Strand and Castle streets).⁶⁸ According to the Town Clerk, this decision was due to complaints from the police that hawkers caused obstruction to traffic in the city. Though the prohibition was imposed in March 1917, it was supposed to take effect in 1918. This was so because the regulation was adopted at a time when both the new licenses and licenses for renewals for the year 1917 had already been issued. In January 1918, when hawkers found that their certificates prevented them from trading in the central streets of the city, they went on strike and refused to buy produce from the Early Morning Market at Sir Lowry Road. On 14 January, hawkers gathered at a meeting at the Early Morning Market to protest against the prohibition placed on them, a prohibition which they considered would deprive them from earning an honest livelihood. They called on the municipal council to review and repeal the resolution.⁶⁹

The market agents, who were greatly affected by the hawkers' refusal to buy their produce, supported the hawkers' call and forwarded a petition to the city council in which they also protested against the prohibition placed on hawkers trading in the principal streets of the city.⁷⁰ On 16 January, another petition signed by 359 hawkers, market agents and farmers was again forwarded to the town clerk. The show of support for the hawkers' cause by the market agents and farmers was an indication of an alliance of partners with mutual interests. Such a show of

⁶⁸ WCAD, 3/CT Vol. 1/4/8/1/1/18, Trade Licenses and Shop Hours Committee Minutes, 17 May 1926.

⁶⁹ WCAD, 3/CT 4/1/5/1060 file I.25/5, Extract from Minutes of a Meeting of the Trade Licenses and Shop hours Committee, 1918.

⁷⁰ *Ibid.*

support was not seen when many Indian street traders were refused licenses as a result of the General Dealers Act of 1906. At the meeting of 16 January, the Chairman of the Ratepayers Association of the District of Cape Town, A. Brown told the strikers that the city council did not have the jurisdiction to impose a regulation that prohibited hawkers from the city centre without the permission of the provincial council.⁷¹ The secretary of the Association, C. Pearce, suggested that the best thing to do about the situation was to boycott the market for about four or five days in order to put pressure on the city council to look into the traders' grievances.⁷² A resolution to refrain from buying at the market for some days was carried and the meeting dispersed.⁷³ The boycott of the Early Morning Market forced the city council to look into the matter.

On 21 January 1918, the Trade Licenses and Shop Hours Committee held a meeting at the City Hall in Cape Town to discuss the petitions forwarded by market agents and hawkers about the prohibition placed on hawkers in the city. The District Commandant of South African Police, Major Stewart, who insisted that hawkers should be kept out of the city centre, defended his view by stating that hawkers were prohibited from the centre of the city because they caused great obstruction to traffic. He argued that if all hawkers were allowed to trade in the city centre, the situation would be chaotic. He preferred farmers from Stellenbosch and Constantia to hawk their produce in Adderley Street provided they could prove that they were the real producers of the produce.⁷⁴

Councillor Abdurahman complained that it was unfair that farmers who were not residents of the city should have the privileges that were denied to the ratepayers and inhabitants of the city.

⁷¹ 'Hawkers and City Council Regulation: Another Protest Meeting', *Cape Times*, 22 January 1918.

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ WCAD, 3/CT 4/1/5/1060 file I.25/5, *Hawkers of Fruit and Vegetable Restricted from Trading in Certain Areas 1918- 1928.*

Once more Abdurahman rallied to the support of hawkers. Contrary to the wishes of the police authorities, the council resolved that the prohibition should be withdrawn and that steps be taken to cancel the endorsement on the certificates of registration.⁷⁵ This was an important victory for hawkers as it gave them access to the principal streets of the city centre. Perhaps they won because several interests were affected this time and the boycott of the market was also an effective strategy. The issue led to united action by street traders as a group but also united market agents and street traders. The victory meant that hawkers once again had access over the streets of the city centre.

Between 1884 and 1926, hawkers had access to the principal streets of the city which were the most lucrative places for their business. These were the areas with a high pedestrian presence and were ideal for street trading and any business, big or small. Hawkers were able to trade from very early in the morning to as late as 11 pm at night. The regulations governing street trading in Cape Town, however, required street traders to be constantly on the move. The police had the right to move a hawker if he/she stood on the street for more than five minutes.⁷⁶ This requirement of constantly mobility was similar to Johannesburg and Durban where hawkers were not expected to stand on one spot for more than twenty minutes.⁷⁷ This constant mobility policy was designed to 'counteract the competition posed by hawkers to established business by denying them a predictable location and limiting the amount and variety of stock that they could offer for sale'.⁷⁸

⁷⁵ *Ibid.*

⁷⁶ WCAD, 3/CT 4/1/5/1200 file M.293/5, Memorandum of Discussion at Conference with regard to the General Position of Hawkers and Pedlars in Cape Town, 25 October 1932.

⁷⁷ G. H. Vahed 'Control and Repression: The Plight of Indian Hawkers and Flower Sellers in the Durban CBD, 1910-1948', *International Journal of African Historical studies* Vol. 32 No. 1 (1999), 14; C. Cachalia, *From Survival to Defiance: 1940-1980. Oral history Series No.2* (Johannesburg: South African Institute of Race Relation, 1983), 11.

⁷⁸ Tomaseli, 'Indian Flower Sellers in Johannesburg', 220.

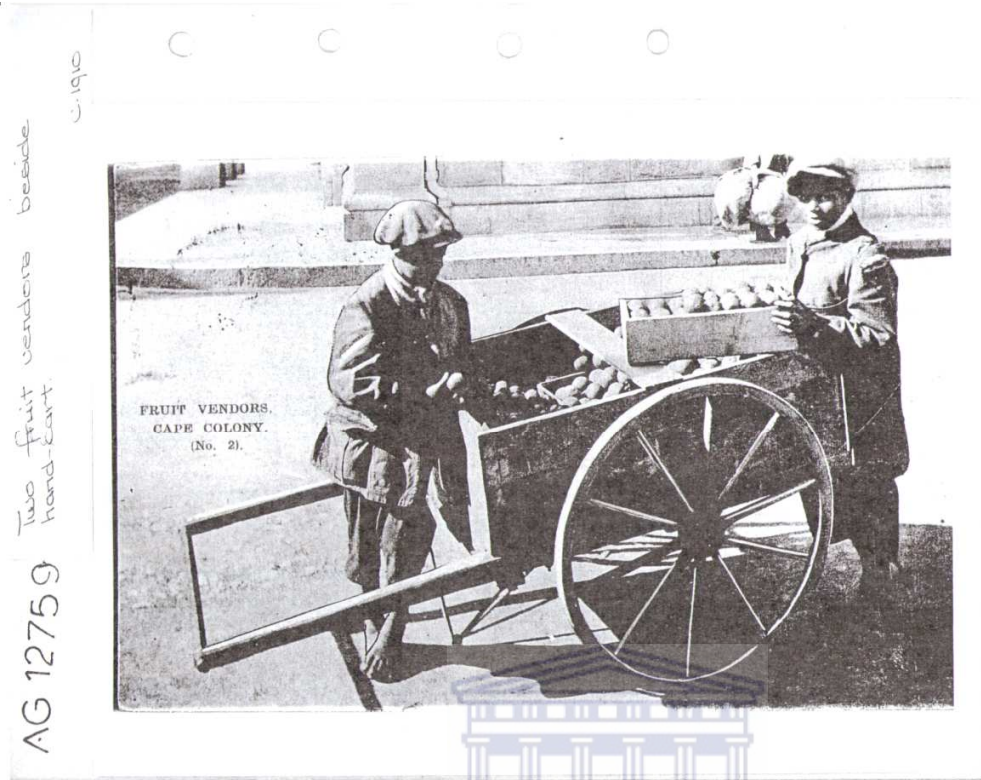


Figure 3: Two fruit peddlars beside a hand cart in the Cape Colony about 1910, photograph from the A. G. Collection of the Western Cape Archives Depot, photograph number A.G.12759.



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WESTERN CAPE

Figure 4: A group of fruit pedlars with hand carts in Cape Town about 1910. Photograph from the Jeffrey (J) Collection at the Western Cape Archives Depot, photograph number, J 42.

Children were also licensed under the Cape Ordinance of 1912 to trade in the street as hawkers. Some were employed while others helped their families in the sale of flowers, newspapers, as well as fruit and vegetables. In a study on street trading in Durban, Vahed also found that children were used in street trading. He argued that poverty was the main reason why this was so.⁷⁹ This was no different in Cape Town. According to the District Commandant of the first Police District in Cape Town in November 1921, there were 382 youths involved in the daily

⁷⁹ G.H. Vahed, 'Control and Repression', 6.

sale of newspapers.⁸⁰ This number was comprised mainly of coloureds because white children were compelled by law to be in school till the age of sixteen years, unless they had passed standard six and were in regular employment. In 1920, only six white children under the age of sixteen years were registered as street traders.⁸¹

The employment of children in street trading was opposed by various societies such as the Society for the Protection of Child Life, the Cape Peninsula Juvenile Advisory Board and the Department of Social Welfare. As a result of this opposition, the city council passed a by-law in 1922 which prohibited street trading by children under fourteen years at night.⁸² After the by-law was passed, several interest groups made several comments and suggestions. The Cape Division Juvenile Affairs Board argued that the by-law would not be effective in preventing children from street trading. It suggested that the council should have made it impossible for boys between eight and twelve years of age to be exposed to street life after 9 pm.⁸³

The secretary of the Society for the Protection of Child Life also supported the need to place an age limit for children involved in street trading. In particular, the secretary felt that the by-law should have had provisions which would prohibit very small children from street trading. The secretary then suggested that a provision such as 'no girl under fourteen years of age should be allowed to street-trade after 6 pm. and no boy under twelve years should be allowed to street-trade after 10 pm',⁸⁴ could be more effective. The society, however, did not call for total prohibition of street trading by children. It argued that, given that there was no compulsory education for coloured children, the lack of school facilities, and the dependence of coloured

⁸⁰ WCAD, 3/CT Vol. 4/1/4/351 file G.291/4, Street Trading by Children 1921- 1923.

⁸¹ WCAD, 3/CT Vol. 4/1/4/351 file G.291/4.

⁸² *Ibid.*

⁸³ WCAD, 3/CT Vol. 4/1/4/351 file G. 291/4, Street Trading by Children 1921-1923.

⁸⁴ *Ibid.*

families on children to supplement the home income, total prohibition was unfeasible.⁸⁵ This was borne out in 1945 when education was made compulsory for coloured children, but could not be enforced because of the lack of facilities.⁸⁶ Though various interest groups made suggestions on how to improve the by-law, nothing was done by the city council to improve the by-law as suggested.

Excluding Hawkers from the City Centre

As seen before, the city council tried to exclude hawkers from the principal streets of the city but had to back down. The issue however, resurfaced in the 1920s and pointed to a hardening of attitude by the local authority. Traffic control has been one significant issue in the management of street trading.⁸⁷ The process to put hawkers out of the city centre began with the withdrawal of the registration certificates of hawkers found to have acted in a manner that obstructed traffic, and ultimately led to the city centre being declared a prohibited area. Gamiet Salie, Marthinus Solomons, Omar Kassien, Daniel Young, Johannes Joseph and John Quinn were amongst the first street traders whose certificates were withdrawn because of the obstruction of traffic in 1925.⁸⁸

Five hawkers lost their certificates in January 1926 and fifteen the following month, all for obstructing thoroughfares. Hawkers, whose badges and registration certificates were cancelled, were given an opportunity to re-apply as new applicants. Actually, applications from hawkers who had been convicted of any offence were unlikely to receive favourable consideration given the fact that a police report was crucial in determining a successful application. The numerous

⁸⁵*Ibid.*

⁸⁶ WCAD, 3/CT Vol. 4/1/11/407 file G.18/49, Legislation and Regulations: Street Trading by Juveniles 1939-1965.

⁸⁷ See for instance, P. Jones *et al*, 'Managing the Geography of Street Trading in the U.K.' p. 27.

⁸⁸ WCAD, 3/CT Vol. 1/4/8/1/1/18, Trade License and Shop Hours Committee minutes, 7 December, 1925.

cases of conviction of hawkers for obstruction of traffic, caused the Streets and Drainage Committee to recommend the exclusion of street traders from the principal streets of the city in February 1926.⁸⁹ In response to the call to remove street traders from the city centre, the Trade Licenses and Shop Hours committee appointed a sub-committee in March to discuss the issue. The sub-committee invited representatives from the fruit growers, the police and hawkers themselves.

At the meeting, a list of the streets in which hawkers should be prevented from trading was suggested by the Streets and Drainage Committee. They were the same as suggested in 1918.⁹⁰ These were the most important streets for the hawkers. The National Hawkers' Association⁹¹ proposed that it would agree to the exclusion of hawkers from those streets only if areas near the railway station were set aside and recognized as localities for hawkers, and that hawkers of ice cream, peanuts and other commodities should similarly be excluded from the streets forbidden to fruit and vegetable hawkers.⁹² The sub-committee accepted the suggestions made by the National Hawkers' Association and in addition, it proposed that Trafalgar Place and the area between the Post Office and the Grand Parade would be suitable localities for hawkers. A different accommodation would be found for flower sellers in Adderley Street or on the Grand Parade.⁹³ The agreement between the sub-committee and the National Hawkers' Association was a compromise in which the latter sacrificed the principal streets of the city for a section of the Parade. The sub-committee, for its part, conceded the area used by taxi cabs near the Parade to

⁸⁹ WCAD, 3/CT Vol. 1/4/8/1/1/18, Trade License and Shop Hours Committee Minutes, 4 May, 1926.

⁹⁰ WCAD, 3/CT Vol. 1/4/8/1/1/18, Trade Licenses and Shop Hours Committee Minute, 17 May, 1926.

⁹¹ As mentioned earlier, only traces of the activities and nothing about the profile of the National Hawkers' Association was available in the archives. This has made it difficult for any attempt at a better understanding of the association. The archive frustrates in its hints and traces of the past.

⁹² WCAD, 3/CT, Vol. 1/4/8/1/1/18, Sub-committee Meeting of the Trade Licenses and Shop Hours committee, 17 May 1926.

⁹³ *Ibid*

hawkers. The significance of the agreement for the city council was that hawkers would be removed from the streets. For the hawkers, the central location of the Parade, being the meeting point for the various transport networks in the city, made up for the loss of the streets.

Since Trafalgar Place was under the control of the Streets and Drainage Committee, the Trade Licenses and Shop Hours Committee forwarded its proposal to the Street and Drainage Committee to get its opinion about the Trafalgar Place proposal. The Streets and Drainage Committee did not agree to Trafalgar Place being used as an area for the accommodation of fruit barrows and hawkers. It preferred to have flower sellers there rather than fruit barrow hawkers. In other municipalities we also found more preferential treatment accorded to flower sellers as opposed to the hawkers of fruit and vegetables. Flower sellers were regarded as adding beauty and colour to the streets.⁹⁴

The Streets and Drainage Committee was prepared to arrange for the removal of the taxi cabs on the Parade side of Castle Street to nearer the Castle so as to provide additional accommodation for the hawkers. On 26 May 1926, hawkers were given permission to use the area suggested by the Streets and Drainage Committee. This move soon antagonized the stall holders on the Parade. The unfolding events show how there were different categories of street traders and the Grand Parade stall holders had come to acquire a more privileged position which they sought to protect. Within a year, stall holders complained to the city council that hawkers were abusing the privilege to stand on the ground granted to them in May 1926. They stated that the hawkers had

⁹⁴Vahed, 'Control and Repression', p.12. R. Tomaselli, 'Indian Flower Sellers of Johannesburg', p.228, Jones et al, 'Managing the Geography of Street trading in the U.K.' p. 28, Donovan, 'Informal Cities and the Contestation of Public Space', 30.

actually erected stalls and were occupying space almost equivalent to the size of the stalls on the Parade and were competing with the stall holders.⁹⁵

In response to the complaint from stall holders on Parade, a team of investigators was appointed to investigate the complaints. The team of investigators found out that hawkers had erected stands in the area and were using a portion of the carriage way in Castle Street to display their wares.⁹⁶ In the light of the report of the investigation, the council resolved to prevent hawkers from using the area and asked the Improvement and Parks Committee to fence the area. The portion of Castle Street which was included in the area that was reserved for hawkers was again made available as a stand for taxi-cabs.⁹⁷ This account shows how the local authority had to mediate between different informal traders. This time the interest of stall holders was privileged over the interest of street traders.

Once the council had made a decision to block off certain streets to hawkers, it was only a matter of time before the number of excluded streets was expanded. This is also borne out in studies of street trading in Johannesburg and elsewhere.⁹⁸ In 1928, on the recommendation of the Streets and Drainage Committee, with the approval of the Traffic Control Committee and the city council, the additional streets from which street traders were excluded were: St. George's, Long, Spin, Bureau, Church, Longmarket, Shortmarket and Hout Streets. The effect was to make the entire CBD a prohibited area for hawkers. Given that the central streets of the city were a prime location for business, hawkers violated the prohibition regulations. In August 1926 six hawkers were arrested for trading in prohibited areas. In the following month, ten hawkers were arrested

⁹⁵ WCAD, 3/CT, Vol. 1/4/8/1/1/18, Sub-Committee Meeting of the Trade Licenses and Shop Hours Committee, 17 May 1926 .

⁹⁶ WCAD, 3/CT Vol. 1/4/8/1/1/20, Trade Licenses and Shop Hours Committee Minutes, 6 June 1927.

⁹⁷ *Ibid.*

⁹⁸ R. Tomaselli, 'Indian Flower Sellers of Johannesburg' p.220, S. Setsabi, R. Leduka, 'The Politics of Street trading in Maseru', 232.

by the police for trading in prohibited areas. The council authorities recommended that the certificates and badges of hawkers who had received three or more warnings be cancelled and withdrawn.⁹⁹

Local, as well as international examples, point to how hawkers tend to ignore regulations. Cachalia, for instance, argues that the act of hawkers violating regulations in the Transvaal became a 'style of doing business.'¹⁰⁰ Hawkers were prepared to pay fines and soon returned to the streets.¹⁰¹ Some studies point to how paying fines is simply considered as a business expense.¹⁰² The story of the prohibitions and regulations is accompanied by a story of defiance and must be understood in terms of survival on the part of the poor. In Cape Town, more than sixteen hawkers were arrested for trading in prohibited areas between August and September 1926. This defiance is an indication of how important those streets were to street traders.

We have seen how the police who were responsible for traffic control played a role in influencing council policy. There were other interest groups who also sought to curb street trading. These were other branches of the city's management, for instance, the Cleansing Department, and the Engineer's Department. In August 1924, the cleansing superintendent complained that the presence of hawkers in a section of the Parade caused great obstruction.¹⁰³ In the following month, the city engineer also complained to the town clerk that a large number of

⁹⁹ WCAD, 3/CT Vol. 1/4/1/1/18, Trade Licenses and Shop Hours Committee Minutes, 25 August 1926.

¹⁰⁰ C. Cachalia, *From Survival to Defiance*, p.12.

¹⁰¹ G. H. Vahed, 'Control and Repression', 12, J.N. Nduma, 'Street Trading in Transkei's Major Urban Areas' Unpublished M.A. Thesis, University of the Witwatersrand, Johannesburg, 1992, 93.

¹⁰² P. Jones et al, 'Managing the Geography of Street Trading in the U.K.', 27.

¹⁰³ WCAD, 3/CT, Vol. 4/2/1/1/340, file 57/24 Complaints about Fruit Hawkers and Vehicular Traffic on Grand Parade, 1924.

vendors who sold fruit from small hand-barrows at the foot of Parliament Street and Castle Street near the railway station caused great obstruction in the area.¹⁰⁴

Property owners and business interests, in particular, complained to the city council that hawkers were a nuisance in the city. There are numerous complaints in the archives to the council from these groups. The Cape Peninsula Property Association complained to the city council in 1927 that some fruit and vegetable hawkers, who operated at the corner of Muir and Hanover Streets in District Six in Cape Town, interfered and competed with the legitimate trade of shopkeepers in the vicinity. The association called on the town council to invite the police to put an end to the nuisance caused by the hawkers.¹⁰⁵ In 1932, the Director of I. Chames and CO. (Pty) Ltd, also complained to the town clerk that hawkers were fond of standing in front of his premises causing an obstruction on the pavement, and also disturbing the passer-by.¹⁰⁶

In the same year, the Director of C.T.C. Bazaar (Pty) Ltd. of 115 Longmarket Street Cape Town (in the prohibited area) also wrote to the town clerk to complain about hawkers standing outside his premises during working hours and harassing his workers. He said that hawkers were a great nuisance not only to pedestrians, but to vehicles on the road as well. He concluded by calling on the authorities to take the necessary steps to eliminate the nuisance.¹⁰⁷ A protest letter was received from business owners in Corporation and Longmarket Streets, in which they drew the attention of the city council to the nuisance caused by street traders in the area. These business

¹⁰⁴ WCAD, 3/CT, Vol. 4/2/1/1/340, file 57/24, Complaints about Fruit Hawkers and Vehicular Traffic on Parade.

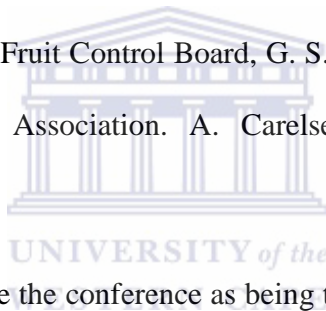
¹⁰⁵ WCAD, 3/CT Vol. 4/1/5/1200 file M.293/5, Memorandum of Discussion at Conference with regard to the General Position of Hawkers in Cape Town, 25 October 1932.

¹⁰⁶ *Ibid.*

¹⁰⁷ WCAD, 3/CT Vol. 4/1/5/1200 file M.293/5.

owners were Woolworths (Pty) Ltd, Foster Stevenson & CO. Ltd, W. J. Spracklen (Pty) Ltd, W.M. Cuthbert & CO. Ltd, Hepworths Ltd, and the Royal Hotel.¹⁰⁸

Due to numerous complaints in the city about the nuisance caused by hawkers, a conference was called to discuss the position of hawkers in the city on 25 October 1932. Those present included Councillor H. J. C. Stephan (The Mayor and chairman of the conference), Councillors F. Baker, G. Kinnes, E. G. Nyman, Councillors P. J. G. Bishop, A. B. Pickard representing the Trade Licenses Committee. Apart from councillors and officials of the city council, there were also representatives from farming and hawking communities. From the farming community were G. Smit, P. Lester, J. Roworth who represented the Cape Flats and District Farmers Association, H.C. Le Roux from the Perishable Fruit Control Board, G. S. Hauptfleisch and D. C. Malan from the Paarl Farmers Co-operative Association. A. Carelse and A. Hamit represented the hawkers.¹⁰⁹



The Mayor framed the issue before the conference as being the nuisance of hawkers in the city. Councillor Pickard then explained to the delegates that several suggestions had been made to the Licensing Committee with regard to dealing with the problem of hawkers in the city. The suggestions included a restriction in the issuing of new hawkers' licenses, limiting the hours of trade and restricting the areas of trade.

P.J.G. Bishop, the chairman of the Licensing Committee suggested that the hours of trade for hawkers should be reduced to between 6 am and 7 p m.¹¹⁰ This was supported by Hamit and Dr. Abdurahman with a plea for extra time on Friday and Saturday when 10 pm would be closing

¹⁰⁸ WCAD, 3/CT Vol. 4/1/5/1233 file M.375/5, Conference of the Chairmen of Standing Committees of Traffic Control, Markets and Slaughterhouses, Streets and Drainage, 18 April 1935.

¹⁰⁹ WCAD, 3/CT Vol. 4/1/5/1200 file M.293/5, Memorandum of Discussion at Conference with regard to the General Position of Hawkers and Pedlars in Cape Town, 25 October 1932.

¹¹⁰ WCAD, 3/CT Vol. 4/1/5/1200 file M.293/5.

time. On the suggestion to limit the number of licenses, there were two different views. Le Roux opposed the idea to restrict the number of hawkers' licenses. In his opinion, there were not too many hawkers' licenses, but too many hawkers' assistants. Nyman supported the reduction of hawkers' licenses because in his view the low prices of produce were due to excessive competition between sellers.¹¹¹ The conference ended without any clear-cut decision on how to deal with hawkers in the city centre.

The provincial administration was more decisive with regard to the administration of street trading and other aspects of trade in the province. In 1932, the provincial secretary addressed a circular to all local authorities in the Cape Province which reflected a difference of view. In the circular, the provincial secretary affirmed that he had received a number of appeals about local authorities refusing to grant licenses. He made it clear that the provincial executive did not approve the decision by any local authority to refuse granting trading licenses on the guise of overtrading.¹¹²

In response to the circular, P.J.G. Bishop, the Chairman of the Licensing Committee of the Cape Town city council said that the circular was a ploy by the provincial administration to censor decisions of a city council that had jurisdiction over a large city like Cape Town, in the same manner as was necessary for a small country dorp.¹¹³ Yet as it worked out, the city council was not really opposed to the province's directive. From discussions between the Retail Traders Association, the Chamber of Commerce and the deputy town clerk, it was agreed that nothing should be done to restrict overtrading by refusing licenses.¹¹⁴ This response therefore implied

¹¹¹ *Ibid.*

¹¹² 'Trade licenses not to be limited; Provincial Executive circular to local authorities', *Cape Argus*, 14 September 1932, 10.

¹¹³ 'Council and Traders: Restriction on Issue of Licenses', *Cape Times*, 16 September 1932, 10.

¹¹⁴ 'The Retail Traders' View', *Cape Argus*, 14 September 1932, 9.

that the number of hawkers in the city would not be reduced, and neither would new traders be refused entry into the trade. This positive move was in some ways of no importance to the hawkers because they had already been prevented from trading in the city centre which was the most profitable area.

Fixed Stands as a Solution to the Problem Caused by Hawkers

Thus far the city council's control over hawkers was in the form of badges and certificates, and control over areas of trade. In 1934, council moved to discussing the provision of stands for hawkers as a measure of control. Tomaselli has argued that the provision of stands to the flower sellers in Johannesburg gave the city greater control.¹¹⁵ In November 1934, the chairmen of the following Committees; Traffic Control, Markets, Streets and Drainage, Trade Licenses, Improvement and Parks and Housing and Estate Committees held a meeting to find a solution to the defiance of the prohibition regulations by hawkers. The meeting resolved on providing stands to hawkers in the city centre in areas clear of traffic.¹¹⁶ A list of 84 stands was proposed. There were to be 30 stands on the Grand Parade, 21 in Hanover Street, 6 in Dock Road, 4 in Darling Street, 4 in Long Street, 4 in Caledon Street, 3 in Adderley Street, 3 in Parade Street, 3 at Pier Entrance, 2 in Orange Street, 2 in Esplanade and 1 at the Opera House.¹¹⁷

The limited provision of stands indicates how far city officials were prepared to go in reducing street trading in the city centre. The mayor however, intervened since he thought that it was far less than the number of hawkers in the city. He asked for more time to enable steps to be taken to

¹¹⁵Tomaselli, 'Indian Flower Sellers of Johannesburg', 222.

¹¹⁶ WCAD, 3/CT Vol. 1/4/8/1/1/29, Trade Licenses and Shop Hours Committee Minutes, 14 December 1934.

¹¹⁷ WCAD, 3/CT Vol. 4/1/5/1233, file M.375/5, Conference of the Chairmen of Standing Committee of the City Council held in Cape Town, 24 April 1935.

ascertain the number of hawkers in the city in order that stands could be provided for all hawkers who had been trading in the centre of the city.¹¹⁸

While council officials favoured stands as a measure of control, the National Hawkers' Association saw some merit in this and pressed for its implementation. In its view the allocation of stands would give hawkers a permanent location and an opportunity to display more goods than they could as mobile traders. In July 1935, after the issue to allocate stands to hawkers was discussed, the National Hawkers' Association sent a delegation to put pressure on the Licensing Committee to proceed with the allocation of stands. The delegation was informed that, though several committees were involved in the matter, steps would be taken to expedite the matter. Part of the problem in the management of street trading from the council's side was the fact that so many committees had an interest in the matter.¹¹⁹

About two weeks after the above meeting, representatives from the National Hawkers' Association were again received by the Licensing Committee. This time, they had several demands that they wanted the committee to consider on behalf of hawkers. They were: the withdrawal of the license application fee of two shillings six pence, and the cancellation of hawkers' registration certificates and badges on holders leaving the business.¹²⁰ The registration fee was considered as an additional overhead given the fact that they had to pay for themselves and for their assistants. They also wanted licenses of those who were no longer interested in the trade to be cancelled. They pressed the city council to punish anyone found trading on the street without a hawker's license.¹²¹ These appeals by the hawkers' association are interesting for they

¹¹⁸ *Ibid.*

¹¹⁹ Dewar, *et al*, 'Proposals for the Management of Street Trading

¹²⁰ WCAD, 3/CT Vol. 1/4/8/1/1/29, Trade Licenses and Shop Hours Committee Minutes, 26 July 1935.

¹²¹ *Ibid.*

point to registered hawkers seeking protection. Registration thus can be interpreted not only as a means of control by local government, but registration can be interpreted as creating groups with rights who then sought to protect these rights.

The chairman of the committee advised the delegation that the fees for hawkers' licenses and registration were fixed by Provincial Ordinance and Union legislation, and that the council had no jurisdiction in the matter. On the issue of the cancellation of the certificates and registration of hawkers who left the business, the committee decided to put it on hold pending the settlement of the proposal to allocate permanent stands to hawkers in the city.¹²² Though the city council promised to look into the matter of providing stands to hawkers in the city centre, nothing was done for two decades.

Instead the city council turned its attention towards extending the hawkers' regulation to traders on fixed stands. These were newspaper vendors and flower sellers. In 1947, the Trade Licenses Committee suggested to the Traffic and Fire Services Committee that a new regulation should be put in place that would incorporate the traders on fixed stands who were previously excluded from the hawkers' regulation. The Committee expressed the opinion that the only way to incorporate these traders was to introduce a separate regulation for their control and registration.¹²³ This issue will be taken up further in the next chapter.

Conclusion

This chapter has shown that the vital factors that influenced official policy towards street trading were the need to raise revenue, the complaints of unfair competition from licensed traders and the complaints of obstruction of pavements by the police authorities, and owners of formal

¹²² *Ibid.*

¹²³ WCAD, 3/CT Vol. 1/4/8/2/1/9, Trade licenses Minutes, 24 October 1949.

businesses. The factors that influenced official policy shifted from the need to raise revenue in the colonial era, to access to the streets and to protecting business interests in the union era. The prohibition of hawkers from the centre of the city from 1926 onwards was greatly influenced by such complaints. Within the city council itself, there were councillors who were not in support of having hawkers with their barrows and animal- drawn vehicles (carts) in the centre of the city. On the other hand, councillors like Abdurahman were always there to defend the plight of hawkers.

Between 1906 and 1947, the municipality of Cape Town introduced numerous regulations and by-laws to control and regulate street trading. Each new regulation was passed with a view of either having greater control over hawkers or to limit the space where hawkers could trade. The prohibition of hawkers from the central areas of the city was to enable the city council to prevent obstruction of pedestrian and vehicular flow, to protect formal businesses from unfair competition, and to ensure the maintenance of a tidy, hygienic and secure city. The only policy in favour of hawkers was the Provincial Ordinance of 1930 which prevented municipalities from refusing to grant licenses to hawkers based on the excuse of overtrading.

An important characteristic of street trading in the period was that hawkers had to be mobile and with limited stopping time. Furthermore, hawkers were later prevented from trading in the most lucrative streets of the city, their hours of trade were reduced and the use of children (fourteen years and younger), who were a great help especially to the hawkers of fruit and vegetables and newspaper vendors, was prevented by legislation.

One of the biggest issues to emerge was the matter of stands for hawkers. While the literature has seen the allocation of stands as a matter of control, this chapter points to hawkers supporting the

idea of stands. Hawkers believed that the provision of stands would not only alleviate the problem they were accused of creating in the city centre, it would give them access to a permanent location which would improve their trading conditions. At one point in time, the city council considered the idea and began to make plans to provide few stands for hawkers, and later the city council had a change of mind on the issue and dropped it. The key difficulty was how many stands it should provide.

This chapter has highlighted the city council's use of registration certificates as a mechanism of control. There was a reliance on identification practices such as signatures, fingerprinting, photographs and badges to control street traders. The discussion of this contributes to the debate sparked of by Breckenridge and Szepter who argue for the need to look at registration beyond the framework of state control and repression. As this chapter has shown, registration carried with it an acknowledgement of rights and hawkers sought to protect these rights. Yet there were contestations around what identification practices were acceptable.

The administration of street trading in the city was not solely the prerogative of the local government because the provincial government was also a major player. This chapter pointed to some areas of differences between the provincial and local government in the administration of street trading in the city. Within the local government itself, several committees were seen to have a stake in the governance of street trading in the city. The committees that were directly involved with the administration of street trading in the city were Trade Licensing, Streets and Drainage, and Traffic control. This chapter offers the argument that part of the problem in the management of street trading from the council's side was the fact that so many committees had an interest in the matter.

In many respects the policy of the Cape city council has similarities to that of other municipalities in South Africa. This is seen in street trading policies that required street traders to be constantly mobile and which prohibited street traders from the streets in the city centre. Yet the chapter highlights the extensive use of identification technologies in Cape Town to identify street traders. The literature for other cities does not discuss this and it is clearly a subject for further research in those cities.

This chapter has also shown how race played an important role in determining which racial group could trade in the city centre. In this regard, Africans rather than Coloureds or Indians were affected. Application forms required disclosure of nationality and residential address. On this basis, the licensing authority was able to know whether an applicant was eligible to trade in the CBD or not. Africans were only entitled to trade in the African townships. While there was some hostility to the Indian hawkers, this occasional flare-up was nothing like what Vahed found for Durban. One has to bear in mind that unlike Durban and Johannesburg whose councils were all white, Cape Town had coloured councilors. Even though they were a few, they had some tempering effect on policy.

Street traders did not simply accept all that was introduced to control them. This was seen in the discussion of the strike when there were plans to prevent them from trading in the principal streets of the city. The strike revealed the strength of the unity amongst the hawkers and the support of other interested groups like the fruit growers and the Rate Payers' Association. The strike saw an alliance of people with a common interest to defend their livelihood. This victory did not last long for council re-introduced its restrictions on trade. While sources have not allowed one to develop a greater understanding of hawkers' associations, one can see how they were drawn into conceding several points while they pressed for other concessions. Hawkers

themselves were not a united group- this chapter has highlighted the division between stall holders and others bound by the policy of mobility. This chapter has highlighted some show of agency by street traders who defied the prohibition of trading in certain streets.

The city council had to implement one of two options to deal with the problem. One option was to reduce their numbers and prevent hawkers from trading in the city centre. The other was to provide stands for hawkers in the city centre. The latter was more difficult to implement. How the city council grappled with the issue of hawkers in the city centre in the apartheid era is the concern for the next chapter.

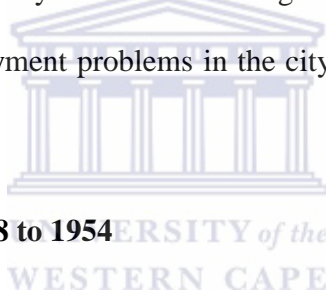


CHAPTER TWO

STREET TRADING FROM 1948 TO 1993

Introduction

This chapter examines street trading policies between 1948 and 1993. It explores the measures used by the city council to increase its control over street traders and highlights the strategies employed by street traders to violate city council policies. It argues that the measures employed by the city council to control street traders were in support of protecting formal businesses at the expense of poor street traders. It highlights a shift in local government attitude towards street traders from the mid 1980s to the early 1990s and also argues that the shift was motivated by the need for solutions to the unemployment problems in the city rather than an outright support for street trading.



Street Trading Policies from 1948 to 1954

The Second World War contributed to the greater industrialization of Cape Town. The clothing and food industries experienced a boom. Construction works at the docks and the construction of the Wingfield aerodrome attracted migrant labourers into the city. Migration changed the demographic composition of the city. The influx of Afrikaners increased the populations of suburbs of Woodstock, Salt River, Observatory and new municipalities emerged in Goodwood, Parow, Bellville and Durbanville.¹ By 1946, the population of Cape Town had increased to about half a million.² The population of Africans also increased and by 1951 numbered about 96 923 in

¹ V. Bickford-Smith et al. , *Cape Town in the Twentieth Century*, 66-70.

² *Ibid.* , 118.

the Western Cape with the majority living in urban areas.³ Politically, South Africa experienced the dawn of a new political dispensation following the victory of the National Party in the general elections of 1948.

The National Party won the general elections under the banner of introducing apartheid as the national policy in South Africa. Dan O'Meara argues that apartheid was conceptualized as a response by the National Party to the migration of large numbers of Africans from rural to urban areas between the 1930s and 1940s which caused a shortage of labour on the farms. This movement did not only affect Afrikaner farmers in the rural areas, it also posed a serious threat to Afrikaners working in the industries in urban areas.⁴ The introduction of apartheid sought to control the movement of Africans in order to serve the needs of various Afrikaner interests.⁵

Paul Maylam also argues that although the National Party had apartheid as its policy objective, it did not have a concise plan on how to go about it. The concept of apartheid only took shape over a period of time and also took different forms at different times.⁶ The policy ranged from the prohibition of mixed marriages, the division of urban areas into racial zones, the intensification of influx control to control the movement of blacks into urban areas, the racial division of labour, segregation in education and every aspect of human life.⁷ It also involved the creation of separate states or independent homelands for the different African ethnic groups.

³ R. Humphries, 'Administrative Politics and the Coloured Labour Preference Policy during the 1960s' in W. G. James and M. Simons (eds), *The Angry Divide: Social and Economic History of the Western Cape* (Cape Town: David Philip, 1989), 170-171.

⁴ D. O'Meara, *Forty Lost Years: The Apartheid State and the Politics of the National Party, 1948-1994* (Randburg: Raven Press, 1996), 65.

⁵ *Ibid.*

⁶ P. Maylam, *South Africa's Racial Past: The History and Historiography of Racism, Segregation, and Apartheid* (Burlington: Ashgate Publishing Company, 2001), 179.

⁷ *Ibid.*, 179-185.

Worden has pointed out that apartheid policies varied from one decade to another in terms of both the content and implementation. The decades of the 1950s, 1960s and the first half of the 1970s saw the introduction and implementation of several laws to racially divide South Africans. The later part of the 1970s and the 1980s experienced a period of reform of apartheid legislation. The need to reform apartheid was necessitated by the labour and urban resistance of 1970s and 1980s and the fact that the South African industrial sector was moving from a system that demanded unskilled migrant labour to a system that needed more permanent and skilled labour.⁸

The introduction of the Group Areas Act in 1950 gave the government the authority to divide urban areas into zones for whites, Africans, coloureds and Indians, and to forcefully move people to designated racial areas. When the act was passed, municipalities were requested to make proposals for the establishment of group areas. The Cape Town city council refused to make group area proposals. It was more liberal in comparison to the Durban and Port Elizabeth municipalities. Pinnock argues that the reluctance by the Cape Town city council to make group area proposals was motivated by economic interest than by concern for the city's urban poor.⁹ The city council was reluctant to shoulder the cost of providing houses. Another reason why the city council did not support Group Area removals was that some of its councillors owned properties and businesses in slum areas. For those councillors, relocation would mean the loss of income.¹⁰ The Durban city council did not only make proposals for the city of Durban, it also provided a blueprint applicable for the whole country.¹¹ The refusal by the municipality of Cape Town to make group area proposals caused the Western Province Land Tenure Board to make

⁸N. Worden, *The Making of Modern South Africa: Conquest, Segregation and Apartheid* (Oxford: Blackwell, 1994), 95-122.

⁹D. Pinnock, 'Ideology and Urban Planning: Blueprints of a Garrison City' in W. G. James and M. Simon (eds), *The Angry Divide: Social and Economic History of the Western Cape* (Cape Town and Johannesburg: David Philip, 1989), 163-165.

¹⁰*Ibid.*, 162.

¹¹J. Western, *Outcast Cape Town* (Cape Town: Human and Rousseau, 1981), 88-121.

proposals for Cape Town.¹² The effect of the Group Areas Act in Cape Town was dramatic. Group Area removals occurred all over Cape Town and affected mostly coloureds, Indians and Africans. More than 150 000 people were removed from their residential areas to the Cape Flats.¹³ More than 2 500 African families were removed from Windermere to Guguletu between 1960 and 1963.¹⁴ There were removals from Black River in Rondebosch, from Newlands, Mowbray, Claremont, Elsie's River, Tramway Road in Sea Point to areas in the Cape Flats where new housing schemes emerged.¹⁵

District Six a cosmopolitan area close to the city centre with a great mix of people: Coloured, Indian, African, Jews, Russians, Germans, Poles was declared a white residential area in 1966.¹⁶ It marked the removal of the largest number of people from any single area. But it took some time to effect removals. Initially people were given one year to two years to move,¹⁷ but the removals actually took much longer. The impact of Group Areas removals in District Six where many street traders lived was immense. Socially, people lost their community and the friendships they had created over many years. Economically, there was the additional cost of commuting from the Cape Flats to the city centre some 30 kilometers away. The *Cape Argus* predicted dire consequences for hawkers and consumers as a consequence of the removals. It pointed out that once removals occurred, overheads would increase as street traders would have to travel.¹⁸

¹² *Ibid.*, 122.

¹³ V. Bickford-Smith *et al. Cape Town in the Twentieth Century: An illustrated Social History* (Cape Town: David Philip Publishers, 1999), 154.

¹⁴ S. Field, 'Oral History, Community and Displacement', 25.

¹⁵ V. Bickford-Smith *et al. Cape Town in the Twentieth Century*, 176-188.

¹⁶ D. M. Hart, 'Political Manipulation of Urban Space: The Razing of District Six, Cape Town', *Urban Geography* Vol. 9, No. 6 (1988), 607.

¹⁷ J. Western, *Outcast Cape Town*, 71.

¹⁸ 'Fruit Sale Slumps Predicted when Hawkers are Gone', *Cape Argus*, 6 May 1964.

In this chapter it is argued that while national policies shaped Cape Town's urban space, street traders were more directly affected by city council policies. These, as shall be seen, were far from liberal in the 1950s and 1960s. In the 1980s, there was a significant shift in the attitude of the local government not only towards street trading but towards the informal sector in general.¹⁹ This chapter will explore the reasons for this shift.

In October 1948, the Cape Town city council introduced new regulations for street traders. Regulation No. 1945 represented an amendment of the 1912 regulations with new provisions added and others removed. The new regulations required street traders to provide additional information for identification purposes; street traders were required to have storerooms for the storage of their goods; hours of trade were reduced and the hawker prohibited area was extended.²⁰ The extension of the prohibition area was a continuation of earlier attempts to rid the city centre of 'unsightly' street traders. On the issue of identification, the new regulations required street traders to provide their photographs and signatures on the certificate of registration. Previously the hawker could choose between a thumb print or photograph or signature. The new regulations did not require fingerprints. While this was a positive step for hawkers who had for long opposed the requirement, the certificate of registration now had a more comprehensive and standardized form of identification.

A further provision of significance was that every hawker had to have a storeroom as a prerequisite for registration. This was motivated by the desire to improve the conditions under which fruit and vegetables were stored. This came from information that hawkers stored fruit and

¹⁹ City of Cape Town, *Street Trading Policy Plan 1987: A Report by the Town Planning Branch to the Adhoc Committee on the Operation of the Free Market Economy, 1987, 2.*

²⁰ WCAD, 3/CT, Vol. 4/1/11/415 file G 18/101, Amended Regulation Relating to Hawkers and Pedlars, October 1948.

vegetables and other food stuffs in unhygienic conditions. The storerooms had to be approved by the Medical Officer of Health. The influence of sanitation in the control of street traders has also been highlighted by Tomaselli, as well as Beavon and Rogerson in their studies of street trading in Johannesburg.²¹ This requirement had major implications. It added to the overhead costs and prevented the very poor from entering the trade.²² While, in the period before 1948, trading hours were between 6 am and 11 pm, they were now shortened so that by 6 pm trading had to cease. This affected door to door traders the most since their hours were severely curtailed. One of the most drastic provisions of these regulations was that almost the entire CBD was made a prohibited area for hawkers. A similar ban on hawkers in the centre of the city was to emerge in Durban, Johannesburg and in most cities in South Africa.²³



²¹Tomaselli, 'Indian Flower Sellers of Johannesburg', 218, Beavon and Rogerson, 'The Council vs the Common People', 208.

²² City of Cape Town, *Street Trading: Survey Report, 1986*, 79

²³C. Skinner, 'The Struggle for the Streets: Processes of Exclusion and Inclusion of Street Traders in Durban, South Africa' *Development Southern Africa* 25, 2 (June 2008), 231.



Figure 5. Diagram of Cape Town's city centre. Source: City of Cape Town, Street Trading Survey Report, 1986, 8.

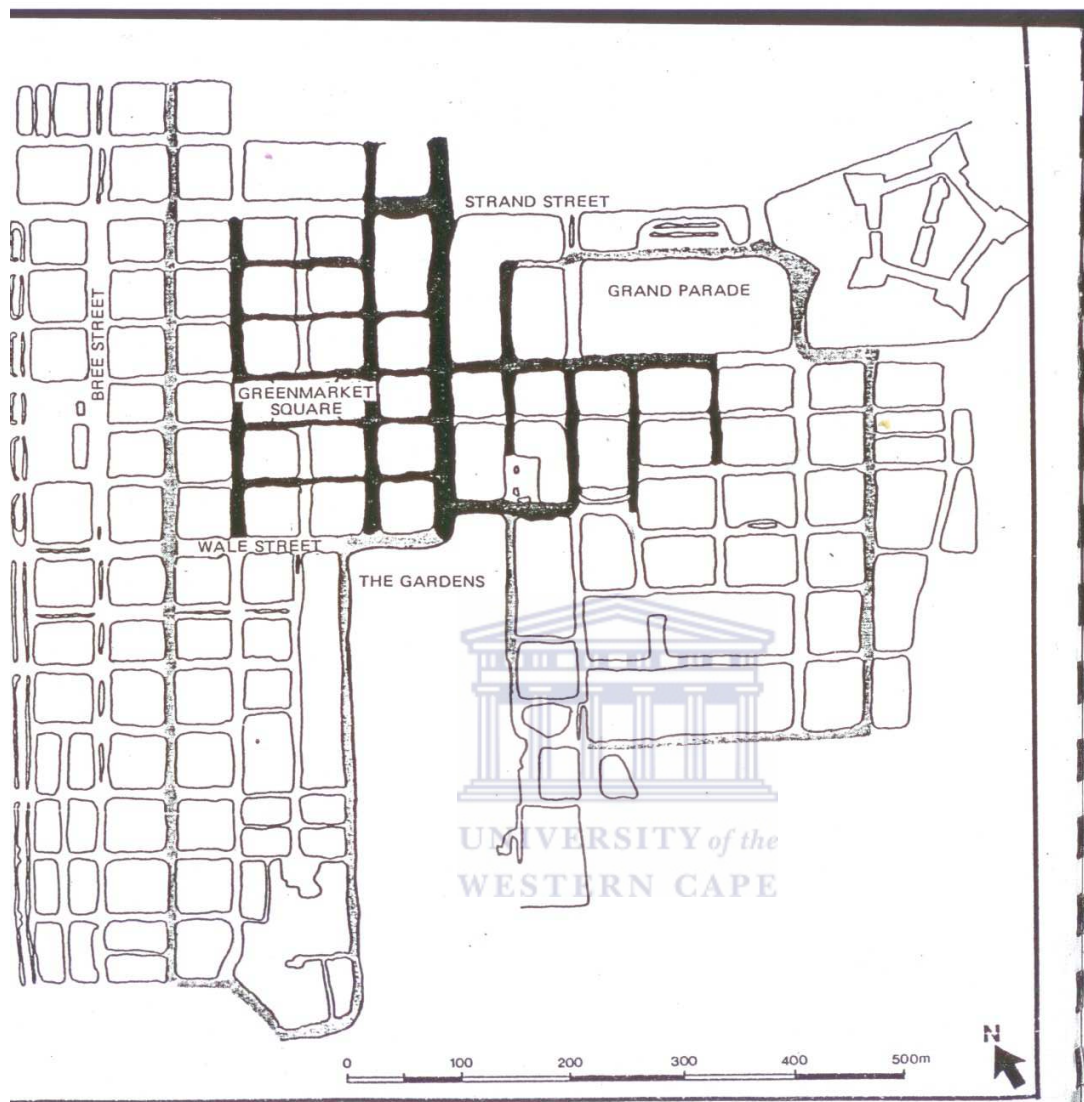


Figure 6. Hawkers Prohibition Zone. Source: City of Cape Town, Street Trading Survey Report, 1986, 30.

Hawkers were restricted from parts of the city in the 1930s (see above area in bold) , the areas prohibited in 1953 (see above lighter shaded area) were far more extensive.

The only positive aspect of the new rules for hawkers was that it allowed hawkers to stand at one spot for one hour before moving to another spot not less than 100 yards from the spot previously occupied.²⁴ This applied to those hawkers who were trading in the residential areas of Wynberg, Claremont, Sea Point, Camps Bay, Maitland and Woodstock, as the CBD was a totally prohibited zone. Though still limiting in terms of the fact that hawkers had to pack up their wares and move to another spot on an hourly basis, it was better than previously when hawkers were only allowed to pause for five minutes.

The city council also began a move in 1948 to bring other street traders under control, like flower sellers and newspaper vendors, who until this time were not governed by street trading regulations. Flower sellers and newspaper sellers who operated on stands had a different arrangement with the city council. They simply paid rent for the occupation of the stands. The city council thus sought the support of the provincial administration to change this. This was motivated by the desire to secure more revenue from these traders.²⁵

The provincial administration did not, however, support the council's plans. While the city council argued that the amendment of the regulation was necessary because it would give it greater control over this category of traders, the provincial administration's view was different. It believed that to extend the city council's control over fixed stand traders would encourage more traders to take up positions on the pavement. The chief traffic officer's response to this exchange was that an amendment was necessary primarily to restrict and control pavement traders and it was not about extending the practice of fixed stands. One of his central concerns was how fixed point traders caused congestion and obstruction to smooth traffic and pedestrian flow and it was

²⁴ WCAD, 3/CT Vol. 4/1/11/415 file G 18/101, Amended Regulation Relating to Hawkers and Pedlars.

²⁵ WCAD, 3/CT Vol. 1/4/8/2/1/8, Trade Licenses Committee Minutes, 27 September 1948.

necessary to control this.²⁶ As a result of these exchanges, the provincial administration requested the municipality of Cape Town to come up with a policy that would include all classes of street traders before it would give its permission to the council's request.

While the provincial administration demanded a more coherent policy, there were other interest groups who were concerned about the council's plans. The Central News Agency, for instance, took up the issue of newspaper selling in the city centre. It argued that the stands of the newspaper vendors had been on the street for a very long time and were handed down from father to son. To dispense with the stands in Cape Town or to remove them to less busy streets, would result in great hardship to the coloured people who owned them. The Agency was prepared, however, to support a limitation in the sizes of the stands. It suggested that the pavement space occupied by stands could be reduced from about five feet to two feet per stand.²⁷

The policy document submitted to the provincial administration for approval contained two main proposals. The first was that since pavement vending on fixed stands caused congestion on the streets, all classes of non-itinerant traders should be prohibited with the exception of flower sellers, vendors of newspapers, magazine and periodicals. The second was that all the flower sellers who did not operate on fixed stands should be classified as hawkers.²⁸ This policy was motivated by the fact that it would ensure a measure of control over the number of street vendors, and limit the number of stands in public places. It would also push street traders to sites which would not give rise to traffic danger or public inconvenience.²⁹ Further, the fact that flower sellers and newspaper vendors could still operate on fixed stands, unlike others, confirms

²⁶ WCAD, 3/CT Vol. 4/1/11/415 file G 18/101, Amended Regulation Relating to Hawkers and Pedlars, 28 October, 1948 .

²⁷ WCAD, 3/CT Vol. 4/1/11/407 file G18/49.

²⁸ WCAD, 3/CT Vol. 4/1/11/415 file G18/101, Amended Regulation Relating to Hawkers and Pedlars.

²⁹ WCAD, 3/CT Vol. 4/1/11/415 file G18/101.

the argument that when street traders exhibited goods that served the interest of the white population of the city, the city authorities were slightly more sympathetic towards such businesses than with those that did not.³⁰

The provincial administration finally approved the proposal to extend the city council's control over other street traders in the city centre on 19 August 1950, but made it categorically clear that the amendment to the regulation should apply specifically to flower sellers who did not sell on fixed stands.³¹ With the decision in favour of extending hawkers' regulations to include flower sellers who did not sell from fixed stands, the Finance and General Purposes Committee was mandated to redraft and implement the new regulation.³² The inclusion of itinerant flower sellers in the hawkers' regulation meant more revenue for the city council.



³⁰ C.M. Rogerson, 'The Underdevelopment of the Informal Sector: Street Hawking in Johannesburg, South Africa' *Urban Geography*, Vol. 9, No. 6, (1988), 561.

³¹ WCAD, 3/CT Vol. 4/1/11/415 file G18/101.

³² *Ibid.*



Figure 7 Itinerant flower sellers in Adderley Street, Cape Town. Photograph from the A.G. collection at the Western Cape Archives Depot, Photograph number, A.G.13883.

In 1953, the provincial administration introduced the Registration of Business Ordinance which came into operation on 1 January 1954. The aim of this ordinance was to lay down the maximum fee that a local authority could charge for the registration of a business in the province. For hawkers, the maximum fee was fixed at one pound. This was good for hawkers since it meant a reduction from three pounds to one pound. It also placed a maximum fine of five pound for the contravention of street trading regulations. Apart from empowering local authorities to restrict

the area in which hawkers could trade, it empowered the provincial administrator to receive appeal cases from hawkers whose applications for registration were rejected by a local authority.³³ This ordinance seemed to contain some very positive elements for street traders. The provincial administration and the Cape Town city council have been shown to have divergent views about the management of street trading. This clause made it difficult for a local authority to refuse granting a certificate to anyone who wanted to trade and who had already obtained satisfactory reports from both the police and health authorities. This was a positive element in the street trading regulation that in some ways tended to favour the street trader.

Implementing Stricter Control over Street Traders

Although the CBD was made a prohibited area for hawkers, hawkers continued to trade in the area. To pass regulations was one thing, to enforce them was another. Nesvag has argued that 'structural economic factors such as unemployment and poverty actually forced individuals to defy the law despite the severe threat it posed'.³⁴ Hawkers continued to violate the regulations in Cape Town. Between September 1957 and August 1958, there were 1 247 prosecutions, with some hawkers having been prosecuted several times. The police authorities argued that the only solution to the presence of hawkers in prohibited areas would be to prevent them from passing through areas where they were prohibited to trade and to provide a fixed route for those who wished to travel from the market to Sea Point and Camps Bay.³⁵ In addition to the above suggestion, a joint committee meeting of Traffic Control, Markets and Licenses proposed among other things, the establishment of a casual police force with powers to arrest hawkers in

³³WCAD, 3/CT Vol. 1/4/8/2/1/10, Applications for Hawkers' and Pedlars' License Certificates, 25 October, 1953.

³⁴ S. I. Nesvag 'Street Trading from Apartheid to Post-Apartheid: More Birds in the Cornfield?' *International Journal of Sociology and Social Policy*. 20, 3 (2000), 51.

³⁵WCAD, 3/CT Vol. 1/4/8/2/1/15, Minutes of the Joint Meeting of the Traffic Control Committee and the Markets and Licenses Committee, 26 January 1959.

prohibited areas and that the city council should be given more powers to confiscate the goods of hawkers found trading in prohibited areas. They also proposed the cancellation of a hawker's license after three convictions, and the rigid enforcement of hawkers' regulations throughout the city.³⁶

In the context of the debate for a more effective control mechanism over street traders, the assistant town clerk expressed the opinion that the regulations, as they existed, gave the council the necessary powers to control hawkers effectively. The only weakness in the regulations was that the five pound fine for contravention was too light, and should be increased.³⁷ The decision to leave the regulation unchanged did not help matters as in the first week of January 1962, 50 hawkers were arrested for trading in the CBD. Hawkers were resilient and had many ways to subvert the law.

A report in the *Argus* pointed to a 'wonderful spy system' which they had in place. On the approach of a police or police officers, a signal would be given and in a flash, all the traders would disappear.³⁸ The large numbers of hawkers in the prohibited area of the CBD made it difficult or impossible for a single constable to successfully make an arrest because he was in most cases outnumbered and rendered powerless.³⁹ Another strategy that hawkers used to trade in the city centre was that they relied on children to carry on the business for them. This worked in the hawkers' favour since the courts were reluctant to impose heavy penalties on children.⁴⁰

The small fine did not act as a deterrent and illegal trading continued.

³⁶ *Ibid.*

³⁷ WCAD, 3/CT, Vol. 1/4/8/2/1/18, Minutes of a Joint Meeting of the Markets and Licenses and Traffic Control Committees, 26 February 1962.

³⁸ 'The Game of Cops and Barrows', *Cape Argus*, 7 September 1962.

³⁹ 'City Council to Ask for a Ban on Hawkers' *Cape Argus*, 23 February 1963.

⁴⁰ 'Hawkers in City Flout the Law' *Cape Argus*, 17 April 1963.

The police authorities also developed a technique that enabled them to arrest hawkers in prohibited areas without alerting them to their presence. Black police constables resorted to disguise in shabby clothing and pretended to be customers. In this way, they were able to arrest some hawkers who were trading in the CBD. A hawker voiced his frustration after he was arrested by a constable who had disguised himself. ‘Why should I march through the streets of the city with a shabbily dressed Native gripping my arm? Must the police stoop so low to do their job?’⁴¹

The presence of hawkers in prohibited areas remained a major concern for the local council. In an attempt to strengthen its grip on hawkers in the city centre, the city council resolved in February 1962 to introduce a number of new measures. The measures included the introduction of a specially made vehicle with a loading ramp to enable the traffic department to convey seized barrows to the station; the appointment of six new constables to the staff of the Traffic Department; to increase the penalty for contravention from R10 to R50 and to reduce the time that a hawker could remain stationary at one spot from 60 minutes to 10 minutes; hawkers of fruit and vegetables would not be allowed to trade within 100 yards of the premises of fresh produce dealers and general dealers who sold fresh produce.⁴² The latter provision indicated council’s support for established businesses.

Despite the resolution that was taken in February to implement harsher control measures over hawkers, eight months later, on 17 October 1962, hawkers were taken by surprise when the chairman of the Markets and Licenses Committee of the city council, H. Bowman, announced that hawkers would be allowed to trade in the prohibited areas in the city centre. The sudden

⁴¹‘Cape Town’s Barrow Boys’, *Cape Argus*, 10 March 1962.

⁴²WCAD, 3/CT, Vol. 1/4/8/2/1/18, Joint Markets and Licenses and Traffic Control minutes, 26 February 1962.

change of policy was based on a call by the Judge President of the Cape, Justice Beyers, who asked that hawkers should be treated with more tolerance instead of being prosecuted all the time.⁴³ Bowman then suggested that a sub-committee should be appointed to consider ways and means of revising the system of control of hawkers on the streets in order to make provisions that would allow them to trade, subject to certain restrictions, in those areas which were prohibited for them.

The idea was supported by a majority of the committee members with one exception, Councilor J. J. Schroeder, who requested that his vote against the above decision be recorded. He argued that to allow hawkers to take up permanent stands on the streets in the city centre would not be fair to shopkeepers who paid for council rates and other overhead expenses.⁴⁴ This suggestion was also rejected by the Cape Town Chamber of Commerce which argued that for many years they had been in favour of stronger measures of control over hawkers. The Chamber of Commerce preferred the retention of the existing regulations that governed street trading and for even more energetic and active steps to curb the activities of street traders, particularly in the city centre.⁴⁵

In a response to the chairman of the Markets and Licenses Committee, the vice chairman of the Cape Hawkers and Buyers Association, E. M. Essop, extended a word of gratitude to Harold Bowman and assured him of their cooperation in making sure that their members which were more than 4 000 throughout the Peninsula complied with the council regulations.⁴⁶ E. M. Essop went on further to state that the association was planning to introduce a special kind of barrow

⁴³ 'Judge on Barrow Boys: A Breath of Fresh Air' *Cape Argus*, 20 October 1962.

⁴⁴ WCAD, 3/CT Vol. 1/4/8/2/1/19, 18 October 1962.

⁴⁵ WCAD, 3/CT Vol. 1/4/8/2/1/19, 23 October 1962.

⁴⁶ 'Judge on Barrow Boys: A Breath of Fresh Air' *Cape Argus*, 20 October 1962.

similar to those used in London which had been designed and could be used in the city if the committee would allow hawkers to use it.⁴⁷ The implication here was that if such barrows were accepted in a first class city like London, its use in Cape Town would not be viewed in a negative light. The traders' association also presented to the committee, a list of areas which they proposed could be suitable sites where stands could be allocated for hawkers. These areas were: Adderley Street, centre of Castle Street between Adderley Street and Plein Street, Exchange Place, the Foreshore, Parliament Street near Flower Stands, top of Adderley Street near Public Gardens, St. George's Street, Long Street, the upper section of Plein Street, Waterkant street, and Bree Street between Strand Street and Dock Road.⁴⁸

Just as hawkers were planning to take advantage of the new lease of life advanced to them by the chairman of the Markets and Licenses Committee, their hopes were dashed by the same person in February 1963. This time, he wanted the city council to prohibit hawking in all business, commercial and industrial areas in the city. This was a reversal of the previous plan to allow hawkers in the city centre. This is an indication of the fact that city officials were at times confused as to what to do about street traders. This chapter suggests that the city council could also have been responding to the Chamber of Commerce because the argument made for the change of view was about the difficulty in controlling street traders. Evidence of this was presented by Bowman, who stated that, though the city council spent R15 000 annually on a special traffic force to keep hawkers out of the city centre, it was still very difficult to control them. It was for that reason that they had to be kept out of the area.⁴⁹

⁴⁷ *Ibid.*

⁴⁸ WCAD, 3/CT Vol. 1/4/8/2/ 1/19 , 14 February 1963.

⁴⁹ 'City Council to Ask for Ban on Hawkers'

The difficulty to control hawkers in the prohibited areas in Cape Town's city centre forced the city council to press for new regulations that would allow the police and traffic authorities to seize the goods and vehicles of hawkers arrested for trading in prohibited areas. Bowman again had very strong words for the street traders when he stated that the hawkers and their hand-drawn vehicles had become a problem for the city council and steps should be taken to frame regulations that would give the council powers to confiscate the goods of offenders.⁵⁰ The continued presence of hawkers in prohibited areas was an indication of the fact that the fines meted out to hawkers did not deter them from the city centre. Between January and March 1963, more than 400 hawkers were prosecuted for trading in prohibited areas.⁵¹

As a consequence of numerous arrests of hawkers in prohibited areas, the city council decided in March 1963 that any hawker who had had three convictions for trading in a prohibited area should be refused a license when he/she turned up for renewal of the license.⁵² According to the vice-chairman of the Cape Hawkers and Buyers Association, the decision to push hawkers out of the city centre would cause them to turn to crime for a living because most of the hawkers had no education and could not find other jobs.⁵³ E.M. Essop threatened to call for a three day boycott of the produce market if hawkers were removed from the city centre.⁵⁴ He confidently argued that, since 75% of the members of the hawkers' association bought their produce from the market, a boycott by hawkers would cause serious financial losses.

The chairman of the Markets and Licenses Committee, H. Bowman disputed the argument made by Essop. He argued that ninety percent of the fruit sold by hawkers was bought directly from

⁵⁰ 'Plan to Ban Hawkers from the City Area' *Cape Argus*, 23 February 1963.

⁵¹ 'Magistrate Favour Move' *Cape Argus*, 18 April 1963.

⁵² 'Fine of R50 is Proposed' *Cape Argus*, 22 March 1963.

⁵³ 'Barrow Boys will be Driven to Crime if Banned' *Cape Argus*, 25 February 1963.

⁵⁴ 'Boycott Threat by Hawkers' *Cape Argus*, 25 February 1963.

the farmers and not from the market and a boycott of the market by hawkers would not have a big effect. He concluded that the city council would like to discuss the matter with hawkers and called on the hawkers' association to make representations to the city council on the matter.⁵⁵

The city council then organized a meeting to discuss the presence of hawkers in prohibited areas in the city. A deputation of six hawkers led by Essop represented the interests of hawkers. Also present at the meeting were the magistrate, the senior public prosecutor and the district commandant of police. The main issue that was discussed was why hawkers defied prohibition regulations. Essop argued that the hawkers who violated prohibition regulations were not genuine hawkers but unlicensed 'pirates' whom the hawkers' association was also trying to clear from the streets. As a solution to the problem of 'pirates' in the city, he proposed that, fixed stands should be provided for licensed hawkers at certain places in the city centre. This was a clever tactic of Essop which sought to secure stands from council in return for elimination of 'pirates', hence also meeting council's desire to end violations of regulation. Essop submitted a sketch of a barrow with a canopy which he suggested some years back, and which he still believed hawkers could use in place of the old barrows.⁵⁶

Essop's strategy could not win the support the group of law enforcement officers. They argued that the city council had been very lenient towards hawkers in the past and called on the city council to be tough and take firmer actions against hawkers who defied the law.⁵⁷ The Town Clerk, Jan Luyt supported this view and argued for the need to 'maintain the good order of the city, particularly the unimpeded flow of traffic'.⁵⁸

⁵⁵ *Ibid.*

⁵⁶ 'Get Tough on Hawkers, R50 Maximum Fine Proposed', *Cape Argus*, 22 March 1963.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

The tougher action taken against hawkers in the city had an effect in keeping them out. This led to commentary about what the social effects were. The *Cape Argus*, for instance, reported that people were rendered idle and that led to social ills. People smoked 'dagga', drank wine and gambled. M. A. Ebrahim, a medical doctor in District Six commented on the activities of hawkers who were prevented from trading in the city centre. 'On Saturday, for the first time in years, I saw dagga smoking, gambling and wine-drinking in a lane next to my surgery. It was packed with 'skollies'. Idle hands always look for crime'.⁵⁹

In May 1963, a delegation from the Cape Town city council led by the Town Clerk, Jan Luyt, met the Provincial Administrator J. N. Malan, to demand among other things, that the provincial council should increase the penalty for contravention of hawking regulations from R10 to R50, to license hawkers' barrows and that each hawker should be restricted to one barrow only. They also wanted to be given the power to confiscate hawkers' barrows when convicted for contravening regulations, and for powers to limit the number of licensed hawkers for various areas in the city.⁶⁰

In February 1964, the provincial administrator responded to the call and introduced an amendment to the regulation that encompassed the proposal made by the Cape Town city council. In addition, the provincial administrator added other stiffer measures to that proposed by the city council. For instance, he added that any member of the South African Police or any traffic officer could seize any goods or vehicles suspected of having been used for hawking in a prohibited area. Secondly, if a court convicted a hawker for trading in a prohibited area, then the goods and vehicle or moveable structures used for the purpose must be forfeited to the

⁵⁹ 'Barrow Boys Will Urge Fixed Stands', *Cape Argus*, 2 June 1964.

⁶⁰ 'Hawking: R50 Fine Sought by Council', *Cape Argus*, 7 May 1963.

municipality concerned. Hawkers who failed to display on their vehicles the names and addresses of the owners would be given a fine up to R100.⁶¹

The amended regulation had to be approved by the provincial legislature before it could be made into law. According to E. M. Essop, the hawkers' association was convinced that the provincial council would vote against the amended regulation because the association had lobbied several members of the provincial council to vote against the draft ordinance.⁶² Unfortunately for hawkers, their attempt to sway the vote in the provincial legislature was unsuccessful as the draft ordinance was approved at the February session of the provincial parliament on 25 February 1964.⁶³

The new regulation did not take effect immediately and hawkers were given some time to adjust. The *Cape Argus* reported that when the new law became effective on 18 May 1964, no hawker was seen in the prohibited area of the city centre. 'The birds have flown. Fearing prosecution by the police and municipal traffic police under regulations proclaimed for Cape Town last Friday, fruit and vegetable hawkers did not venture into the city today'.⁶⁴ This account suggests how while apartheid inflected by national government on the city has centre stage in the historiography of Cape Town, the Cape Town city council was pursuing its own 'cleansing of the city. Hawkers had no place in the orderly modern city. The increase in police surveillance which was a mark of the apartheid state was replicated on a micro-level on the streets of Cape Town.

The tougher regulations forced hawkers to go underground. They abandoned their barrows and resorted to selling fruits from boxes which were lighter to carry and easier to drop and run in

⁶¹ 'City Blitz on Hawkers is Nearer' *Cape Argus*, 13 February 1964.

⁶² 'Hawkers to Lobby M.P.C.s' *Cape Argus*, 14 February 1964.

⁶³ 'Provincial Action on Hawkers' *Cape Argus*, 20 February 1964.

⁶⁴ 'Hawkers Have Flown from City Streets' *Cape Argus*, 18 May 1964.

case a police or traffic officer was in sight.⁶⁵ Despite the fact that hawkers had been officially cleared from the city centre, the Hawkers' Association continued to engage the city council in order to convince them to allow hawkers to trade in the city centre. The association wrote a letter to the city council on 2 June 1964 in which they proposed a meeting with the council officials to discuss the future of hawkers in the city. In the letter they suggested that the confiscation of goods for hawkers found in prohibited areas and the heavy fines placed on them should be amended and reduced; that the size of the prohibited area be reduced; and that fixed stands in areas far away from the flow of traffic in such places as Parade, the Foreshore, Exchange Place, and Green Market Square be allocated to hawkers as soon as possible.⁶⁶

The city council was reluctant to organize a meeting to receive a deputation from hawkers but was forced to do so by a petition signed by nineteen coloured councillors requesting the special meeting. Despite apartheid, coloureds still could serve on the council and, as in Abdurahman's time, they played some role. The council finally set 18 June as the date for the special meeting. At this meeting, which centered around the tougher measures adopted to deal with hawkers in the city, the majority of councillors did not favour the hawkers because of allegations that were made at the meeting that hawkers were abusive and on several occasions had threatened traffic officers with knives, and that on one occasion two officers were stabbed with knives and another was so badly bitten on his hand that he had to be taken to the hospital. It was also alleged that hawkers were unhygienic and sold rotten fruit to the public. The fact that hawkers were regarded as a nuisance in the city, such actions further increased their negative representation and made their case more difficult to defend. In addition, M. A. Hoopkins, the chairman of the Health Committee opposed the provision of stands for hawkers in the city on the grounds that hawkers

⁶⁵ 'City Hawkers go Underground', *Cape Argus*, 23 May 1964.

⁶⁶ 'Barrow Boys will Urge Fixed Stands', *Cape Argus*, 2 June 1964.

were unhygienic. On the motion of lifting the prohibited areas to provide stands for hawkers, there were 11 votes for and 23 against the motion.⁶⁷ Thus the decision to keep hawkers out of the area was maintained. Thus the old issues of sanitation and order raised their head in restrictive policy.

Though efforts to secure trading rights in the city centre failed, individually, hawkers sought new ways to circumvent prohibition regulations. One such strategy that hawkers used to trade in prohibited areas was the use of lorries as depots from where hawkers would get supplies of boxes of fruit which they sold in the streets. This made it easier for hawkers to be in the CBD all the time. According to the traffic manager, in most cases, on the approach of traffic officers, the hawkers managed to get away and left their fruits behind.⁶⁸ The hawkers were able to easily replenish the supplies because of the presence of such a lorry close-by. In March 1967, a lorry used as a depot for hawkers was confiscated in the city centre by traffic officers. On appeal to the provincial administrator for a return of the vehicle by the owner, the administrator granted his appeal but warned that if any of his vehicles was confiscated again for hawking in a prohibited area, it would not be returned.⁶⁹

S. Mosaval, a street trader in Adderley Street, related a similar story about how he had defied prohibition regulations in the city centre. Being a young boy about eleven years old in the mid 1960s, his job was to supply the bigger guys who were trading in the city centre with fresh supplies of fruits and vegetables from their hide-out in Harrington Street near the Castle.⁷⁰ The struggles between the street traders of Cape Town and the controlling authority over access to

⁶⁷ 'Hawkers: City Turns Down Fixed Stands', *Cape Argus*, 18 June 1964.

⁶⁸ 'Barrow Boys Leave Cops Carrying the Can', *Cape Argus*, 25 July 1964.

⁶⁹ 'Illegal Hawkers Lose Their Lorries', *Cape Argus*, 21 March 1967.

⁷⁰ Interview with S. Mosaval, a Street Trader in Adderley Street, Cape Town, 28 June 2011.

the city centre were akin to 'cat and mouse games', to borrow from Dhupelia-Mesthrie's description of the struggle between South African immigration officers and Indian immigrants attempting to enter or leave South Africa in the first part of the twentieth century.⁷¹ As long as there were attempts to regulate mobility there would always be attempts to defeat these regulations.

While the city council had the view of being tough on hawkers, the provincial council sought to influence policy. In 1968, the Executive Committee of the Provincial Council suggested the provision of stands for traders in the city centre. The committee argued that when hawkers operated on a free-for-all basis they posed serious problems in the city. But a total ban on hawkers from the city centre would deprive Cape Town of a colourful activity. The committee suggested that ways should be found to allow hawkers to trade in the city centre under strict control. The Director of Local Government concluded that street sellers not only rendered a service to the public but also provided a tourist attraction and generally enliven areas which would otherwise be rather dreary.⁷²

The town clerk was unconvinced that the allocation of stands for hawkers in the city centre would lessen the problems caused by the presence of hawkers in the city. Approximately 2 000 hawkers' and pedlars' licenses were issued each year in the municipal area. Obviously, the city council could not provide stands for all 2 000 registered hawkers. The question that the town clerk raised was, if a few stands were provided, who then would have the privilege of using them? He argued that the situation could lead to discontent and further resistance to the efforts by

⁷¹Dhupelia-Mesthrie 'Cat and Mouse Games' 15.

⁷²WCAD, 3/CT, Vol. 4/1/11/767 file G65/6/265/136. Executive Committee Cape Town: City Council Matters, 1968.

the council to keep the streets free of congestion.⁷³ He concluded by informing the Director of Local Government that the Cape Town city council was opposed to the provision of fixed stands for hawkers in central Cape Town.⁷⁴ While the province and the city had different ideas, the council was not forced to implement province's ideas but had to consider it at least. Thus the matter of stands remained in abeyance.

The 1970s also marked a decade of confrontation between law enforcement officials and street traders. An incident occurred on lower Plein Street in December 1970 which erupted in a commotion and a traffic pile-up which lasted for over half an hour. The confrontation started when traffic police officers who were on patrol found some traders trading in lower Plein Street which was a prohibited area. The traffic officers knocked over the carts of some of the traders and their contents made up of peaches, apricots, avocado and apples spilled onto the street. This caused a traffic jam which lasted well over thirty minutes. What was surprising was that at the end of the confrontation no street trader was arrested, rather a coloured man who was not a trader was arrested on the charge for creating a disturbance.⁷⁵

In 1973 several hawkers who were trading illegally outside the Cape Town train station decided to run and abandoned their goods at the sight of approaching police officers. Some of the hawkers were arrested and their goods were confiscated. The chairman of the Hawkers and Buyers Association, E. M. Essop, was furious about the action of the police officers and promised to engage the city council to demand that hawkers be given licenses to trade in the city centre.⁷⁶ Street traders could reclaim the goods that were seized after paying a fine or the goods

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ *Cape Argus*, 30 December 1970.

⁷⁶ 'Babs Essop Lashes, Raid on Hawkers', *Cape Argus*, 17 February 1973.

could be sold if the traders did not reclaim them. The *Cape Argus* reported in 1975 that the city treasury had an undisclosed amount of money that belonged to hawkers whose confiscated goods had been sold because the owners did not come to reclaim them.⁷⁷ The 1960s and 1970s were thus characterized by confrontations between street traders and city authorities. However, a change in official attitude towards street traders was experienced in the decades that followed especially from the mid 1980s onwards.

The 1970s did not only witness confrontations between street traders and city officials, it experienced an even bigger confrontation by black students against apartheid. This followed the protest by school children in Soweto on 16 June 1976 when several protesting children were killed. This sparked off a period of violent unrest that spread to other parts of the country as well as Cape Town. In Cape Town, school children in the African townships of Langa, Nyanga and Guguletu marched on the streets of the townships on 11 August 1976. When confronted by the police, the situation turned violent as shops, bottle stores and government buildings were attacked. The following day, the protest spread to coloured schools and Bonteheuwel, for instance, was turned into a battlefield between students and the police.⁷⁸ As a result of the uprisings, the introduction of Afrikaans as a means of instruction in African schools was abandoned and promises were made to improve the infrastructure of coloured and African schools.⁷⁹ The streets of the centre of Cape Town were marked by many struggles. On the one hand, there were the more visible protest by students, on the other hand there is this untold story of hawkers and their struggles against law enforcement.

⁷⁷ *Cape Times*, 26 January 1975.

⁷⁸ V. Bickford-Smith *et al.*, *Cape Town in the Twentieth Century*, 200-201.

⁷⁹ *Ibid.*, 203.

Towards a Shift in Attitude to Street Trading, 1980-1993

The 1980s also experienced a period of rebellion in the townships of Cape Town and other South Africa cities against apartheid. In 1980, black students protested against poor infrastructure, shortage of textbooks and stationery and about the high cost of uniforms.⁸⁰ Actions by students, radical trade unions and civic associations transformed the picture of Cape Town to a city of popular upsurge and unrest. In 1983, the United Democratic Front (UDF) against apartheid was formed. It organized a series of campaigns against coloured and African elections, against the new constitution and against the removal of Crossroads squatters to Khayelitsha.⁸¹

In 1985, students from the University of the Western Cape and the University of Cape Town, as well as school-goers from black schools boycotted classes and took to the streets. The UDF also organized a march from Guguletu to Pollsmoor to demand the release of Nelson Mandela. When the police disrupted the march, the situation turned violent and eight people were killed, 29 arrested and many were wounded. Protests in the township became violent and parents began to assist their children in setting up street barricades in the streets of the Cape Flats.⁸²

In many townships throughout South Africa the authority of local governing structures was usurped by unofficial organizations that regarded themselves as the power of the people, in other words 'people power'.⁸³ Between 1984 and 1987, these civic organizations across the country organized actions such as rent boycotts and consumer boycotts. They also set up 'peoples' courts' to punish breakers of the boycotts. In some cases, defaulters were given death sentences by neck lacing. In the violence in the townships, councillors and informers were also targeted.

⁸⁰ *Ibid.*, 208.

⁸¹ Bickford-Smith *et al.* *Cape Town in the Twentieth Century*, 211-213.

⁸² *Ibid.*

⁸³ Worden, *The Making of Modern South Africa*, 130.

The chaotic situation in the townships made any attempt to govern the areas unworkable. The police and the army were therefore brought in to suppress the rebellion. This led to running street battles between the township youths on the one hand and the police on the other. In Cape Town, a state of emergency was introduced in October 1985 in order to bring the riots under control. It was extended in 1986 and then annually until 1991.⁸⁴ Despite the state of emergency, a major clash between the police and opposition forces in the Cape Flats townships occurred on the eve of local government elections in the city in 1989 in which 23 people were killed and about 100 were wounded.⁸⁵

The Democratic Party won the white municipal elections in the city. The new mayor and councillors together with 2 000 people marched from Rondebosch to District Six to show their support for an 'open city' on 11 June 1989.⁸⁶ The action by the mayor and other whites in the city was an indication of the fact that more whites in the city were prepared to openly oppose apartheid.

From 1989 onwards, the campaigns against apartheid were more organized and peaceful and the central state did not act against such campaigns. In September and October 1989, several peaceful marches against apartheid were organized in the centre of many cities, but no action was taken against the demonstrators.⁸⁷ This is an indication of a shift from the violence and reprisal of the early 1980s. The 1990s experienced a major shift from apartheid to a democratic state. This started with the unbanning of the ANC, PAC, and the South African Communist Party (SACP), and the release of many political prisoners in 1990. In the following year, the Group

⁸⁴ Bickford-Smith *et al.*, *Cape Town in the Twentieth Century*, 214-216.

⁸⁵ *Ibid.*, 214.

⁸⁶ *Ibid.*, 218.

⁸⁷ *Ibid.*, 136.

Areas Act, The Land Act, and the Population Registration Act were repealed. With the release of political prisoners, the government in 1991, decided to engage the above parties together with other political parties to discuss the future of a democratic South Africa.⁸⁸

In the context of the politics of the 1980s, the Cape Town city council began to display a more sympathetic approach towards street traders. The change in attitude could be attributed to a concern about the economy and the increasing level of unemployment. The unemployment problem was made worse by the rapid increase in population due to the migration of people into the city in search of a better life. The migration of people into the city was made possible because of the relaxation of influx controls as the state began to reform apartheid in the later part of the 1980s. A study on informal trading carried out in the city in late 1985 and early 1986 by the Urban Studies Section of the City Planner's Department, revealed some worrying statistics about the city's economy. The study highlighted that a large proportion of Cape Town's population was unemployed and poor. The difficult situation in Cape Town was further compounded by the fact that the formal economy in South Africa was experiencing a recession.⁸⁹

On street trading, the study found out that the majority of street traders were located in major shopping districts and at transport interchanges which indicated that street trading was sensitive to the volume of pedestrian flow. The survey suggested that if street trading had to be promoted, street traders should be located in areas where they could trade successfully. It proposed the deregulation of the informal sector, the promotion of street trading and a reform in the management of street trading.⁹⁰ The informal sector was considered important because of its

⁸⁸ *Ibid.* , 137.

⁸⁹ City of Cape Town, *Street Trading: Policy Plan*, 1987, 1.

⁹⁰ *Ibid.* , 1-7.

potential to provide income-earning opportunities, and its potential to provide goods and services cheaply to the urban poor.

From the late 1980s, the city council began to increase the number of licenses to street traders. The *Cape Times* reported that in 1987, the number of hawkers' licenses was increased to 2 945 licenses from 2 000 which had been the previous limit issued by the city council. In the following year, the number of licenses issued soared to a total of 5951 licenses.⁹¹ This increase was more than double the pre-1980 figures.

The city council also began a move to reorganize its bureaucratic machinery on street trading. In May 1988, it set up an Interdepartmental Working Group to make recommendations for a new street trading administrative structure which would provide the mechanism for effective implementation of a new policy plan. A few months later, in October 1988, the city council approved a proposal by the working group to establish a new street trading management structure that would comprise, a permanent interdepartmental working group which would be responsible for the management of street trading, and an ad hoc committee on street trading which would be made up of members of the council, the private sector and the informal sector. The task of the ad hoc committee was to monitor the effect of council's street trading policy.⁹² The decision to involve representatives from the private and informal sectors into the management of street trading in the city marks the introduction of a new partnership between the city council and the private and informal sectors in the management of street trading. The increase in the number of licenses issued to street traders and the bureaucratic reforms undertaken by the city council is an

⁹¹'Twice as Many Hawkers on City's Streets', *Cape Times*, 25 November 1988.

⁹² City of Cape Town, Street Trading Policy Plan: Comment Report, August 1989, 5.

indication of the council's support of the proposals from the Urban Studies Section of the City Planner's Department.

How to get the informal trading sector to provide the much needed income-earning opportunities and cheap goods to the urban poor was a major concern of the city council. The city council then sought the assistance of the Urban Problems Research Unit of the University of Cape Town to study the administration of urban markets and to suggest ways to facilitate the smooth operation of urban markets in Cape Town.⁹³ The study was conducted by Dewar, Postlethwayt and Watson in 1989.

With regards to policy, the survey found out that previous policies on street trading sought to control and limit street trading in the interest of public health, traffic flow and the protection of the interest of shopkeepers. It highlighted that the administration of street trading was fragmented between five departments (Licensing, Health, Traffic, Markets and Town Planning), with no department having greater control. Such a fragmented structure made the administration of street trading very difficult. The report proposed a new and more positive approach that would be geared towards the promotion of street trading and the deregulation of the informal sector. It proposed that the Town Planning Branch should be given the responsibility to formulate policies not only to control street traders but to also provide opportunities for small traders. Their reason for choosing Town Planning was based on the fact that since Town Planning was involved in making decisions about the location of and operation of street traders, it would be logical to place the task of formulating policy under Town Planning. The policy

⁹³ D. Dewar, C. Postlethwayt, V. Watson, 'Proposal for the Management and Administration of the Informal Sector at the Local Government Level: The Case of the Cape Town City Council'. University of Cape Town: Working Paper No.1, 1990, 1-4.

planning section would then liaise with an inter-departmental decision-making body that would be created.

In relation to administration, the report proposed that a single body should be created to manage street trading. Such a body should be made up of representatives from the departments of City Planning, Health, Traffic, and Markets. The report argued that such a body would provide a climate for trust amongst the various departments and would ensure that decisions were not only taken from the 'perspective of control, but have a positive and facilitative direction'. Finally, it proposed that the Traffic and Health Departments should continue to perform the function of street inspection and control of all traders on the streets.⁹⁴

The new attitude of the city council to promote street trading and the reorganization of its bureaucracy coincided with the preparation of the Businesses Act at the national level. The Businesses Act was a product of a process that was started in 1985 by the President's Council to promote the development of small businesses and to deregulate the economy.⁹⁵ For the first time in the history of street trading in South Africa, the national government became involved in matters related to street trading. In the past, it was the responsibility of the provincial administrations to provide the guidelines on how municipalities would administer street trading.

The Businesses Act of 1991, which was a national government imperative, introduced a radical shift in policy aimed at the control and management of street trading, the informal sector and business in general, throughout South Africa. There were two main reasons why the national government introduced the measure. The first was to have a single legislation for the whole country that would replace the four provincial licensing ordinances of Natal, the Transvaal, the

⁹⁴ *Ibid.*, 5-18.

⁹⁵ Republic of South Africa, *Debates of Parliament, Third Session, 1 February – 21 June, 1991* (Cape Town: Parliamentary Printers, 1991), 2928.

Cape and the Orange Free State. The second was to promote economic growth by doing away with unnecessary restrictions on entry into the economy.⁹⁶ It reduced the number of businesses that needed licenses to trade and abolished the licensing board. Hawkers who were subjected to all sorts of control were given a reprieve. It exempted hawkers from applying for licenses except those hawkers who sold food. It transferred the power of control over hawkers from the local governments to the provincial administrations.⁹⁷

When the Deputy Minister of Trade and Industry presented the Businesses Bill at a joint meeting of the house of parliament in March 1991, all the parties in parliament supported it except the Conservative Party (CP). The CP rejected the bill on several grounds. It believed that the freedom to trade offered by the bill would degrade the country from a first world status to that of a third world country. Secondly, the freedom to trade would lead to inequality because some traders were made to pay for licenses while others were not. Thirdly, the concentration of powers in the provincial government deprived the local governments of the right to determine the standard which should apply in their communities. The CP believed that free trade would lead to chaos. Rather, it favoured what it called 'orderly deregulation' that is controlled deregulation.⁹⁸

The National Party and the Democratic Party supported the bill because it made it easier for South Africans to get into the economy and to make a living for themselves. The National Peoples' Party and Solidarity Party of South Africa also supported the bill because it removed unnecessary restrictions against entry into the economy for underprivileged South Africans.⁹⁹

⁹⁶ *Ibid.* , 2907-2909.

⁹⁷ *Ibid.* , 2911-2912.

⁹⁸ Republic of South Africa, *Debates of Parliament, Third Session, 1 February 21 June 1991*, 5770.

⁹⁹ *Ibid.* , 2913-2932.

When the bill was put to the vote, 107 members voted in support, while 23 members voted against the bill.¹⁰⁰

The first major innovation in the Businesses Act in relation to the management and control of street trading was that, the majority of street traders were exempted from applying for licenses. It also shifted the power to control street trading from the local government to the provincial government. It then became the responsibility of the provincial administrator to appoint a person or body as a licensing authority to undertake the licensing of businesses.¹⁰¹ Previously, it was the local authority which appointed the licensing officer and which decided where trading would take place and where trading was prohibited. The provincial administration had simply performed an oversight role.

Not surprising, city councils in South Africa opposed the Businesses Act since it usurped their powers. However, unlike the other city councils, the Cape Town city council cooperated with the provincial administration to implement the act. Of the four provinces, only the Cape Province applied the act.¹⁰² In the Transvaal, and in Johannesburg, in particular, the act was not applied. The refusal by the Johannesburg city council to apply the act meant that there was no control over the activities of street traders. Without control of street traders the situation in the city became very chaotic. Street traders were all over the place and the streets were littered with boxes, fruit and vegetable remains. The city was inundated with a huge problem of removing the rubbish left on the streets by street traders.¹⁰³

¹⁰⁰ *Ibid.* , 5771-5772.

¹⁰¹ Republic of South Africa, Business Act No. 71, 1991, *Government Gazette*, Vol. 311 No. 13266, 4.

¹⁰² Republic of South Africa, *Debates of Parliament, Third Session, 1 February- 21 June 1991*, 14454.

¹⁰³ *Ibid.* , 14452-14454.

The Businesses Act was not all a bed of roses for street traders as it also spelt out a heavy penalty of a R1 000 or three months imprisonment for traders who contravened the law.¹⁰⁴ It empowered the provincial administrator to make regulations regarding the restriction and control of street traders. The provincial administrator could also make regulations which authorized an officer to either remove or impound any goods, vehicles or movable structures, which in his opinion caused an obstruction to pedestrian or vehicular traffic. The removal could only take place if the street trader, had failed or refused to remove the object, after being requested to do so by the officer, or in situations where such traders had abandoned their goods.¹⁰⁵ The Act repealed all laws of the provinces that gave powers to local authorities to prohibit street trading.

The Businesses Act attempted in many ways to promote the carrying on of the business of street trading in South Africa. Though it spelled out a heavy penalty for contravention of the law, the effectiveness of the prosecution of traders was rather very slow compared to previously when hundreds of hawkers were prosecuted almost on a daily basis. The Businesses Act also allowed people to take up street trading or other businesses even before the required authorization had been granted by the controlling authority. The act abolished the requirement of local authorities that required street traders to be constantly mobile.¹⁰⁶ It must be argued that the Businesses Act was an important turning point for street trading in Cape Town and in South Africa. It went far beyond the tentative moves the city of Cape Town had begun to make in the late 1980s.

The Businesses Act gave Cape Town's street traders the power to reclaim the streets of the CBD that they had been prevented from trading in for a long time. Hawkers were allowed to set up stands in the city centre, an opportunity which hawkers had waited for a very long time. They

¹⁰⁴ Republic of South Africa, Businesses Act No. 71, 38.

¹⁰⁵ Republic of South Africa, Businesses Act No. 71, 10-14.

¹⁰⁶ Republic of South Africa, *Debates of Parliament*, 2928-2929.

took the opportunity and set themselves all over the city centre. Richard Holdstock, a co-ordinator in the Business Areas Management Branch of the city of Cape Town, described the situation of street trading in the city centre in Cape Town in the early 1990s as a 'free trade era'.¹⁰⁷

One of the places in the CBD that began to feel the impact of the Businesses Act was St George's Mall. While in early 1992 there were 12 traders only, by the end of the year the number had increased to 200 traders.¹⁰⁸ The changing circumstance produced conflict between street traders and shop owners in the mall. Shop owners complained that the entrances to their shops were blocked by street traders. As a result, the Chamber of Commerce and formal traders began to press for a ban on street trading in the mall.¹⁰⁹ The Chamber of Commerce with the support of the city council called on the Provincial Administrator, Kobus Meiring, to take action to prevent street traders from the mall.¹¹⁰ The first thing that Meiring did was to ask the Cape Town city council to take over control of the mall and to present a proposal on how to deal with street traders in the area. Though the responsibility of the local authority towards street trading was greatly curtailed, it still had responsibility. The city council proposed to remove all the new traders in the area except for the 12 traders who had been in the area before the Businesses Act came into effect. The *Cape Argus* reported that the traders were not happy with the proposal to remove them from the mall and sought the help of the African National Congress (ANC).¹¹¹

At a meeting in December 1992 between the ANC, represented by the assistant secretary of the Western Cape, Willie Hofmeyer, the chairman of the executive committee of the city of Cape

¹⁰⁷ Interview with Richard Holdstock, A Coordinator in the Economic and Human Development of the City of Cape Town, 8 November, 2011.

¹⁰⁸ 'Free not for All', *Financial Mail*, 4 December 1992.

¹⁰⁹ *Ibid.*

¹¹⁰ 'Cape Town Clamp on Hawkers', *Financial Mail*, 21 May 1993.

¹¹¹ 'ANC and Kreiner to Meet over Mall', *Cape Argus*, 25 November 1992.

Town, Louis Kreiner, and hawkers, the city council offered to allow the traders to use Thibault Square (about 300 meters to the south of St George's Mall in the city centre) as an alternative location. The traders rejected Thibault Square as inappropriate with very strong winds and very few pedestrians.¹¹² A solution to the conflict was reached at a meeting in May 1993 between the city council and traders when the traders accepted a deal from the city council to limit the number of street traders in the mall to 60 stalls. The city council acting on the proposal of the Chamber of Commerce insisted that only arts and crafts traders would be accepted in the area.¹¹³ One possible reason for this is that such traders would attract tourists to the mall and would not compete with the retailers in the mall.¹¹⁴ Thus once again, as had been the case in the past, when such conflicts arose, the interests of the formal sector were safeguarded by council policy.

The refusal by many municipalities to implement the Businesses Act caused the government to amend the act. This led in 1993 to the amended Businesses Act which allowed local authorities to take back control over street trading.¹¹⁵ The Businesses Amendment Bill proposed that the power to control street trading should be transferred from the provincial administrator to local governments. The Bill deleted the requirement which stated that before a street trader's goods would be impounded, the trader had to be warned of the consequence of not removing his/her goods. The Bill also proposed that the failure to respect hygiene conditions by food sellers would result in the refusal of the license. Finally, it proposed that in the case where a license was refused, the licensing authority would explain to the trader the reason why the application was refused.¹¹⁶ This time also all the parties in parliament supported the Bill with the exception of the

¹¹² 'Free not for All' *Financial Mail*, 4 December 1992.

¹¹³ 'Cape Town's Clamp on Hawkers', *Financial Mail*, 21 May 1993.

¹¹⁴ *Ibid.*

¹¹⁵ *Ibid.*, 14446.

¹¹⁶ Republic of South Africa, *Debates of Parliament, Third Session, 1 February-21 June 1991*, 14446-14448.

CP once more. This time the party argued that though the new Bill was a slight improvement from the previous Act, the problem that the party had with the previous Bill had not been dealt with.¹¹⁷

The power of control which was given to the local authority was not without some conditions attached.¹¹⁸ Such conditions tended to make it even more difficult for a local authority to embark on any plan that would lead to the prohibition of street trading in any area. For instance, before a local authority could prohibit street trading, it would have to inform a large group of traders in the area concerned of its decision to prohibit trading in the area and asked for objections to the decision from the traders. This notwithstanding, the final decision to prohibit street trading rested with the provincial administration. The provincial administration would make a decision based on a presentation by the local authority to the provincial council.¹¹⁹

The Businesses Amendment Act further authorized a local authority to lease out any available land to any person on condition that such an occupier would admit a specified number of street traders on stands. The local authority could also set apart land that it would demarcate into stands for street trading on any public road and the management of which would be vested in the local authority.¹²⁰ The Businesses Act and the Businesses Amendment Act, both represented a great shift from previous legislation on street trading that had been aimed at containing the proliferation of street trading in the Cape Town city centre and in other South African cities.

¹¹⁷*Ibid.*, 14451-14452.

¹¹⁸Republic of South Africa. 1993. Business Amendment Act No. 186, *Government Gazette*, Vol. 342 No. 15374, 8-10.

¹¹⁹*Ibid.*, 10.

¹²⁰Republic of South Africa, Business Amendment Act, 12.

Conclusion

The study of street trading regulatory framework from 1948 to 1985 in Cape Town shows a continuation of a management design that emphasized effective control and repression of street traders. In line with this approach, street traders were prohibited from trading in the most lucrative areas of the city centre and were prosecuted for contravening prohibition laws, as well as for causing obstruction to both vehicular and pedestrian flow. The prohibition and prosecution of street traders seemed to indicate a continuation of the attitude of the local government towards street traders that dates back to the formation of the Union of South Africa. They were also harassed for not obeying the principle that demanded that street trading would be an itinerant operation. This chapter has also shown that street traders were very defiant. Though they were banned from trading in the city centre in 1948, they continued to trade in the city centre without permission and bore the consequences of defiance.

They adopted several methods to circumvent the law. This forced the city council to apply tougher actions against hawkers from 1964 to prevent them from the prohibited area. The treatment meted on street traders in Cape Town and the response by hawkers to council regulation in Cape Town has similarities with Durban, Johannesburg and other cities. Nesvag argues that despite the harsh treatment of street traders by law enforcement officials under apartheid, street traders remained defiant and resisted city council regulations.¹²¹ Coloured councillors in both the Cape Town city council as well as in the provincial legislature were also hard at work in defending the interest of street traders the majority of whom were deemed to be coloured. But coloureds lost the municipal representation in 1972 after the creation of local

¹²¹S. I. Nesvag 'Street Trading from Apartheid to Post- Apartheid', 42.

government structures for the coloured communities in the new apartheid racially designated areas.

The only exceptions to the restrictive rules of the street trading regulations were the Provincial Ordinance of 1954 which prevented local governments from limiting the number of street traders on the ground that there were too many traders in the city and the Licenses Ordinance No. 17 of 1981 which also emphasized that applications for hawkers' licenses would not be refused on grounds that enough licenses had been issued. The concerted action of the city council to bring under its control all classes of street traders in the city centre has been highlighted. The city council finally gained control of itinerant flower sellers who had for many years escaped the control of the local council because flower sellers in general were not part of the hawkers' regulation.

Council's restrictive policy towards street traders in general was motivated by a complex set of reasons: protection of the interests of formal businesses, traffic control and maintaining an orderly and hygienic modern city. This is common to many cities.

This chapter has also pointed to a shift in both local and national government attitude towards street trading from effective control, repression and prohibition of street trading at the height of apartheid to a more tolerant and supportive approach to the sector towards the end of apartheid from 1986 to 1993. The reasons responsible for the change in attitude from the late 1980s were the rising levels of unemployment in the city which was compounded by an ever increasing number of migrants into the city. The economic recession in the formal sector in the same period made matters even worse. As a result the city council relaxed controls to alleviate poverty and unemployment. This plus national policy resulted in street traders moving from a situation where

they were not allowed to trade in the city centre as hawkers, to a situation where they were not only allowed to trade but were encouraged to take up permanent stands on the streets. The move to deregulation by the Cape Town city council in the later part of the 1980s and early 1990s had parallel with similar developments in other cities like Durban, Johannesburg and Pietermaritzburg.

The management and control of street trading has been highlighted as a complex process that included not only several committees within the city council structures but the provincial and national governments were important role players in the governance of street trading in the city. The provincial administration had always influenced the administration of street trading though the local authority was the body that had direct control. Street trading by-laws made by local government had to comply with provincial ordinances and in most cases the provincial government had to approve regulations made by local councils. This chapter has highlighted areas where the city council and the provincial administration cooperated to implement policy, as well as areas where they had differing views about policy. In 1991, the provincial administration was given the responsibility to directly control street trading through the transfer of powers from the local government to the provincial administrator.

The central government only became actively involved in the management of street trading through the Businesses Act which was a national legislation that replaced the four provincial licensing ordinances. From 1991 onwards, the central government has been involved, through legislation, in the management of street trading. The last years of apartheid saw the introduction of a more progressive attitude towards street trading. The positive attitude towards street trading that started at the close of apartheid spilt over into the democratic era. The impact of the democratic government on street trading will be explored in the next chapter.

CHAPTER THREE

DEMOCRACY AND STREET TRADING 1994-2012

Introduction

In 1994 a momentous event occurred – a newly democratic government was elected at the national level. At the local level, local governments were also democratically elected. In the city of Cape Town for the first time an ANC council came into existence. From 1994, the ANC controlled the city council until it was replaced by the Democratic Alliance (DA) which won the municipal elections of 2006. Though the DA won more seats than any other party in the city council, it did not have a clear majority and formed a coalition government with smaller parties.¹ However, the DA won a clear majority in the municipal elections of 2011 which gave it complete control of the Cape Town city council.²

The advent of democracy saw municipalities moving to introduce by-laws and policies that were more tolerant towards street traders. This was in response to the new impetus by the national government to support and promote the growth of small and medium size enterprises in South Africa. Durban was the first city to introduce a by-law in 1995 to control street trading in the post-apartheid context,³ but the city of Johannesburg developed a comprehensive street trading policy in 1998. The policy emphasized the importance of street trading to the city's economy and the need to work towards promoting street traders and building capacity for their associations.⁴

¹Republic of South Africa, *2006 Municipal Elections Report*, Independent Electoral Commission, 2007, 60.

²'DA and ANC Mull Coalitions with Smaller Parties to Rule 'Hung Councils', *Cape Argus*, 23 May 2011, 1.

³C. Skinner, 'Getting Institutions Right', 55

⁴*Ibid.*

Between 1994 and 2009, the Cape Town city council introduced two by-laws, one in 1996 and another in 2009. The latter was preceded by the articulation of an informal trading policy in 2004 to control and regulate informal trading in the city. Like the city of Cape Town, the city of Port Elizabeth also introduced a by-law to control street trading in 1996. The informal trading by-laws and policy of the city of Cape Town like those in Johannesburg, Durban, and Port Elizabeth indicated a significant shift from the by-laws under apartheid in which the main goals were to restrict street trading. This chapter seeks to examine post-apartheid policies that relate to street trading and their impact on the institution of street trading. It argues that post-apartheid policies on street trading in Cape Town represent a discontinuity from previous policies on street trading.

The 1996 Cape Town Municipal By-Law on Street Trading

The abolition of influx control in the late 1980s encouraged large scale migration of Africans from the Eastern Cape into Cape Town. About 2 000 Africans from the Eastern Cape were arriving annually in the city in the early 1990s. This eventually pushed up the population of Africans in the city to about 500 000 by 1995.⁵ Most of these Africans established themselves in informal settlements which burgeoned all over the metropolitan area. The period also experienced a rapid increase in the number of foreign nationals in the city. The 2001 census counted 100 000 foreign nationals in the city of which 3 5000 were born in other African countries.⁶ Peberdy and Jara have argued that it is difficult to know the exact number of foreign Africans in Cape Town given the fact that a significant number remained undocumented and avoid being enumerated.⁷ The rapid increase in the number of foreign Africans in the city and the

⁵Bickford-Smith, *Cape Town in the Twentieth Century*, 223.

⁶S. Peberdy, M.K. Jara, 'Humanitarian and Social Mobilization in Cape Town: Civil Society and the May 2008 Xenophobic Violence', *Politikon*, 38, 1 (April 2011), 40.

⁷*Ibid.*

impact of their presence, in terms of competing with nationals for economic opportunities resulted in conflicts with their South African counterparts (as will be discussed later). By 2006, the population of Cape Town had increased tremendously and reached about 3 million people, with the majority being coloured, followed by Africans, White, and then Indians and other Asians.⁸

Economically, tourism boosted the city's economy from the mid-1990s onwards. From 1996, an estimated 600 000 tourists visited the city, spending about R4 million annually. The shortage of accommodation to meet the demands of tourists led to the establishment of bed-and- breakfast and backpackers throughout the Peninsula, as well as multi-million-Rand hotel projects. The city's airport was extended and upgraded to meet the volume of passengers.⁹ Though affirmative action policies encouraged the emergence of a black middle class, the majority of blacks and coloured in the city remained poor, and a significant number of whites had also become poor.¹⁰ The high rate of poverty and unemployment in the city continued to lure the city's poor as well as lower middle class into street trading and other micro-enterprises, which was made possible by the creation of an enabling environment for the promotion of small businesses.

Before the ANC took over the Cape Town city council in 1994, the previous council had already approved a by-law to control street trading in the city. The new council led by the ANC re-advertised the by-law for public comment between 26 September 1994 and 21 October 1996.¹¹ This was a new approach by the new council in the management of street trading in the city. While the city council was engaged in a process to get the views of stakeholders about its new

⁸ *Ibid.* , 39.

⁹ *Ibid.* , 233-233.

¹⁰ *Ibid.*

¹¹ City of Cape Town, *Proposed By-Law for the Supervision and Control of the Carrying on of the Business of Street Vendor, Pedlar or Hawker*, 22 October 1996, 3.

by-law, the national government introduced a White Paper on the promotion and development of the small-business sector in South Africa in 1995. The White Paper on national strategy for the promotion and development of small business identified four categories of small businesses, one of which was survivalist enterprises which included street trading.¹² The need to promote the development of the small business sector was motivated by the desire to exploit the potential of the sector to create jobs and to provide the basic needs of marginalized groups given the fact that the formal sector was unable to absorb the ever increasing numbers of jobseekers. It also sought to create an enabling environment that would allow the previously disadvantaged such as blacks, women, disabled and the youth to access economic opportunities.¹³ In order to create an enabling environment for small businesses, the White Paper indicated a commitment on the part of the national government to instruct local authorities to reform legislation that presented an obstacle to the growth of small businesses. It envisaged providing training to entrepreneurs in the sector, as well as strengthening the link between small businesses and financial institutions so that funds would be channeled to where they were most needed.¹⁴ The White Paper on small business in South Africa had similarities with the first national policy on street trading in India which was introduced in 2002. Like the White Paper, India's street trading policy also aimed at creating a supportive environment for street trading by removing restrictive legislation against street trading.¹⁵

The by-law introduced by the city council in 1996 reflected the new attitude towards street trading by both the national government and the Cape Town city council. The by-law recognized

¹²Republic of South Africa, *White Paper on National Strategy for the Development and Promotion of Small Business in South Africa*. Government Gazette Vol.395, No. 16317, 10.

¹³*Ibid.* , 11-12.

¹⁴*Ibid.* , 16-31.

¹⁵Bhowmik, 'Urban Responses to Street Trading', 10-12.

the need for street traders to have permanent locations. It empowered the city council to provide stands for street traders in the city centre.¹⁶ This move showed a complete break from previous by-laws that required street traders to be constantly mobile. The move to provide stands for mobile traders in the city centre changed the nature of street trading in the area. Until now, street trading by-laws were limited to control mobile traders only. As mobile traders became permanent traders, their status was equated to those on fixed stands. Thereafter, street trading by-laws covered all street traders in the city. Like the city of Cape Town, the by-law of the city of Port Elizabeth also made provision for the allocation of stands for street traders in the city centre.¹⁷ Though there were street traders on stands in the city centre of Cape Town long before the 1996 by-law, this by-law extended the privilege that was enjoyed by a few traders to the majority of street traders who had been mobile traders for a very long time. One could argue that it was on the basis of this by-law that the problem of providing permanent stands for hawkers in the city centre which was first proposed in the 1930s and rejected in 1968, was finally resolved.

Though there were some restrictive elements in the by-law, the restrictions were not as severe as those passed during apartheid. Hawkers were prevented from trading in the following places: in a garden or park, in front of state buildings, and churches. They were also warned not to trade in places where they would obstruct access to a fire hydrant, entrance to a building, pedestrian sidewalk, vehicle traffic, entrance to a mall, or obscure a road traffic sign. Street traders were not allowed to erect any structures for the purpose of providing shelter, but were only allowed to use umbrellas.¹⁸ These restrictions were minor compared to the past when hawkers were prevented

¹⁶ Province of the Western Cape, *Cape Town Municipality: By-law for the Supervision and Control of the Carrying on of Business of Street Vendor, Pedlar or Hawker*, 13 December 1996, 13.

¹⁷ N.S. Terblanche, 'A Change in Tolerance Towards Street Trading in South Africa: A Comparative Study of Three Cities', *Africa Insight*, 31 December 2003, 4.

¹⁸ Province of the Western Cape, *Cape Town Municipality: By-law for the Supervision and Control*, 11-12.

from trading in the city centre, and not provided with stands. Formal businesses made representations to council on the proposed by-law. Business owners expressed the fear that the promotion of street trading would impact negatively on their businesses. They complained that street traders might obstruct shop windows and also sell the same goods. The council's response to these concerns was that the stands for street traders would be demarcated in a way that they would not block shop windows, and that care would be taken to prevent competition between street traders and shop owners.¹⁹ Other comments received were about how to prevent street traders from obstructing pedestrian flow and how to deal with the waste that would be dumped on the streets by street traders. The city responded that the problem of waste and obstruction of pedestrian flow would be dealt with by an informal trading policy that was still to be formed.²⁰ After addressing public comments, the by-law was approved by the city council.

Despite placing some necessary minor restrictive conditions on street traders, this by-law was still the first progressive regulatory measure in the management of street trading in the city. Terblanche has argued that Durban did not make provision for stands for street traders.²¹ In comparison, the cities of Cape Town and Port Elizabeth were more progressive. The progressive aspect of this by-law relates to the movement from a position where street traders were prevented from taking up permanent stands in the city to a position where the need for permanency was granted by the law. Hawkers could now own stalls, which gave them the security of a permanent working space. This gave street traders the opportunity to display more goods in terms of quantity and variety, and a secure space from which they could develop a regular clientele. The provision of fixed stands for street traders actually changed the way of doing business as well as

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ N.S. Terblanche, 'A change in Tolerance Towards Street Trading in South Africa', 4.

the economic and social life of the traders. Economically, the volume of the traders' operations increased because they had a quantity of stock and a greater variety of goods to sell. As a result they were able to generate more income from their businesses. All the traders interviewed in the city centre acknowledged that they were able to provide for their families from their business. A few of the traders said that they had bought houses from the business thanks to the fact they had a permanent site which allowed them to display more stock.²²

Although the new circumstances had advantages, old rivalries between shop owners and street traders resurfaced. A similar situation to what happened between street traders and shop owners at St. George's Mall (as discussed in the previous chapter) was experienced in Adderley Street in 1997. Shop owners began to complain that their businesses were being affected by the street traders. The *Cape Argus* reported in November 1997 that some retail stores made threats that they would move their businesses to the suburbs if something was not done about the situation.²³ The complaints by shop owners in Adderley Street forced the city council into action.

The city council immediately set up the Informal Traders Task Unit which represented both formal and informal traders and the city council to address the problem. The Unit which was headed by Hassen Khan proposed to limit the number of street traders in Adderley Street to 77 and the traders were to operate on stands which would be demarcated by the city council. Secondly, a minimum space of 1.5m was to be set aside on the pavements for use by pedestrians and street traders would not be allowed to trade in front of shop windows.²⁴ Despite the fact that informal traders were represented in the Informal Traders Task Unit, the solution to the problem clearly indicated the desire of the Unit to protect the interest of shop owners. The Informal

²²Interviews with I. Kassiem, 4 June 2011, K. Bachman, 21 June 2011, A. L. Ebai, 8 July 2011, S. Adams, 21 July 2011.

²³'Stores Losing Battle of the Streets to Hawkers', *Cape Argus*, 13 November 1997.

²⁴'Stores Losing Battle of the Streets to Hawkers', *Cape Argus*, 13 November 1997.

Traders Task Unit created by the city of Cape Town was similar to the Street Trading Working Group created by the Pietermaritzburg city council in the late 1980s. Unlike the former, which was a body set up to find out a solution to the problems caused by street traders, the latter was a management structure in which the street traders' association (Siphamandla) was given a responsibility to supervise street traders.²⁵

Street traders were taken by surprise early in December 1997 when the city council asked them to either pay R200 rent per month to trade in Adderley Street or move out. In a response to the threat by the city council that street traders should leave the area if they could not pay the said amount, street traders went on a strike to protest the city's decision.²⁶ In the situation of impasse, the city council demarcated 77 bays in Adderley Street and asked the Hawkers' Association to submit the names of the traders who would use them. It still maintained that the rent per stand would be R200.²⁷ On 10 December 1997, the Hawkers' Association and the city council met and negotiated the rent for the stands which was finally reduced to R125 per month. The association also submitted a list of 77 traders who would use them.²⁸ The traders who were given the stands were also given permits to trade in the area. Ten traffic officers were give the task to inspect permits and the stands.²⁹

The state of affairs in Adderley Street showed the city council moving again to reassert itself by doing several things. It introduced the payment of rent and limited the number of traders in the area. It also began a process to control space by demarcating stands and issuing trading permits.

²⁵ T. Mosdell, 'Power, Patronage and Control; Ambiguities in the Deregulation of Street Trading in Pietermaritzburg', E. Preston-Whyte and C. Rogerson (eds), *South Africa's Informal Economy* (Cape Town: Oxford University Press, 1991), 330.

²⁶ 'Hawkers Protest Against Trade Ban', *Cape Argus*, 4 December 1997.

²⁷ 'Adderley Street Hawkercs in fresh Peace Talks with Council', *Cape Argus*, 9 December 1997.

²⁸ 'It's Back to Business as Informal Street Traders and Council Bury the Hatchet', *Cape Argus*, 11 December 1997.

²⁹ *Ibid.*

This, however, saw the emergence of a regulatory framework. The demarcation of stands in Adderley Street did not only introduce order in the area, it in some ways started a process to limit the number of street traders not only in Adderley Street but in the city centre as a whole. Thus while an ANC city council may have had ideas on how to promote street trading, it, like previous councils, faced the issue of regulating the trade in the interests of order in the city and also to protect the interests of shops in the city. These were time old issues.

Two years later, the city council began to think of reducing the number of street traders on the streets. The plan was to reduce the official number of street traders from 658 to 360, while the remaining 298 traders would be moved to markets like Green Market Square, St George's Mall, the Parade and Thibault Square.³⁰ The number of traders on the street did not include the number of traders in the markets named above. While the plan was still being contemplated, the city council began to force traders without permits out of the city centre. Many street traders in Adderley Street, St George's Mall and Burg Street who did not have permits were forced to move out due to constant raids.³¹ While the Cape Town city council had been able through the use of permits to keep street traders from the streets, the same could not be said for local governments in cities in India, Colombia and the Philippines where illegal street traders bribed local government officials to allow them to trade on the streets.³² Bribery of local officials has not emerged as an issue in Cape Town.

In August 2001, the Cape Town Partnership (CTP) came up with a suggestion which aimed to restrict street trading in the city centre to six markets which were the Parade, St George's Mall,

³⁰ 'Informal Trading Restricted', *The Cape Times*, 28 January 1999.

³¹ 'News Clamp as Police Raid Hawkers in City Centre', *Cape Argus*, 11 February 1999.

³² Bhowmik, 'Urban Responses to Street Trading', 5, Aquilar, 'Curbside Capitalism', 24, Donovan, 'Informal Cities and the Contestation of Public Space', 34.

Green Market Square, Thibault Square, Riebeeck Square and the Pier Place. The CTP was a body made up of representatives from the Cape Town city council, owners of big businesses and property owners in the city centre. Since the city centre was proclaimed a City Improvement District (CID) in 1999, the CTP was charged with upgrading the city centre.³³ Its main responsibility was to turn Cape Town into a world-class city that could compete with the cities of the western world for investment opportunities and tourism.³⁴ According to the plan, no street trader would be allowed to trade on the streets. The idea of markets for street traders emerged in other international contexts as well. For instance, Bogota city council advocated relocating street traders to newly constructed markets.³⁵ The *Cape Times* reported that the plan to remove traders from the streets followed complaints that street traders were forcing shop owners out of the city centre to other areas. An example of a retail shop which moved from Adderley Street to the Waterfront due to competition from street traders was Fraser which sold bags and suitcases.³⁶ Such a plan was, however, not adopted by the city council and traders were left to ply their trade on the streets.

The administration of street trading in the city centre seemed to put the city council in a state of limbo. It was found vacillating without taking any decisive action. The concerns of other interest groups, like the Cape Town Partnership and shop owners, did not make the task of producing a workable plan for the administration of street trading any easier.

³³ F. Miraftab, 'Governing Post Apartheid Spatiality: Implementing City Improvement Districts in Cape Town,' *Antipode*, 3, 4, 2007, 3-4.

³⁴ *Ibid.*, 6.

³⁵ Donovan, 'Informal Cities and the Contestation of Public Space', 30.

³⁶ 'Plan to Rid City of Street Vendors', *Cape Times*, 14 August 2001.

The Informal Trading Policy

In 2003, the Cape Town city council contracted a consulting firm called Ukukhula Business Solutions to produce a draft informal trading policy for the city of Cape Town.³⁷ The reasons for having an informal trading policy were two fold. The first was to define an integrated and holistic approach for all departments within the city of Cape Town. Secondly, the policy would create a basis for by-laws that would regulate informal trading in the city.³⁸ In July 2003, the draft policy was presented to the city council. The draft policy document focused on street traders only. It did not consider craft traders, beach traders and flea markets. The draft policy document was then presented to informal traders for comment. Public hearings were held in six areas in the city from 1 to 30 September 2003: the city centre, Wynberg, Khayelitsha, Athlone, Bellville, and Somerset West.³⁹

Street traders in Khayelitsha and Bellville supported the council's draft policy because they believed it would protect them. Their belief that informal trading should be regulated was motivated by the protection that rules and regulation may afford them.⁴⁰ Informal traders in Somerset West, especially the craft traders, expressed the fear that since their trade was not affected by the draft policy document, their right to operate was uncertain. They called on the city council to implement a different policy to control their trade as they believed they were different from street traders.⁴¹

³⁷City of Cape Town, Minutes of a Meeting of the Mayoral Committee of the City Council, 18 February 2004, 725.

³⁸City of Cape Town, *Informal Trading and Management Framework*, Ukukhula Business Solution, July 2003, 6.

³⁹City of Cape Town, Minutes of a Meeting of the Mayoral Committee of the City Council 18 February 2004, 760-761.

⁴⁰City of Cape Town, *Informal Trading and Management Framework*, 6.

⁴¹*Ibid.*

Street traders in the city centre, Wynberg and Athlone rejected the document on grounds that they were not consulted. They suggested that city council should have involved them in the earlier process of developing the policy document. They also suggested that the city council should surrender its controlling authority to street traders and their associations.⁴² With regard to the latter, the city council indicated its willingness to the transfer of some of its powers and responsibilities to traders' associations. The transfer of responsibility to traders' associations was not new to the city council as several traders' associations on the Parade had been given this responsibility in the 1990s. Council proposed that, traders' associations would manage certain informal trading sites, they would fund the management and maintenance of the sites as well as the collection of fees from the traders. The city council, on the other hand, would be relieved of certain service obligations in respect of the areas involved but would continue to provide the basic minimum services that the city was obliged to render in respect of public places.⁴³ In Johannesburg, the city council also devolved its power of control over some areas in the city centre. The Johannesburg city council, unlike the Cape Town city council, outsourced its responsibilities instead to property owners and private companies and not to street traders' associations.⁴⁴

Though this may be seen as a progressive move on the part of the city council, this chapter suggests that, it could have been motivated more by the desire of the city council to shift its responsibilities rather than a desire to promote the use of democratic principles in the management of street trading. The municipality was no longer forced to spend time and money controlling street traders as the implementation of the council's policy was now the

⁴² *Ibid.*, 760.

⁴³ *Ibid.*, 16-17.

⁴⁴ Skinner, *Getting Institutions Right?*, 63.

responsibility of the associations. The associations earned monthly contributions from each of its members and were able to make decisions concerning who could trade in their area of control and who could not.

Timothy Mosdell described the transfer of power to street trader associations as a move where 'the system of control of street trading shifted from the rigid control by law enforcement officers to one of indirect control where by street traders are forced to police themselves'.⁴⁵ He argued that the type of control that the associations exercised over hawkers was similar to what local authorities did in the past. He stated that the associations often screened all new comers to the area in order to reduce competition.⁴⁶ On the latter point, Mosdell is correct. However, his comparison of the administration of street trading by traders' association in the democratic era to local authority administration under apartheid cannot be supported. In fact, Mosdell was referring to the collaboration between Siphamandla and the Pietermaritzburg city council within the Street Trading Working Group to control street trading.⁴⁷ What operated between traders' associations in Cape Town and the city council was different in that the associations were given complete authority to manage and control street trading, which was not the case with Siphamandla. Siphamandla was only given the authority to enforce street trading regulations.

The comments from craft traders caused the city council to include the management of craft markets, flea markets, and beach trading into the policy document. In November 2003 the revised document was presented to the Economic, Social Development and Tourism Committee of the city council. The move to seek the opinion of street traders about a policy that was meant to regulate their trade was a positive step by the city council. This was an entirely new approach

⁴⁵ T. Mosdell, 'Power, Patronage, and Control', 326.

⁴⁶ *Ibid.*, 331.

⁴⁷ *Ibid.*

to street trading in the city which was different from the past. Yet city street traders would have liked much more prior consultation. Street traders, especially craft traders were able (as will be seen) to influence a revision of the policy document to define not only their trade but also that of beach traders and flea markets. Though craft traders wanted a policy different from that which controlled street trading, the city was not prepared to oblige but rather included them and other traders that were also not included in the amended policy document.

In February 2004, the committee presented the amended policy document to the Mayoral Committee for adoption. It was duly adopted on 18 February 2004.⁴⁸ It had four components: policy formulation and revision, developmental responsibilities, management and operation, and regulation and law enforcement. This policy covered a range of informal trading activities within the city of Cape Town. They included street trading, trading in pedestrian malls, flea markets and craft markets, trading at transport interchanges, public open spaces, mobile trading and trading on the streets or roads at night during the December festive seasons.⁴⁹

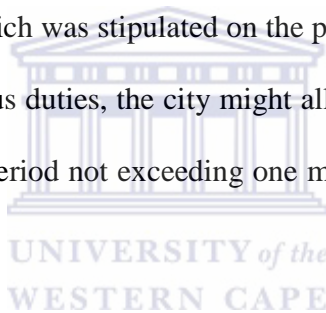
The policy document defined areas in the CBD and other parts of the city where informal trading should be carried out. It stated that in the CBD and in Tertiary Economic Centers like Bellville, Mitchell's Plain, Wynberg, and Claremont, informal trading would be permitted in pedestrian malls, in designated trading areas, at appropriate markets. It also prescribed that, in all the areas, trading would occur in uniform structures whose design would be determined from time to time by the city and whose cost would be incorporated into the rental costs for the trader.⁵⁰ As it turned out, the city council was unable to provide uniform structures for street traders in the city. This failure could be attributed to the lack of resources.

⁴⁸*Ibid.*, 720-721.

⁴⁹City of Cape Town, *Informal Trading and Management Framework*, 6.

⁵⁰*Ibid.*, 17.

In order to allay the concerns by street traders about the continuity of their business, the policy document made provisions for what it termed special circumstances. These were in relation to the death or serious illness of the principal trader and when a trader had to be absent for sometime due to religious duties. In respect of the non-transferability of the trader's permit, this provision stated that, in the event of the death of the trader, and there was evidence that the trader's family would face undue hardship, then permission might be granted to another family member or assistant trader to continue trading until the end of the trading period as stipulated by the permit. Also, if a trader was ill and was able to provide proof from a medical practitioner of his/her incapacity, a family member or assistant trader might trade in his/her place for a period that did not extend beyond that which was stipulated on the permit. Finally, where a trader had to be absent in order to fulfill religious duties, the city might allow a family member or assistant to trade on the trader's behalf for a period not exceeding one month or the period stipulated on the permit.⁵¹



The importance of this policy document lay in the fact that it provided guidelines for the development of by-laws to control informal trading. It made provision for some transfer of permit to family members. It represented a discontinuity from the nature of the administration of informal trading under the apartheid era.

Skinner has shown that the Johannesburg and East London city councils had street trading policy frameworks adopted before the cities of Durban and Cape Town. The informal trading policy of Cape Town, like that of Johannesburg and East London, emphasized the importance of street

⁵¹*Ibid.*, 21.

trading as an activity that could contribute to the economy.⁵² The informal trading policies of the cities of Johannesburg and East London, as well as that of Cape Town looked at law enforcement as only one aspect of the policy aims. One objective of the Cape Town city council's informal trading policy that was different from the Johannesburg, Durban and East London policy frameworks was that it encouraged the growth of informal traders from survivalist businesses to become big businesses. It emphasized that street traders would be encouraged as far as possible to move their businesses along a developmental continuum- from kerbside to markets, and then to formal businesses.⁵³

The question that the developmental continuum raised was how would the city council support traders to grow as suggested by the policy document? When this question was posed to Emlyn Hammond, a co-ordinator in the Department of Economic and Human Development of the city of Cape Town, his answer was that the city had offered an opportunity by allocating trading bays to the traders to progress and it was up to the trader to come up with creative ideas of what he/she would sell. He stated that some traders displayed creativity and sensibility by targeting goods according to the seasons. According to him, 'It is that kind of creativity that the city encourages. The city does not offer financial assistance'.⁵⁴

Hammond's response resonated with Skinner's assessment that financial constraints were a barrier to the attempt by local governments to pro-actively develop the street trading sector. She suggested that the fact that many local councils were in debt made financial support

⁵² Skinner, *Local Government in Transition*, p.13, C. Skinner, 'Getting Institutions Right: Local Government and Street Trading in Four South African Cities', *Urban Forum*, 11:1, 2000, 55.

⁵³ City of Cape Town, *Informal Trading Policy and Management Framework*, 9-10.

⁵⁴ Interview with Emlyn Hammond, a Coordinator in the Department of Economic and Human Development in the City of Cape Town, 21 July, 2011.

impossible.⁵⁵ Richard Holdstock, also a co-ordinator in the Department of Economic and Human Development of the city of Cape Town pointed to another issue. While the developmental continuum component was an important part of the informal trading policy framework, the problem lay in the fact that there were no mechanisms in place to make it work.⁵⁶ Without financial support or a structure to facilitate growth, one could argue that the developmental continuum envisaged by the city council remains at the level of rhetoric.

The Informal Trading By-Law of 2009

Three years after the introduction of its informal trading policy, the Cape Town city council announced in 2007 that a new by-law was being drafted to control informal trading in the city. It stated that the city council would issue street traders with trading permits that would allow them to trade in the city and only one permit would be issued per family.⁵⁷ The draft by-law was first sent out for consultation and comments. Street traders criticized the issue of only one permit per family. I. G. Ebdon, a trader at Green Market Square, said that this was unfair because he and his brother had two stands in Green Market Square. The implementation of the by-law meant that one of them had to leave the area to trade elsewhere.⁵⁸ After the consultation process, the 2007 draft by-law became law in 2009 with a major revision. The issue of only one permit per family was removed, as a concession to street traders.

The introduction to the Informal Trading By-law of 2009 reiterated clearly the vision of the city with regard to informal trading as encapsulated in the informal trading policy document.⁵⁹ The by-law encouraged the unemployed in the city to engage in informal trading in any area

⁵⁵ Skinner, 'Getting Institutions Right', 66.

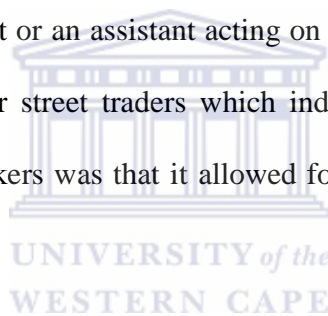
⁵⁶ Interview with Richard Holdstock, 8 November 2011.

⁵⁷ City of Cape Town, *Informal Trading By-Law*, 20 November 2009, 3.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*, 3.

approved by the city. However, it stated that, no person would conduct informal trading on city property without a valid permit from the city. All permit holders would be charged a trading fee and an application fee for trading on city property. Significantly, the city council also made provision in the by-law to cater for people who were unable to pay the fee but were willing to trade. The provision stated that, 'if a street trader could provide a written motivation of his/her inability to pay the required fee, the city may waive the fee in whole or in part, or may determine a payment system in terms of which the person may pay the fee over a stipulated period by way of small installments'.⁶⁰ This was a practice that was different from what operated in the past. It also provided for the permanent transfer of a permit in the event of the death of the permit-holder to either a dependant or an assistant acting on behalf of the dependant.⁶¹ This was another element in the by-law for street traders which indicated a shift from past laws. The importance of this policy for hawkers was that it allowed for continuity even in the absence of the principal trader.



In the past, law enforcement had been at the centre of the administration of street trading in Cape Town. The provision for law enforcement in the new by-law clearly deviated from the principles of law enforcement in previous street trading regulations. In the new by-law, an officer had to issue an offender with a written warning before taking any action in case the offence was repeated. If the officer decided to seize the repeat offender's goods, he had to complete a full inventory of all the goods seized and provide a copy of the inventory to the trader. The properties

⁶⁰*Ibid.*, 11-12.

⁶¹*Ibid.*, 15.

seized from traders would be released after the presentation of the inventory and the payment of the impoundment cost.⁶²

Apart from the confiscation of goods, the by-law spelt out a heavy fine of R5 000 or three months imprisonment for contravention.⁶³ Though the above penalty was harsher than in the past, in this democratic era, city council's approach nonetheless was far more tolerant. The offender could now pay a fine and his/her goods would be returned. The only arrest in the democratic era was when the chairperson of the Grand Parade United Traders' Association was arrested for standing up for the rights of traders and foreign traders who were excluded from trading at the Green Point flea market.⁶⁴ The Green Point flea market had for long been dominated by foreign traders. With the upgrade of the Green Point stadium and the flea market, the city council decided to allocate 25 percent of the stalls to foreign traders and 75 percent to South African traders. As a result, the majority of foreign traders had to leave the market.⁶⁵ It was the exclusion of a large group of foreign traders from the flea market that forced the leader of the association, Rosheda Muller, and four other members to demonstrate against the action of the city council. When she was asked to stop the protest and she refused, she was arrested and taken to the police station, but was released after a while without any charges.⁶⁶

Yet street traders were constantly subjected to raids by law enforcement officers in search of counterfeit goods which were not allowed by the law. 'In order to protect patent and copy rights, the city is put under pressure by big businesses and musicians to raid street traders'.⁶⁷ The

⁶²City of Cape Town, *Informal Trading By-Law*, 21-22.

⁶³*Ibid.*, 22-23.

⁶⁴ Interview with Q. Muller, 15 August 2012.

⁶⁵ The Green Point Flea Market was a very busy Sunday market which attracted a significant number of Street Traders from the city centre.

⁶⁶*Ibid.*

⁶⁷*Ibid*

seizure of counterfeit goods was not limited to street traders. Shop owners were also targeted by law enforcement officers and their goods were also seized. The difference between shop owners and street traders could be that a street trader might be driven out of business if he/she lost his/her goods because he/she might not have huge capital to keep up the business. A shop owner might have some reserve capital that might be ploughed back into the business to keep it alive. The shop owner might also have the added advantage to take goods on credit from wholesalers.

Skinner's argument that by-laws only aim to restrict rather than facilitate street trading is valid in reference to the management of street trading under apartheid,⁶⁸ but does not hold for the Cape Town informal trading by-law of 2009. As seen above, this by-law actually facilitates street trading and not the contrary, as Skinner has argued. Yet there were difficulties for street traders. Although the by-law provided for the permanent transfer of permits to the dependents of the permit holders in case of their death, the permits issued to street traders in 2009 prevented this transfer. It stated specifically: 'This permit for the trading stand is valid for the period for which payment has been received and may not be sold/transferred/sublet to someone else'.⁶⁹ (See Figure 8) This difficulty arose because permits were issued before the passage of the new by-law. Three years later, the city council had not rectified the non-transferability clause on the permit to respond to the new provision.

⁶⁸Skinner, 'Getting Institutions Right', 55.

⁶⁹ City of Cape Town, 'Permit Agreement for the Allocation of Informal Trading Stand, Section 6 of the City of Cape Town By-law for the Control of the Business of Street Vender, Pedlar or Hawker, 13 December 1996', 1.



PERMIT AGREEMENT FOR ALLOCATION OF INFORMAL TRADING STAND
 (Issued in terms of section 6 of the City of Cape Town By-Law for the supervision and control of the Carrying on of Business of Street Vendor, Pedlar or Hawker PIN 522 of 1996, Provincial Gazette 6093, dated 13 December 1996)

Permission is hereby granted to:
 (Full name and surname)

O / Passport no: _____ (Address)
 (Number) _____ to trade informally or trading stands (no) 806

in the demarcated area of the **Michells Plain Town Centre, Rondo Square** for the period as indicated on the back of this permit, subject to the following rules/conditions:

1. Only the registered trader is allowed to enter/leave goods from within the boundaries of his trading stand. Should the registered trader or his/her assistant(s) comply with any of the rules/conditions contained herein the permit will be revoked and the trader will be required to vacate the trading stand and remove the trading equipment.
2. The permit is to be carried by the registered trader at all times and to be produced if so requested by an officer as contemplated in the City of Cape Town By-Law for the supervision and control of the Carrying on of Business of Street Vendor, Pedlar or Hawker PIN 522 of 1996, Provincial Gazette 6093 dated 13 December 1996. Failure to produce such permit will result in the registered trader being fined.
3. The registered trader may be assisted by a maximum of one assistant per stand. The sign board/trader may not be an assistant for another registered trader.
4. This permit does not exempt the holder thereof from compliance with the abovementioned By-law or any other legislation that may be applicable.
5. Traders selling perishable foods must obtain the necessary license, in terms of the Businesses Act 71 of 1991, from the Business Licensing section of the City of Cape Town.
6. The trading stand area must be maintained in a hygienic condition (kept clean) and all refuse generated by the trader to be placed in refuse holders.
7. **Note:** Packaging (including equipment such as cardboard cartons, etc.) may not be placed in refuse holders but must be removed by the trader.
8. No interference of the public/City of Cape Town Official's duties may be anticipated / harassed.
9. The trader is responsible for maintaining order on his/her trading stand.
10. Should the City require a registered trader's trading stand for purposes of maintenance or construction of municipal services, then the registered trader agrees to relocate to a suitable / assigned spot/site for the duration of such work.
11. This permit may, at the request of the trader, only be renewed if the trader has acted in a fit and proper manner, in accordance with the above rules/conditions, during the previous permit period; and the City does not require the site for another purpose.
12. The permit for the trading stand is valid for the period for which payment has been received and may not be sold/transferred/leased to someone else.
13. This permit expires on the last day of 1 month and 14 days to renew the permit by paying a fee of R50.00 (including vat) per month, on or before the renewal date as indicated in clauses 12.1, 12.2 and 12.3 below, will result in forfeiture of the trading stand and expiry of the permit. Please note that:
 - 13.1 permits to be renewed between 1st and 7th of each month;
 - 13.2 permits will only be renewed between 08:00 - 15:00;
 - 13.3 no permits will be renewed after the 7th of each month.
14. No structural building (apart) may be remain on/within the trading stand.
15. These rules/conditions may be amended at any time.

I, the undersigned, do hereby declare that I will comply with all conditions contained herein.

SIGNATURE: _____ PLACE: **Michells Plain** DATE: **21 October 2009**

Particulars of applicant:

Name and Surname: _____ ID Number: _____

Verified by: _____ on behalf of the City of Cape Town

PRODUCTS: sun glasses, caps, belts, radios, locks, TV sets, clocks, watches, toys, underwear

THIS CITY WORKS FOR YOU ES BUROK DEECHEZILAWSHA HENKE STADWERK VIR JOU

Figure 8 Copy of the Permit Issued to Street Traders in Cape Town from 2009. F. E. Talpe's Copy.

The permit has a space for the name, address, identity or passport number and the phone number of the street trader. It also has a space for the trader's signature, the stand number and what the trader is allowed to sell. It has a long list of rules to be observed by the trader. These include amongst others: the holder has to produce the permit on demand which means that the holder has to carry it at all times, the holder is entitled to just one assistant, the stand has to be kept clean. The permit is issued once, but the trader has to renew ownership of the stand by paying a monthly fee. This is different from the registration certificates issued to street traders before the democratic era, when street traders had to apply to renew the certificates at the end of each year. In comparison to the earlier periods, the permit has no thumbprints, or photograph. The use of fingerprints and photographs as technologies of identification which was important for the registration of street traders in the past is now redundant, no doubt due to the identity document having emerged as the dominant identification system. The permit is not durable as it is made of paper that is vulnerable to wear and tear from the constant folding and unfolding on demand and during monthly rent payments.

Control of Street Trading in Cape Town City Centre

In the city of Cape Town, street trading responsibility fell to the Department of Economic and Human Development which was created in the late 1990s. The Department of Economic and Human Development was responsible for the management aspect of street trading as specified by the *Informal Trading Policy* and the *Informal Trading By-law*, but the monitoring aspect was under a specialized service of Law Enforcement.⁷⁰ In 2011 the Department was led by

⁷⁰ Interview with E. Hammond, 21 July 2011.

Thembinkosi Siganda as the Director and Japie Hugo, the Executive Director. The Department had five branches namely: Business Areas Management, Business Support and Skills Development, Development Facilitation, Local Area Economic Development and Economic Information and Research. Street trading was under the Business Areas Management division led by an acting manager, Zimlo Llalendle.⁷¹

The Business Areas Management Portfolio had eight management areas within the city and each area was headed by an area co-ordinator. Apart from the management of street trading and all informal trading in the city, it also had other functions which included the co-ordination of various city services in the business district, liaison with formal and informal business sectors with civic and ratepayers' associations, to initiate new public and private partnerships in the business districts and also to liaise with other structures in the fight against crime.⁷²

According to Hammond, they had an excellent co-ordination between the eight different area co-ordinators on the one hand and with law enforcement on the other, which was also one of the components in the management of informal trading in the city of Cape Town.⁷³ He explained that informal trading was so demanding that it would need to be located in the future on its own as a separate portfolio and managed separately. He concluded by stating that, discussions were on going as to where to relocate informal trading and markets.⁷⁴ Based on the many responsibilities that the business areas management portfolio performed alongside the management of street trading, having a separate portfolio for street trading would be beneficial for the effective management of informal trading.

⁷¹ Email correspondence with E. Hammond, 20 August 2012.

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ Interview with Emlyn Hammond, 21 July 2011.

The management of street trading in the CBD of Cape Town fell directly in some instances under the control of the city council, in others, indirectly through traders' associations, or in some instances in the hands of individuals who leased the area from the council. Finally, street trading that took place on private property was controlled by the property owners. Trading on the streets like Adderley Street, Darling Street and lower Plein Street which were the only streets with a substantial concentration of street traders was under the direct control of the Department of Economic and Human Development. Street traders had to apply to this department for a trading bay. The Department also controlled all trading at the Green Market Square and St. George's Mall, both areas with large numbers of street traders.

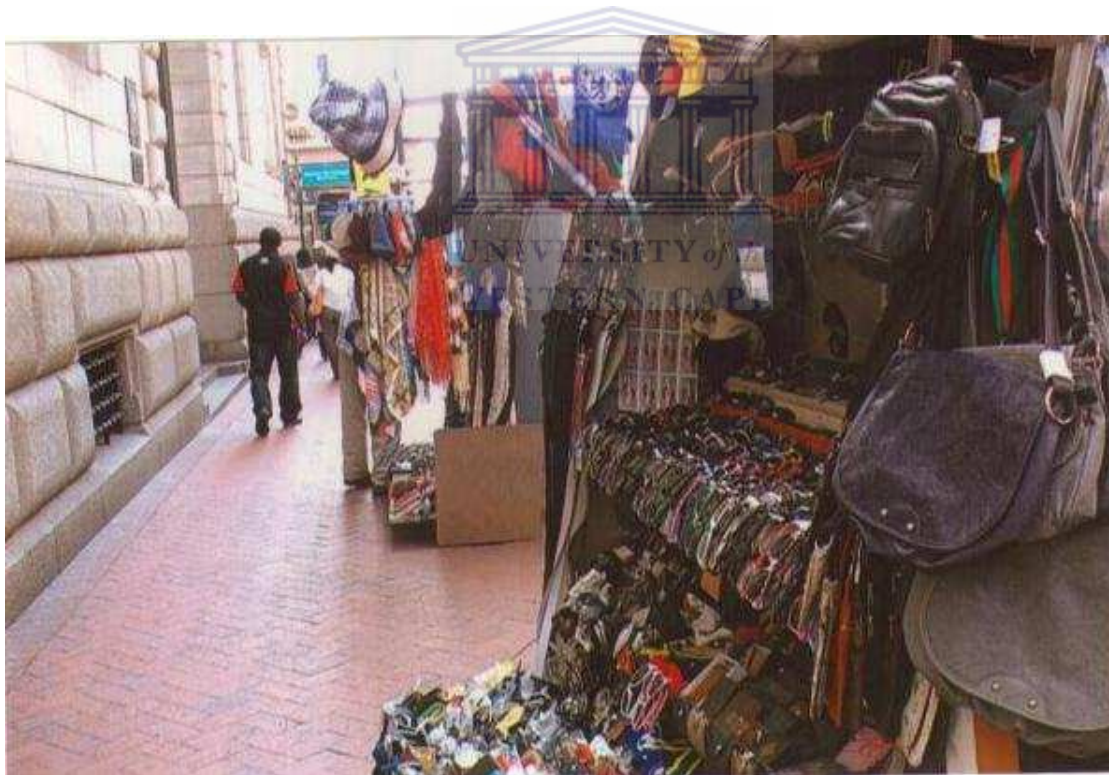


Figure 9: Adderley Street showing two street trading stands (Photograph, F. E. Tabe).



Figure 10: A street trading stand on Darling Street (Photograph F. E. Tabe)

According to Hammond, the city would have liked to provide the amount of spaces or bays that the demands dictated, but they did not have the available space.⁷⁵ Nevin Scher a street trader at St. George's Mall explained his frustration with the application process for a trading bay. 'From 2000 to 2009, I was applying for a trading bay from the city council, and they would not give me a space. It was just two years ago (2009) that I was given this space'.⁷⁶ There were also many other traders like him who had applied and had not been given trading bays but had been trading as casual traders on the spaces of some permanent traders who only trade for two or three days a week. An example of a trader who had to trade on a casual basis while awaiting the outcome of

⁷⁵Interview with Emlyn Hammomd, 21 July 2011.

⁷⁶Interview with Nevin Scher, a Street Trader at St. Georges Mall, 8 July 2011.

her application for a trading bay was Esther Amisi, a Congolese street trader on the Parade.⁷⁷ She alleged that the reason her application had not been approved was because she was a foreigner.⁷⁸ The city council denied that permits were issued on the basis of nationality.

As far back as 1997, control over Green Market Square had been shared unequally between Badih Chabaan, at the time a councillor for the African Muslim Party, and the city council. Chabaan had control of 80% of the area and the city council the remaining 20%.⁷⁹ There was a great disparity between the rents paid to Chabaan and that paid to the city council in the same area. To the former, traders paid R1 000 and to the latter R400 per month.⁸⁰ In June 2007, the city council announced that it had cancelled its lease agreement with Chabaan.⁸¹ The huge gap in the rent paid to the city council and Chabaan in the same area could suggest why the city took over the entire market. It was obvious that the traders under Chabaan were being over exploited.

A confrontation occurred between Chabaan and the city council in December 2007 when city council officials accompanied by the police went into the Green Market Square to take control of the area. The *Cape Argus* reported that Chabaan and his assistants came to the area to bribe traders by given them R400 each to reject the city council. The majority of the traders refused to accept the bribe which forced Chabaan to leave the area in defeat.⁸² The decision to hand over the market to Chabaan in the first place was bound to cause hardship for the traders because he, unlike the city council, was not going to operate in the interest of the traders, but for his private

⁷⁷ Interview with Esther Amisi, a Foreign Street Trader on Parade, 19 July 2011.

⁷⁸ *Ibid.*

⁷⁹ 'City Councillor is Ripping Us Off', *Cape Argus*, 17 February 2007.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

⁸² 'Green Market Traders Hand Defeat to Chabaan', *Cape Argus*, 2 December 2007.

interest. The outcome of the struggle for control over the market was an indication of the city council's resolve to protect and support the growth of informal traders.⁸³

Though the area was taken over by the city council, the traders had an association (Green Market Square Association), which according to Seyni Diup, a member of the committee of the association, assisted the traders in many ways. It was created in 2005 and in 2011 it was led by Trevor Ebden who was one of the old traders in the market. First, the association liaised with council on behalf of the traders. It negotiated on behalf of traders who were late on their monthly payments to the city. The association also opened a website to advertise the market so that tourists all over the world would know about the market and how to get there. For foreign traders, who made up the majority of the market, the association assisted them to have an extension of their visas at the Department of Home Affairs. If they needed bank accounts, the association would speak on their behalf to get letters from the city council that they were recognized traders in the market.⁸⁴

Informal trading on the Grand Parade was under the control of five traders' associations (the Grand Parade Traders' Association, the Grand Parade United Traders' Association, Black Pirates Association, Hanover Street Traders' Association, and the Historical Traders Association) which had leased their respective zones or sections of the Parade from the city council on monthly lease agreements.⁸⁵ The outsourcing of management functions was clearly the preferred option from the Cape Town council's perspective. The city council's argument was that the local government lacked sufficient funds to manage informal trading. It also believed that traders' associations

⁸³ The Informal Trading Policy of the city of Cape Town emphasizes the need to encourage the growth of informal traders from survivalist businesses to big businesses.

⁸⁴ Interview with Seyni Diup, 8 July 2011.

⁸⁵ Interview with Vincent Baatjies, 22 June 2011.

could employ people to maintain trading areas more cheaply than the local council could.⁸⁶ According to M. Abrahams, the Grand Parade Traders' Association which was the association for the bigger traders who operated on Wednesdays and Saturdays was formed in 1978 on the instruction of the city council. The city council believed that to deal with a body that represented the traders would be easier and more effective than to deal with individual traders. M. Davids was the chairman of the association in 2012. It was made up of 32 traders who owned the biggest stalls in the area and who were the oldest traders on the Parade.⁸⁷ Such an organization gave the traders a united body that could channel their complaints to the city council which preferred to deal with a group than with individuals. Though the organization of traders into associations was intended to facilitate control, it gave the traders a stronger bargaining tool.

S. Mustakim claimed that the Hanover Street Traders' Association was the second association to be created on the Parade. It was formed around about 1992. Unlike the Grand Parade Traders' Association which was formed on the instruction of the city council, the Hanover Street Traders' Association was formed by people who wanted to start up a business and to take advantage of the opportunities offered by the city council. According to Mustakim, after the association was formed, the leaders approached the city council and requested for a trading space on the Parade. The city council granted their request. Two years after this, other associations were also given trading spaces on the Parade. The Hanover Street Traders' Association which had 30 members was controlled by five people who were elected to lead the association. The five members controlled their area, had a responsibility to resolve conflicts among members and between their

⁸⁶C. Skinner, *Local Government in Transition*, 34-35, C. Skinner, 'Getting Institutions Right', 54-55.

⁸⁷ Interview with M. Abrahams, 15 August 2012

members and members of other associations. They also represented the association at meetings with the city council.⁸⁸

The Grand Parade United Traders' Association was not as old as the Grand Parade Traders' Association and it was constituted by small traders. It was formed in 1994 and is currently chaired by Rosheda Muller.⁸⁹ The association had 120 members from which six were elected to lead the association. The main functions of the association were to control its section of the Parade. It also represents its members when there were issues to discuss with the city council concerning the traders.⁹⁰ R. Muller believed that the importance of her association being in control of a section of the Parade was to give the traders a form of security of tenure knowing that the traders were dealing with people who they trade with on a daily basis. The second importance related to the fact that the traders considered themselves as belonging to a body which was governed by rules and regulations which were taken at general meetings by the traders themselves.⁹¹ The idea of belonging to an association which doubled as the controlling authority instilled confidence in the traders as they were dealing with people whom they knew and could trust. A major important contribution of a traders' association to the traders was that the body stood a better chance to defend the right of the traders than if the traders were operating on an individual basis.

The Grand Parade provides an opportunity to examine how the different traders' associations worked. N. Naiker, a member of the Grand Parade United Traders' Association who owned a stall in the area, was given the task of site inspector. She inspected the site, collected rent, and

⁸⁸ Interview with S. Mustakim, a Street Trader on the Grand Parade, 15 August 2012.

⁸⁹ Interview with Qiraan Muller, a Street Trader on the Grand Parade, 15 August 2012.

⁹⁰ Interview with S. Mustakim, a Street Trader on the Grand Parade, 15 August 2012.

⁹¹ *Ibid.*

allocated sites to new traders.⁹² From the money collected, the site inspector was given a sum; the chairperson was given an allowance to cover the cost of her movements and airtime used in representing the association in meetings with the city council and with other associations; payment was made for cleaning and for the provision of security for the area. What was left of the money was at times shared amongst the members of the association at a general meeting usually at the end of the year and at other times the money was put in the association's bank account.⁹³ Skinner has argued that the money paid to traders' associations in Cape Town was barely used for the benefit of the traders. According to her, the way the money was used created a 'fertile ground for corruption'.⁹⁴ A lot clearly depends on the leadership of these associations.

My research has pointed to how difficult it is to create an umbrella body to represent all Grand Parade traders. Some traders like Vincent Baatjies believed that the idea of having different administrations on the Parade was not a bad one given the fact that different groupings may have different ideas of how to manage their different areas.⁹⁵ The Grand Parade Traders' Association also has a negative view of the other associations. It accused the other associations of not respecting city council rules by subletting spaces and selling counterfeit goods, thereby giving the traders on the Parade a bad name.⁹⁶ Unity is also hampered by the fact that the different associations have different lease arrangements with the city council. The associations all have a status which they wish to protect. Despite many factors preventing one body from being formed, the different associations reached an understanding that when any trader association had an issue

⁹² Interview with Vincent Baatjies, 22 June 2011.

⁹³ Interview with R. Muller, the Leader of the Grand Parade United Traders' Association, 11 December 2012.

⁹⁴ C. Skinner, *Local Government in Transition*, 35.

⁹⁵ Interview with V. Baatjies, Member of the Grand Parade United Traders' Association, 22 June 2011.

⁹⁶ Interview with Two Traders of the Grand Parade Traders' Association, 11 August 2012.

with the city council, they would all speak with one voice.⁹⁷ This indicated that the associations were prepared to put the interest of traders above the narrow interests of individual groups.

Interviews, nonetheless, reveal some dissatisfaction with the existence of so many associations and how they operate. One trader on the Grand Parade argued that there was only one big committee on the Parade, which was the Grand Parade Traders' Association (which of course is different from the Grand Parade United Traders' Association mentioned above) to which he belonged and which paid rent to the council. He alleged that the smaller traders and their organizations on the Parade did not pay rent to the city council.⁹⁸ He stated that the Grand Parade initially had thirty-four people who had leased the Parade for about fifty years and they were still the people who owned the big stalls in the area. In the past ten to twelve years, the number of traders on Parade had gone up to about five hundred traders. Twenty percent of the traders belonged to the Grand Parade Traders' Association and eighty percent belonged to the other smaller associations that traded free of charge. He described the situation as unfair to the big traders given the fact that they all were operating on the same space.⁹⁹

When asked about the allegation that some associations on the Parade did not pay rent to the council, E. Hammond disputed the allegation. He argued that all associations on the Parade signed different lease agreements with the city council which compelled them to honour the agreements.¹⁰⁰ The leader of the Grand Parade United Traders' Association told a different story altogether. Firstly, she confirmed the allegation made by one of the big traders that the smaller associations like hers did not pay rent to the city council. She stated that the money collected

⁹⁷ Interviews with N. Naiker, 12 June 2011, and S. Mustakim, 11 August 2012

⁹⁸ Interview with a member of the Grand Parade Traders Association, 13 July 2011.

⁹⁹ *Ibid.*

¹⁰⁰ Interview with E. Hammond, 14 November 2011.

from the traders was used for the administration and management of the area.¹⁰¹ The difference in opinion between a city council official and street traders over the payment of rent on the Parade indicates a lack of communication between the officials within the Business Areas Management Portfolio of the city council.

Informal trading around the central railway station in Cape Town was under the control of Intersite, which was the company in charge of all the land surrounding train stations.¹⁰² According to Neil Engelbrecht, Intersite Property Management Services was a subsidiary of the South African Rail Commuter Corporation which in 2009, became known as the Passenger Rail Agency of South Africa (PRASA). Intersite was also replaced by the Corporate Real Estate Solution (CRES). CRES took over the duties of Intersite and controlled the whole of the Cape Metropolitan area.¹⁰³ At the Cape Town Train Station, there were both formal and informal businesses. In the past, informal trading around the Cape Town train station was leased to three management entities which were Top Vest, Best Africa and Introdeck Holdings.¹⁰⁴ Each management entity had control of a given area and sub-let spaces to informal traders.

From 2007, Intersite, later to be known as CRES, started a process to develop the area both for traders and for the railway passengers. For informal trading, a decision was taken to do away with the management entities because Intersite wanted to take over control.¹⁰⁵ The process, which Intersite started in 2007, was concluded in May 2010 with a complete upgrade of the train station and the area around the station. The top deck which is the area adjacent to the Cape Town Taxi Rank was identified as the only area where informal trading would continue after the

¹⁰¹ Interview with R. Muller, 11 December 2012.

¹⁰² F. Lund, J. Nicholson, C. Skinner, *Street Trading*, p.84.

¹⁰³ Interview with Neil Engelbrecht, the Manager of the Corporate Real Estate Solution (CRES), a Subsidiary of PRASA, in Cape Town, 22 November 2011.

¹⁰⁴ Interview with N. Engelbrecht, 22 November 2011.

¹⁰⁵ *ibid.*

upgrade of the area. The traders in all other areas around the station were moved to the top deck area. At the end of the process, small kiosks were built and provided to informal traders. Out of about 700 traders that were there before the upgrade, only 300 traders were given the new kiosks. According to Neil Engelbrecht, they could only afford to create a market for 300 traders given the enormous cost involved.¹⁰⁶

The question that this poses is what happened to the 400 traders who were not given a kiosk? Though Neil Engelbrecht said that some of them were on the waiting list it still did not solve the problem because the waiting time was indefinite. The main reason for the upgrade of the station was to open up the area and make it clean and spacious for the convenience of commuters. It could be argued that to a certain extent, the need to have a clean and spacious environment outweighed the need of the urban poor in the city to earn a living. This resonates with the argument by E. Jeffrey Popke and Richard Ballard that the informal economy has generally been regarded as a problem, 'dirty and unsightly, an aberration from the ideal of a modern city'.¹⁰⁷ While council's policy has been progressive (moving from a situation of repression to one of tolerance) the old issues of the clean and beautiful city still prevail. The cleanup of the lower deck also fell in line with the attempt by CRES to refigure space around the station by removing 'unsightly' crowds of street traders and replacing them with a tidy, clean and beautiful space. A photograph of the new kiosks points to the way orderly and tidy places are created.

¹⁰⁶ *Ibid.*

¹⁰⁷ E. Jeffrey Popke, R. Ballard, 'Dislocating Modernity: Identity, Space and Representation of Street Trading in Durban, South Africa'. *Geoforum* 35, 1 (2004), 9.



Figure 11: The new kiosks built for informal traders on the Station Deck in Cape Town (Photograph F. E. Tabe)

In the photograph above, the kiosks are painted white which is a sign of cleanliness. The kiosks are arranged in an orderly manner, with the windows opening outwards. Some shoppers are seen standing in front of opened windows. The space surrounding the kiosk is neat and tidy and each kiosk has a dirt bin in front of the door. The provision of kiosks to street traders on the station deck is an indication of the attempt by CRES to clean up the station deck and bring order to the area.

The traders have expressed mixed feelings about the upgrade. J. Adamu was very pleased with the upgrade and expressed her gratitude to PRASA –CRES. She stated that trading in the kiosks was much better compared to trading in the open when they were at the mercy of the weather.

Working conditions had improved with the new kiosks and during winter, she could make coffee to keep her body warm. Secondly, she no longer had to pay anyone to push her stuff.¹⁰⁸ I. Kassiem was not so enthusiastic about the upgrade. He stated that with the upgrade, more traders were brought from the lower deck to the top deck but the customer base did not increase, which led to increased competition. He complained that the layout of the kiosks was not ideal because one section received the bulk of the customers and the other three sections rarely had heavy pedestrian flows. He also complained about the size of the kiosk which was 2m by 2m compared to previously when the traders had 3m by 5m stalls and paid far less. To him, the previous situation was preferred. Even though the working conditions were more difficult previously, they made more money than with the new kiosk.¹⁰⁹

The photograph below shows a neat, empty and sterile space. This is the lower deck which used to have a significant street trader population. It has been rescued from the over 400 street traders who before 2010 made their livelihood here. There is absolutely nothing happening on the space which looks like a 'white elephant'. Open spaces like this are, however, part of the way in which the council plans the city. Donovan has argued that when city governments are confronted with the choice of using public spaces for either recreation, private investment or for informal trading, they usually prefer to allocate spaces for recreation and/or private investment at the expense of informal trading. The preference for beautiful public spaces for the purpose of tourism tends to override the needs of street traders.¹¹⁰

¹⁰⁸ Interview with J. Adamu, 28 June 2011.

¹⁰⁹ Interview with I. Kassiem, 24 November 2012.

¹¹⁰ Donovan, 'Informal Cities and the Contestation of Public Space', 30.



Figure 1: The new look of the lower deck at the Cape Town station which used to accommodate a significant number of street traders. Some of the traders were moved to the top deck. (Photograph F. E. Tabe)

Ismail Kassiem has been trading on the station deck since the early 1980s when he got his first spot from Intersite. When he started on the station deck, the traders paid rents directly to Intersite. After a while, the traders formed an organization known as Top Vest.¹¹¹ Top Vest acquired a lease from Intersite to control the market on behalf of the traders. As a result, the traders began to pay rents to Top Vest which in turn paid to Intersite the amount that was agreed to in the lease agreement. Top Vest was later transformed into a public limited company, and all

¹¹¹Interview with Ismail Kassiem, Informal Trader on the Station Deck in Cape Town, 24 June 2011.

the traders, about 130 of them, became shareholders.¹¹² The company (Top Vest) collected monthly rents from the traders, and paid part of the money to honour the lease agreement. It paid for cleaning the area, for security that was provided in the area, and for running the administration of the market. For fifteen years of the company's existence, it had an excess of a R100 000 in its bank account.¹¹³ The company was later upgraded into a private limited company with a board of directors. The board of directors was elected at a general assembly meeting of the traders who were shareholders of the company. This new company did not last long because it was dissolved.¹¹⁴ According to Nezaar Toffar, also a trader on the station deck, the Top Vest Company ceased to exist on 30 January 2010, when Intersite refused to renew the lease agreement with the company.¹¹⁵ From the first of February 2010, the station deck went under construction and everybody had to vacate the area. After the refurbishment of the area by June 2010, the traders were allowed back in the area on individual lease agreements. As a result, there was no place in the new arrangement for the company to operate.¹¹⁶

Since the company was dissolved, the money in its account had not yet been shared amongst its shareholders. According to Ismail Kassiem, there were issues that had to be resolved before the money would be shared. The first issue was that the company had to settle its debt with PRASA which was still under negotiation. The next was that the company was still expecting some tax returns from the South African Revenue Service (SARS). Kassiem affirmed that it is only after

¹¹² *Ibid.*

¹¹³ *Ibid.*

¹¹⁴ *Ibid.*

¹¹⁵ Interview with Nezaar Toffar, Informal Trader on the Station Deck in Cape Town, 24 June 2011.

¹¹⁶ Interview with Nezaar Toffar, 24 June 2011.

the completion of these issues that the books would be audited and thereafter, a general assembly meeting would be called and the money shared amongst the shareholders.¹¹⁷

When Top Vest managed the area, the traders paid R450 per month, and had to provide their own structures for shelter. After the refurbishment of the area and the provision of small kiosks for the traders, CRES increased the rents to R1 098 per month, and it wanted to increase it further to R1 270 per month.¹¹⁸ The traders interviewed on the station deck all vowed to fight the increase in the rents. Shanaaz Adams hinted that the traders were planning to call for the intervention of COSATU.¹¹⁹ A year later when asked about the outcome of the plan to solicit the aid of COSATU in their fight against PRASA CRES, S. Adams stated that the decision to ask for the intervention by COSATU was not carried through because the plan to increase the rent was not implemented by the management of the area.¹²⁰

The devolution of controlling authority to traders' associations in Cape Town is a sign of the city council transferring some of its control functions for ease of management. There are significant benefits to traders who support this devolution. Traders tend to be comfortable working with their own leaders than with officialdom. It is also easier for foreign or South African traders without trading permits to be accommodated in the areas controlled by traders' association. The complaint by one of the bigger traders on the Parade about the activities of the smaller traders' associations in the area is a case in point. While traders' associations on the Parade were given the opportunity to control themselves, the reverse took place on the station deck where PRASA-CRES stopped granting lease agreements to the traders' associations in the area. Though some

¹¹⁷ Interview with I. Kassiem, 24 November 2012.

¹¹⁸ *Ibid.*

¹¹⁹ Interview with Shanaaz Adams, an Informal Trader on the Station Deck in Cape Town, 24 June 2011.

¹²⁰ Interview with S. Adams, 08 August 2012.

traders on the station deck preferred the period when Top Vest was in control of the area to the current situation, they failed to recognize the fact that Top Vest had become more estranged from the traders and was pursuing a different agenda altogether. It is doubtful whether the decision to create a public limited company was in the interest of the traders.

The dawn of democracy in South Africa brought about major changes for street trading in the city centre. Until the early 1990s, street trading was limited to mobile traders in the streets of the city, while their counterparts on the Parade, St. George's Mall and Green Market Square were treated differently. As mobile traders became permanent traders, their status was equated to those in the areas mentioned above. Traders' Associations also experienced major changes from the single associations which represented traders on the streets (National Hawkers' Association and the Hawkers and Buyers' Association) to a plethora of associations representing traders in specific areas. Some associations also changed from being representatives of traders to having the dual responsibilities of being both representatives of the traders and at the same time the controlling authorities of the traders.

Local Government Approach to Street Trading in Four Cities

In a study in 2000 conducted by Skinner which compared the street trading policies and practices of the cities of Cape Town, Durban, Johannesburg, East London and Pretoria, she concluded that the Durban city council had the most progressive approach to street trading compared to the other four cities. This was based on the fact that Durban had established a department to manage street trading and had allocated more resources to the development of infrastructure for street traders than any other city.¹²¹ At that point in time, Skinner's findings had validity. But the shift

¹²¹ C. Skinner, 'The Struggle for the Streets: Processes of Exclusion and Inclusion of Street Traders in Durban, South Africa' *Development Southern Africa*, 25, 2 (June 2008), 235.

in the Durban city council's approach towards street traders in 2004 when it began to remove street traders from various intersections in the city centre and from nearby residential suburbs changed things. The council also issued only 872 permits to street traders in Durban compared to 1997 when there were over 10 000 street traders in the city of Durban.¹²²

It could be argued here that Durban was not more progressive than Cape Town which had maintained a steady number (between 2 000 and 2 500) of street traders in the city centre. The city of Cape Town has also been allocating resources for the development of street trading infrastructure. The upgrade of the Mitchell's Plain Town Centre for street traders and for public transport at the cost of R180m was a progressive development. Holdstock confirmed that nowhere in the city of Cape Town had so much resource been invested to upgrade the informal sector as in Mitchell's Plain.¹²³ Another area where the city council allocated resources was at the Khayelitsha station which was upgraded for use by street traders as well as formal retail shops. Though the city council provided infrastructure for street traders in other parts of the city, it failed to do so for the traders in the city centre. It seemed that the city council had a double standard in its treatment of street traders in the city. There was one standard for traders in the suburbs and another for the traders in the city centre.

In the year 2000, Skinner described the approach to street trading by the Johannesburg city council as chaotic because of the shortage of personnel and inadequate resources to manage street trading in the city. She stated that because of inadequacy, the city council only dealt with conflict areas.¹²⁴ Between 2000 and 2002, the Johannesburg city council did improve

¹²² Skinner, 'The Struggle for the Streets', 229

¹²³ Interview with Holdstock, 7 December 2012.

¹²⁴ Skinner, 'Getting Institutions Right: Local Government and Street Traders in Four South African Cities' *Urban forum*, 11, 1 (2000), 53-54.

significantly in its support for street traders. *The Star* reported that in 2000, a market for street traders was constructed in Yeoville. The following year, another market for 300 street traders was constructed in Hillbrow.¹²⁵ The *Business Day* also reported in 2002 that a market for street traders was built at the Bree Street taxi rank for 320 traders. It was a major project that involved the upgrade of the taxi rank and the construction of a street traders' market at a cost of R140m.¹²⁶

In 2004, the city council decided to demarcate spaces for street traders in the city centre. This was based on the fact that it would be less expensive to demarcate spaces than to build stalls. The city council also considered the fact that far more traders could be accommodated from the 7 000 to 8 000 street traders in the city centre.¹²⁷ In 2011, the *Business Day* announced that the Johannesburg city council was going to spend R60m in the construction of linear markets for street traders in the city centre.¹²⁸ The substantial financial investment by the Johannesburg city council to promote street trading indicated that the city had made great strides in creating a convenient environment for street trading.

In the case of Pretoria, Skinner stated that street trading was heavily regulated and street traders were removed from the city centre without providing them with alternative trading sites. When the city centre was made a prohibited area, a large number of street traders were sent out of the city centre.¹²⁹ In 2001 only 250 street traders were given licenses to trade in the city centre. The *Pretoria News* reported that many illegal traders had their goods confiscated by city council officials during a campaign in October 2001 to clean the streets of illegal street traders.¹³⁰ In 2010, M. Masonganye found out that the Pretoria city council still restricted street trading

¹²⁵'Street Trading in Johannesburg Inner City to be Limited', *Star*, 6 December 2001.

¹²⁶'Hawkers go to Court to Keep Stalls in Johannesburg City Mall', *Business Day*, 21 February 2006.

¹²⁷'New CBD Stands for Hawkers', *The Star*, 9 October 2004.

¹²⁸'Markets for Informal Traders in Johannesburg CBD', *Business Day*, 31 May 2011.

¹²⁹Skinner, *Getting institutions right*, 54.

¹³⁰'Council vs Hawkers Again', *Pretoria News*, 27 October 2001.

because street traders were still seen as unsightly and were associated with crime and disorder in the city. Masonganye found out that there were only 1 680 street traders in the entire Pretoria city council area.¹³¹ This is less than the number of street traders in the other cities mentioned above.

It could be argued that the Johannesburg city council had the most progressive attitude towards street trading based on the fact that it had invested a substantial amount of money to develop infrastructure for street traders, and also because it had the greatest number of street traders in its central business district. Though Cape Town did not reduce the number of permits issued to street traders, coupled with the fact that in recent years it allocated significant capital for the provision of infrastructure for street traders throughout the city, it had fewer numbers of street traders in the city centre and it built fewer markets for street traders than Johannesburg.

The Dominance of Foreign Street Traders in the CBD

Street trading in Cape Town's CBD was concentrated on the following streets: Adderley Street, Darling Street, Lower Parliament and Plein Streets, and Strand Street between Plein Street and Buitenkant Street. The other areas with a substantial concentration of street traders were the Grand Parade, St. George's Mall, Green Market Square and the Station Deck. A survey of street trading in the CBD showed that the streets named above were dominated by foreign street traders. Foreign traders also dominated in Green Market Square and St. Georges Mall. Ashu Lucas put the percentage of foreign traders to South African traders in Green Market Square at about ninety-five percent foreign traders, and only about five percent South African traders.¹³²

¹³¹M. Masonganye, 'Street Trading in Tshwane Metropolitan Municipality: Realities and Challenges', A Research Report for Urban Landmark, 2010, 2.

¹³² Interview with A. L. Ebai, A Street Trader at Green Market Square, 8 July 2011.

Officially, there were more South African street traders on the station deck than foreign traders. Of the 300 kiosks, 200 kiosks were allocated to South Africans and the remaining 100 kiosks were allocated to foreign traders. On paper, South Africans dominated street trading in the area. However, interviews reveal that some of the kiosks given to South Africans were managed on a daily basis by foreigners who were married to South Africans.¹³³ When the area was assessed on the basis of who was actually present and managing the shops, it would appear that foreign traders dominated trading in the area. N. Engelbrecht alleged that foreigners who were married to South African women might have put the women forward to get the shops for them because the women were rarely seen in the shops.¹³⁴

The only area where South Africans actually dominated the market space was on the Grand Parade. Again, this was only on Market days which are Wednesdays and Saturdays. On those days, the Parade was full with street traders who were South African, the majority of whom were 'Coloured'. These were the people whom M. Abrahams referred to as the stallholders on the Parade. On Mondays, Tuesdays, Thursdays, and Fridays which were not recognized as market days, the Parade fell in the hands of foreign street traders who did not have permanent trading bays. A trader who belonged to the Grand Parade Traders' Association alleged that they were brought in by the smaller associations that sublet the space of the Grand Parade Traders' Association and pocketed the money.¹³⁵ His grievance was that his association paid rent to the city council for the area they trade on, which they used only for two days a week. In their absence, the smaller associations usually sublet their area and pocketed the money. The other

¹³³ Interview with N. Engelbrecht, 22 November 2011.

¹³⁴ *Ibid.*

¹³⁵ Interview with a member of the Grand Parade Traders' Association, 13 July 2011.

smaller traders' associations that were accused of subletting the space of the Grand Parade Traders' Association usually trade for six days a week.

The question that the situation in the CBD poses is how was it that foreigners came to dominate street trading in the CBD? Masnoena Domingo voiced her frustration at the situation of things in the CBD 'I do not know how they got the right to be where they are now because we fought all these years to get where they are standing, especially there on the pavement in Darling Street...Basically, looking at it, it is mostly foreigners selling on the pavement and we as South Africans have never got the opportunity to do that. How come they got it? What did they do special that we did not do.'¹³⁶

According to Hammond, the city's policy was clear that anyone could apply for a trading bay provided that the person met certain criteria. The most important criterion was that the person must have a valid South African identification document, a work permit or a refugee permit. The city did not discriminate between South Africans and foreign nationals. When one met the necessary criteria and applied for a trading bay, he or she would be given a bay provided that there was space available. If there were no available bays, then the applicant would be placed on a waiting list.¹³⁷ He acknowledged the fact that foreigners dominated street trading in the CBD. He stated that the issue should be looked at on the basis of policy and not on perception. This was so because the policy of allocating trading bays did not discriminate on the basis of nationality. He further highlighted the fact that some of the people being referred to as foreigners had actually become South African citizens, or permanent residents with valid identity documents. This therefore gave them equal opportunity as South Africans.

¹³⁶Interview with Masnoena Domingo, 21 June 2011.

¹³⁷ Interview with E. Hammond, 4 November 2011.

Holdstock stated that foreigners were a dominant force in the street trading sector because they came into the sector when it was less populated and had been in the sector for a very long time.¹³⁸ He believed that South Africans began to have interest in street trading a bit too late. In his opinion, it was the recent economic recession in the country that forced South Africans into street trading.¹³⁹ Apart from the CBD, he also mentioned other areas where street trading was dominated by foreigners: Wynberg, Claremont and Cape Point. It was only in places like Simon's Town and Mitchell's Plain that locals tend to dominate.¹⁴⁰

Ashu Lucas argued that the presence of large numbers of foreign street traders in the CBD was due to the belief that they were safer in the city centre than in the townships and informal settlements, where there were always conflicts between black foreign traders and their South African counterparts. He also alluded to the fact that some of the goods that foreign traders sold, were bought by tourists who were mostly in the city centre. He also stated that foreigners tend to dominate the sector because they had been able to persevere under the difficult conditions of the trade more than their South African counterparts. This view was also held by Holdstock who praised foreign traders for braving difficult weather conditions (like during heavy rains) to be on the streets.¹⁴¹

The continued dominance of foreign street traders of the street trading sector in the Cape Town city centre was a cause for concern for South African street traders. Ninety percent of the South Africans interviewed blamed the down turn of the business to a heavy presence of foreign street traders which had led to over trading and hence stiff competition. Though South African street

¹³⁸ Interview with R. Holdstock, 8 November 2011.

¹³⁹ *Ibid.*, 2011.

¹⁴⁰ *Ibid.*, 2011.

¹⁴¹ Interview with Ashu Lucas, 8 July, 2011. Interview with R. Holdstock, 8 November 2011.

traders in the city centre expressed negative sentiments towards foreign street traders, they had not acted on them, such as wanting to eliminate them. The same could not be said about the situation in the townships and informal settlements occupied by black South Africans where there were xenophobic attacks and constant violent attacks against foreign nationals. In May 2008, xenophobic attacks against black foreign nationals which began in Johannesburg spread to Cape Town. Within four days of the violence in the townships and informal settlements of Du Noon, Masiphumelele, ImizamoYethu, Khayelitsha, Gugulethu, Phillipi, Nyanga and Delft, between 20 000 and 30 000 foreign nationals were displaced and their properties looted.¹⁴²

Conclusion

Street trading policies in post-apartheid South Africa have shown a complete break from the policies of the past. The period saw the introduction of progressive legislation to manage and control street traders. The 1996 informal trading by-law allowed hawkers to take up permanent stands in the city centre. The provision of stands for hawkers in the city centre put an end to the long struggle by hawkers for permission to be given permanent stands in the city centre. The provision of stands for hawkers was an indication of the recognition of hawkers as business people and gave them an opportunity to develop a regular clientele and to be able to display a variety of goods, a lot more than they could carry when they were mobile traders.

Another important shift from previous policies was the new management style whereby the city council surrendered its power of control to hawkers' associations. This new management style operated on the Parade in the city centre where the city had leased the area to the five trader associations that operated in the area. This new management style had significance for both the

¹⁴² S. Peberdy and M.K. Jara, 'Humanitarian and Social Mobilisation in Cape Town', 37-41.

city council and the traders. To the traders, it gave them a sense of security in that they were dealing with people whom they knew and could trust. The association also stood a better chance to protect and defend the interest of the traders against officialdom. For the city council, by transferring some of its control functions, it relieved the city of the cost and burden of managing the area. This appeared to be a workable arrangement style for both the city council and the traders' associations as it was still being maintained. Since both the city council and the traders' associations had voiced their support for the system, there was no doubt that it was beneficial to both parties. The same could not be said of the Johannesburg city council which instead outsourced the management of street trading to private companies and property owners. While traders on the Parade still managed their own affairs, on the other hand, the traders on the station deck, who also had the experience of controlling themselves, saw that authority taken away from them in 2010. The authority enjoyed by traders' associations on the Parade in Cape Town is different from the authority given to the street traders' association in Pietermaritzburg in that the latter was only given the power to supervise street trading. Therefore, the complete devolution of powers to traders associations on the Parade is unique to Cape Town.

A major hallmark in the history of street trading in the democratic era for the city of Cape Town was the presence of black African street traders in the city centre. Before this time both black South Africans and foreign blacks were not permitted to trade in the city centre. Local governments were not independent from the national government as they had to operate within the framework of national government. In the same light, when the national government shifted from apartheid to democracy which saw the introduction of more progressive policies towards informal traders, the local government had to change its approach as well as fall in line with the prescription of the national government.

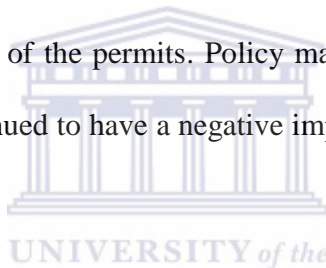
The local government in the democratic era had been seen to be more supportive of the plight of poor street traders than under apartheid. Poor traders who could show proof that they were unable to pay the rent were exempted from paying rent. Though the Cape Town city council had made great strides in the development of infrastructure for street traders in the city, this chapter has shown that it was not as progressive as the Johannesburg city council which had invested more in the development of street trader infrastructure and had far more street traders in its city centre than any other city in South Africa. Lack of resources also meant that the Cape Town city council's vision of seeing traders progress from the streets to shops would not be feasible.

This chapter has also shown that foreign blacks have tended to dominate street trading in the city centre of Cape Town. The dominance of foreign street traders in Cape Town city centre attracted criticism from their South African counterparts. The city council's allocation policy did not discriminate against foreign nationals. The majority of South Africans interviewed blamed the down turn of the business to the heavy presence of foreign street traders which led to over trading and hence stiff competition. Unlike in the townships and informal settlements where xenophobic sentiments against black foreign nationals had resulted in violent attacks and their displacement from townships and informal settlements, the local street traders in the city centre had not acted on their feeling of anger against black foreign nationals. While foreign traders may have acquired South African citizenship, they were still perceived as foreigners.

For the first time in the history of street trading in Cape Town, street traders were assured of the continuity of their business by a provision in the 2009 by-law that allowed for a permanent transfer of permits in the event of the death of the permit holder to his/her dependents. According to this provision, dependents could continue the business in the absence of the holder. This was not the case previously when the death of a permit holder meant the end of the business. Also,

for the first time, the management of street trading shifted from a policy that relied on law enforcement as the management approach to a more holistic management style in which law enforcement was only one component amongst many other components.

Though there was a significant shift from the controlling mechanism of the past, there were certain aspects that remained more or less the same. The trading permits given to street traders in the city since 2009 prevented the permanent transfer of ownership of the stand. Though the 2009 by-law provided for the permanent transfer of a permit to the dependents of the permit holder in the event of his/her death, three years later, the permits had not been rectified to reflect the new provision. This is an indication of the reluctance of the city council to implement the provision that allowed for the transferability of the permits. Policy may have changed but, in practice, in this case little changed. This continued to have a negative impact on street traders as it prevented the continuity of the business.



This thesis has thus far focused to a large extent on official records and secondary data in the analysis of street trading in the city centre. In this chapter, some insights from oral interviews were provided, especially on how associations worked and on perceptions about foreign street traders. The next chapter will provide a far more extensive examination of oral histories of street trading.

CHAPTER FOUR

A VIEW FROM BELOW: PERSPECTIVES ON STREET TRADING

Introduction

Thus far this thesis has focused on policies that were implemented over several decades in the city of Cape Town's history. Occasionally one has, through official documents glimpsed into what hawkers wanted and fought for. This chapter focuses mainly on the traders themselves. A total of 30 in-depth interviews were conducted with street traders in the CBD between June 2011 and December 2012. The outcome was enriching in that it painted a picture of the sector as traders themselves saw it. The question that this chapter deals with is how do the oral narratives of street traders lead to a better understanding of street trading and the impact of policy? The interviews highlighted issues that ranged from policy, reasons for taking to street trading, working conditions, the profitability of the business, and the continuity of the business. The interviews provide some historical background, for example, on how and why they became street traders, but the section on setting up a business, working conditions, the profitability of the business and policy, all deal with the more contemporary period, between the 1990s and 2012. Based on these interviews, the chapter argues that street trading is not solely a survival activity as there are possibilities for growth and potential for capital accumulation. It also argues that oral histories provide a wide variety of reasons why people became street traders. It is not simply a source of employment for the urban poor.

Embarking on Street Trading

The literature on street trading identifies several reasons why people turn to street trading as a means of livelihood. S. Holness *et al.*, found that most informal traders suggested they went into

informal trading in the absence of alternative employment.¹ A similar view was expressed by S. K. Bhowmik, F. V. Aquilar, S. Setsabi and R. C. Leduka, and F. Lund *et al*, who argued that retrenchments, shortage of jobs in the formal economy and lack of skills were the main reasons for entering the informal economy.² Setsabi and Leduka also suggested that for some people, street trading was a means to earn additional income, which implied that street trading was not their sole occupation.³ J. C. Cross expressed the view that street trading is a life style choice.⁴ J. Cohen expressed the view that people became street traders because of unemployment and poverty or because street trading was the only alternative to crime.⁵ The interviews with street traders in Cape Town's city centre confirmed these reasons but point to other reasons as we shall see.

Salie Mosaval, a street trader in Adderley Street, presented an example of someone who had always been a street trader. He was born on 9 January 1956 and finished standard six in Walmer Estate where he lived with his parents. He was married and had three children. As a little boy of about 11 years old in the late 1960s, young Mosaval began to sell newspapers in the city centre later moving to selling fruits and vegetables. Though his parents sold fish, he became interested in fruits and vegetables because his grandfather was a fruit and vegetable hawker. The influence of family examples thus provided an inspiration for Mosaval to take to street trading. He said that he was out of business for a while, for reasons which he did not want to talk about. When he returned to street trading in the early 1990s, he resumed the sale of fruits and vegetables, the trade he was interested in from childhood.

¹Holness, Nel and Binns, 'The Changing Nature of Informal Street Trading', 290-291.

²Bhowmik, 'Urban Responses to Street Trading', 1, Aquilar, 'Curbside Capitalism', 8, Lund *et al.*, *Street Trading*, 16
Setsabi and Leduka, 'The Politics of Street Trading in Maseru', 222.

³Setsabi and Leduka, 'The Politics of Street Trading In Maseru', 222.

⁴ Cross, 'Street Vending, Modernity and Post Modernity', 41.

⁵ J. Cohen, 'How the Global Economic Crisis Reaches Marginalized Workers: The Case of Street Traders in Johannesburg, South Africa. *Gender and Development*, 18, 2 (2010) , 280.

I used to work from a very young age, say from about 9 or 11 years old. I never had a holiday. At first I sold newspapers then I went to selling fruits and vegetables which was not legal at the time. We used to park the truck at Harrington Street near the Castle from where we supplied the bigger guys on the Parade, Plein and Adderley Streets. The law enforcement guys were always around and when you were caught, they would seize your stuff and lock you up. I started trading on my own in the 1990s when the demarcation of blocks for street traders was carried out. Before they gave us the blocks, they monitored us for two years to make sure we were there every day. Traffic officials would come around and make roll calls. They would call names for instance: Mosaval are you here, Peter are you here, Goodman are you here, and so on. You first had to apply and when they noted that you were a regular trader, you were given a trading block that was registered in your name.⁶

Mosaval's narrative threw some light on the clandestine methods which street traders used to defy prohibition regulations in the city centre in the period before the 1990s and how the demarcation of spots for traders in the 1990s was carried out. According to Mosaval, the demarcation of the city centre for street traders was a carefully thought out process that operated for several years with officials monitoring street traders. He indicated that when a trader was noted for trading on a given spot over a long period, that trader was then given permission to trade on the given spot. Mosaval's narrative also highlighted a different reason from that presented by the literature on street trading as to why he became a street trader. Street trading was the only occupation that he had an experience of from childhood. His later return to street trading was motivated by the fact that it was the only occupation he really knew well. Yet what Mosaval did not want to talk about was as telling as what he did express. An insight into what led to his absence from street trading would have provided an insight into the precarious choices that people make.

Like Mosaval, Shanaaz Adams was also a street trader who started from a very young age. She was born in 1973, and went to Trafalgar High School in Cape Town where she completed

⁶ Interview with S. Mosaval, 28 June 2011.

standard seven. She used to help her mother who was a street trader after school and on weekends, as well as on holidays. When she finished standard seven, she worked for her mother. When her mother died, she naturally just took over. For many street traders, the family was an important way through which the occupation was passed on.

I started helping my mother when I was about fourteen years old. She used to trade in Strand Street near the police station downstairs. We were the only people selling food there and after sometime, other people came and joined us. After a few years, traders were removed from Strand Street and were put on the station deck. We used to work on the other side of the station deck before it was upgraded. I worked with my mother for over twenty years on the station deck before she passed away and I took over the business. Now I also work with my daughter and hope that one day I am going to hand this shop to my daughter.⁷

Shanaaz referred to street trading almost as a shopkeeper would speak of his/her shop. She actually used the word 'shop'. It indicated the possession of an asset. Her account thus also points to why the issue of permits being handed down after death is important. Such life histories need to inform the council's implementation of policy.

Another street trader who inherited her business from her grandmother is Karin Bachmann, a flower seller in Adderley Street. She was born in 1972, and completed standard nine at Heathfield High School. Her father was a carpenter, while her mother worked in a shop. She began to help her grandmother to sell flowers at the young age of eight years.⁸ Like Adams, she also helped her grandmother after school and on holidays. When her grandmother passed away about twenty three years ago, she continued with the business.⁹

⁷ Interview with S. Adams, 24 June 2011.

⁸ Interview with K. Bachmann, 21 June 2011.

⁹ *Ibid.*

While family histories of street trading point to the natural way in which people were introduced to street trading, the majority of the traders interviewed became street traders because they were unemployed or had lost their job and then turned to street trading. Some had previously held formal jobs before leaving them for street trading. Victor Okoro is a Nigerian national who occupied a stand in Castle Street in Cape Town's city centre. He was born in 1975 and completed secondary school in Nigeria. After schooling, he also completed a diploma in economics in his country. He started to trade on the street in Cape Town's city centre in 2007 because he could not find a job.

I have been trading in the city centre for four years now since 2007. I did not choose this business, it is because there are no jobs here. It is difficult for us foreigners to find jobs in this country, and it is for this reason that we turn to street trading. I started at the train station, but two years later the train station area was demolished to prepare it for the World Cup of 2010. The traders there were displaced and I had to look for another place to trade because I had to survive. So I went to the city council and applied for a permit to trade on the street. My application was approved and I was given this spot here in Castle Street to trade two years ago.¹⁰

Okoro was just one of the hundreds of foreigners who went into street trading because they could not find jobs. Street trading, which is self-employment, therefore, became the next best thing. Okoro's narrative also highlighted the displacement of street traders around the train station and how displaced traders were able to find alternative trading spaces in the city centre.

An example of a trader who went into street trading because he was retrenched from the formal sector was Nezaar Toffar, a street trader on the station deck in the city centre. Born on 10 November 1964, he obtained his matriculation certificate in 1982 and went to study accounting at the Peninsula Technicon (Cape Peninsula University of Technology) as it was called then. He first worked as an accountant for a British company, the name of which he did not want to

¹⁰ Interview with V. Okoro, a Nigerian Street Trader in Castle Street in the City Centre of Cape Town, 13 July 2011.

disclose. When the company closed down in the late 1980s, he lost his job. Having a wife and two children to look after, he had to do something to earn money in order to provide for his family. After he was unable to find another job, he turned to street trading because he had an aunt at the station deck that was willing to help him. Once again, family appeared to be an important element in turning people towards street trading. He pointed out:

My aunt offered me a little space on her trading space here on the station deck. After a while, I was recognized as a casual trader. When a permanent trader failed to turn up, I was asked to use his/her space for the day. For about three years I was trading from one spot to another and about 1994, I was given a permanent space after it was discovered that a permanent trader had stayed away for a long time.¹¹

Ismail Kassiem, a trader on the station deck, also became a street trader after he lost his job in the building industry. He was born in 1947 and studied up to standard eight. When he left school, he did three years of vocational training and qualified as a plasterer. He worked as a plasterer until the late 1970s when the building sector began to experience difficulties. It then became difficult to find a job. He was, at this stage, married and had one child. He then turned to street trading as the next alternative. He started off by making cloths which he sold in Claremont and Wynberg because the city centre was a prohibited area for street traders.

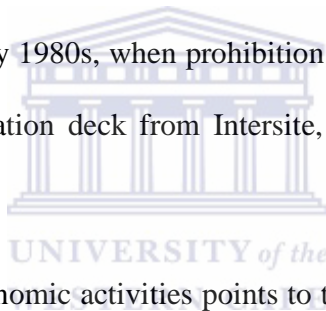
I started street trading about 1976 or 1977, but that time we were trading in Claremont and Wynberg because you were not allowed to trade in the city centre. The cops used to seize street traders' goods. It was only when street trading became legal on Cape Town station in the early 1980s that I came to trade on the Cape Town station. We started a small 'cut and trim' business my wife and I. We made our own cloths that we sold at the flea markets which was very profitable because there were fewer imports and not so many wholesalers. That time to get into a wholesale shop, you needed a special permit, unlike today where there are wholesalers everywhere.¹²

¹¹ Interview with N. Toffar, 24 June 2011

¹² Interview with I. Kassiem, 24 June 2011.

Kassiem's narrative shows how policy impacted on where one could or could not trade and how the relaxation of restrictions provided new opportunities.

Shamielah Edward was born in 1953 and dropped out of school at grade eleven because she found a job with Half Price Stores. When Half Price Stores became bankrupt, she then worked in a shoe shop in the city centre. She later resigned when she wanted to start a family. She then opened a tuck shop which she managed herself. Business was so good that she could use the profits to open two other shops. Her good fortune did not however last long and she had to close the shops. She then turned to street trading in the 1970s, at a time when street trading was prohibited in the city centre. Being desperate to earn a living, she violated prohibition regulations. Eventually, in the early 1980s, when prohibition regulations were relaxed in the city centre, she got a space on the station deck from Intersite, a space she occupied until it was transformed into a kiosk.¹³



Edward's short account of her economic activities points to the precariousness of other forms of informal trading, to the violation of city laws and to how changes in city plans for the station affected her. She also highlighted how street trading provided her with flexibility and independence. Her short life history takes one through several decades of street trading pointing to how city policies had an effect on people- providing disruption and also opportunity.

On the other hand, there were also traders who voluntarily left their paid jobs in favour of street trading because they felt that they could make more money from street trading than they could from their formal jobs. A. L. Ebai is one such trader. He was born in Cameroon in 1969, where he studied and obtained the equivalent of the South African matriculation certificate. He then

¹³ Interview with S. Edward, a Street Trader on the Station Deck, 10 December 2012.

migrated to South Africa and enrolled at one of the universities in Cape Town where he dropped out after two years. He then took a short course in hospitality and management after which he found a job as a manager in a hotel. In the year 2000, he left his job to become a street trader because he saw the economic potential. As a hotel manager, he used to take guests to the city centre to shop. He saw that his guests spent a lot of money on arts and craft. The experience was a wake- up call for him. He then decided to leave his job.

Well, a lot of people do not know that the informal sector is a good field where you can create something and make money. While I was working as a manager in hospitality, I saw a lot of potential in the informal sector. I used to take tourists around to shop and buy things. They used to buy a lot of things from informal traders. That is why I became interested in the informal sector. I realized that by doing your own business is better and especially if you got what it takes to build it yourself. That was why I started my own business and it has been very beneficial to me.¹⁴

This is important for it provides a different understanding of who a street trader is. He/she is not always from the ranks of the poor and downtrodden. His interview brings to the fore a totally different reason why people turn to street trading. Ebai's use of the words 'potential', 'beneficial' and 'a good field' casts a new light on this sector.¹⁵

Lamla Dana used to be a small producer who also saw potential in street trading. She was born in 1970 and completed standard ten. She then studied business management but did not complete the course. She then went to learn how to recycle bottles to make glasses. She decided to sell the glasses produced on a stand she acquired in the city centre. Unlike Ebai, Dana's vision to make good money from street trading did not materialize. The glasses did not sell and she was forced

¹⁴Interview with A. L. Ebai. 8 July 2011.

¹⁵A similar view was expressed by Cross about street traders preferences in Hong Kong. He argued that becoming a street trader did not mean that those involved were lazy, rather, they preferred street trading because they could earn more income from the street than from employment. Cross, 'Street Vendors, Modernity and Post Modernity', 41.

to change her line of business from glasses to selling shoes and cloth.¹⁶ Her story points to the need for flexibility on the part of the street traders and the importance of experimenting till the right product is found. The market for goods was thus important.

Ielhaam Alexander was born in 1962 and completed her matriculation. She became a street trader in 1998, but later left because she was offered a job in the formal sector. She eventually abandoned the job and came back to street trading. Her motive for coming back to street trading was based on her need for flexible working hours because she had people to take care of. 'I came back again because I could not keep a 'nine to five job' that demanded a lot of my time because I was looking after my granny and my son'.¹⁷ This highlighted how easily one could enter street trading, equally leave it and return again, which is an important characteristic of street trading and the informal sector in general. Alexander generally opened her stall between 10 am and 5 pm on days when the weather was good. On rainy days she would either stay at home or would open the stall for a few hours. Unlike formal businesses, street trading is dependent on the weather. Stalls may have physical cover but customer flow is affected adversely by the weather.

Esther Amisi, a Congolese trader on the Grand Parade, also preferred street trading because of the flexible trading times. She was born on 29 March 1973 in the Congo where she completed a national diploma in dress making. Married and a mother of two, she had to look for a source of income to provide for her family since her husband was unemployed. She first applied to the city council for a trading bay in 2009. The slowness of the application process caused her to look around for other alternatives. She found a place on the Parade where she paid R20 a day to trade as a casual trader. She explains the current situation 'The casual traders come on Mondays,

¹⁶ Interview with L. Dana, A Street Trader at the Station Deck in the City Centre, 28 June 2011.

¹⁷ Interview with Ielhaam Alexander, A Street Trader at Green Market Square, 8 July 2011.

Tuesdays, Thursdays and Fridays. On Wednesdays and Saturdays the owners come and we have to step aside'. At the time of the interview in 2011 she observed: 'For now, I come on Saturdays and Wednesdays since the owner of this spot is on leave because business is quiet. The owner will be back in November and I would have to return to my casual trading arrangement'. Esther explained: 'You see, I could accept a paying job, but such a job comes with conditions. I have children whom I have to prepare in the morning and take them to school. Sometimes the children may be sick and I may either decide to take them to the hospital or stay at home, the decision is mine. A paying job would not accept this type of lifestyle'.¹⁸

The flexible trading hours and the fact that the decision to work or not to work at any given point in time rests on the traders themselves has made many people especially unemployed women who have children to look after to prefer street trading and the informal sector. This corroborates the point made by Lund *et al*, that some women find that informal trading gives them greater power over their working lives and enables them to care more easily for their children.¹⁹ Cross also alluded to the fact that people turn to street trading because they enjoy the advantage of greater personal freedom and flexibility in the operation of the trade.²⁰

The need to be independent was also expressed by some traders as the reason that pushed them into street trading. Natasha Naicker who was born in 1947 became a street trader twenty-five years ago because she had had enough working for other people. 'I worked for Rextruform, I worked in the factory. After some time, I felt the need to be self-employed that is why I went on my own'. Her level of education is grade eight which she achieved through adult education.²¹

¹⁸ Interview with E. Amisi, 19 July 2011.

¹⁹ Lund, Nicholson and Skinner, *Street Trading*, 16.

²⁰ Cross, 'Street Vendors, Modernity and Post-modernity', 44.

²¹ Interview with N. Naiker, 22 June, 2011.

Jeannet Adamu also chose street trading because she wanted to be self-employed. She was born in Cameroon in 1960 and completed the equivalent of the South African matriculation certificate. Married and a mother of four, she migrated to South Africa to meet her husband. She became a street trader on the station deck in 2003 in order to support her husband in providing for the needs of the family.²² In her case, street trading thus serves as a supplementary income to the family. Setsabi and Leduka also found that some street traders in Maseru used street trading to supplement the family income.²³

Samuel Mustakim introduced another reason why he preferred street trading to a formal job. He was born in 1965 and completed standard eight at Manenberg High School. His interest in street trading came from his experience in trading with his parents who were flea market traders. He explained his preference for street trading as the accessibility to a disposable income on a daily basis compared to a job where he was expected to wait till the end of the month to get a salary.²⁴ This is important as it highlights a salient issue about street traders' preferences. Aquilar has also pointed out that the daily income that street traders make prevents some of them from thinking about an office or a factory job.²⁵ Married and a father of four, Mustakim has financial responsibility for his wife and children as well as a brother and a sister.

While Amisi had a dressmaker's skill, Ebai had a qualification in the hospitality trade, Q. Muller was an electrician, Kassiem a plasterer, Toffar had a qualification in accounting, and R. Muller had a bachelor's degree in history, the majority interviewed had a lack of skills. Of the 30 street traders interviewed, two had university degrees in psychology and history. Four had diplomas in

²² Interview with J. Adamu, a Cameroonian Street Trader at the Station Deck in Cape Town, 28 June 2011.

²³ Setsabi and Leduka 'The Politics of Street Trading in Maseru', 221-222.

²⁴ Interview with S. Mustakim, a Street Trader on the Parade, 10 August 2012.

²⁵ Aquilar, 'Curbside Capitalism', 11.

accounting, economics, dress-making and education from tertiary institutions. Eleven of them had Grade Twelve certificates, while thirteen of the traders did not complete Grade Twelve. Street trading does appeal most to those with little schooling or qualification. Yet that some people have education and skills and still prefer street trading should not be understated.

It is equally important to highlight the fact that of the 30 street traders interviewed, thirteen of them expressed preference for a regularly paid job to street trading. But they emphasized that in order for them to accept a job, the salary had to be good and better than what they were making from the business. Seventeen of the traders preferred to remain as street traders than to work for someone else. The main reason advanced was their desire to be independent. This overrode the issue of money. Those who said that they would prefer a regularly paid job based their argument on the amount of money involved. The fact that the majority of the traders interviewed preferred street trading is an indication of the fact that the sector is more or less permanent. This, therefore, confirms the argument that street trading and other informal occupations are stable rather than transitory occupations.²⁶ This does not discard the fact that there could be vertical movements out of street trading.

As a matter of fact, there have been movements from street trading to shops and vice versa. A good example of such a vertical movement was experienced by Nezaar Toffar who moved from being a street trader to operating a shop, but who later came back to street trading because he could not manage the business. 'I tried formal business in the past but I failed and had to return to my strong point which is informal trading'.²⁷ One street trader in the CBD who came from Ethiopia, indicated that the previous occupant of the space where he was working at the time of

²⁶Lund *et al.*, *Street Trading*, 9, Nduma, 'Street Trading in Transkei's Major Urban Areas', 121.

²⁷ Interview with Nezaar Toffar, 24 June 2011.

the interview, left the stand because he found a shop and he was brought in to take over the space.²⁸ In support of the argument that street trading in particular and informal trading in general are not transitory occupations, one could use the examples of street traders on the Grand Parade and the flower sellers at Trafalgar Place in the CBD, most of whom inherited their businesses from either their parents or grandparents.

Some traders stated that they became involved in street trading because it was the only occupation that they knew and because they were introduced to it at a very young age. Some became street traders because of the economic potential they believed the sector could offer. Some abandoned their paid jobs in favour of street trading thus challenging the discourse of street trading as simply a survivalist activity. Oral histories thus provide a much more complex picture of why people have taken to street trading.

The reasons why men turned to street trading seem to differ from those given by women. Ashu Lucas Ebai, for instance, left his job for street trading because he believed he could earn more from street trading. Though Ielhaam Alexander also left her job for street trading, unlike Ashu Lucas, she did so because she wanted to have control over her working life. Similarly, women like Esther Amisi, Natasha Naicker and Jeanet Adamu preferred street trading for the same reason. The ability to control their working lives gave these women the opportunity to care for their children and to deal with other domestic responsibilities. While men looked at street trading as having the potential for growth or capital accumulation, women, especially married women with child caring and domestic responsibilities, viewed street trading as a source of power that gave them control over their domestic and working lives.

²⁸ Interview with E. M. an Ethiopian Street Trader on Lower Parliament Street in Cape Town CBD, 13 July 2011.

Setting Up a Street Trading Business

The interviews with street traders revealed the different ways they operated their businesses and the various ways they raised the capital needed to start the business. Most of the accounts were about the contemporary period between the 1990s and 2012. As seen above, some traders inherited their businesses from family members, while the majority became street traders after losing their jobs or due to lack of employment. Shanaaz Adams is an example of a trader who inherited her food stand on the station deck from her late mother. Though she inherited an 'established business', she needed some money to boost the business. She then borrowed R2 000 from a family member to pay for the rent of the stall and to buy some stock. She bought food items, soft drinks and other utensils such as spoons, cups and disposable plates. The business went well and she was able to repay the debt after a few months.

With the upgrade of the station deck in 2010, she was given a kiosk. For the first time she had electricity that was provided in the kiosk. This totally changed the way she operated. She moved from buying ice blocks to keep her soft drinks cold to the easy task of using a refrigerator. The refrigerator saved her time, energy and money. She warned though that business was not as good as it was in the days when her mother owned the business. They used to sell more than 30 'rooties' a day and countless numbers of sausage rolls. By 2011, it was very difficult to sell ten 'rooties' on a busy day. If she sold twenty sausage rolls a day, it implied that business was very good. She indicated that business had gone down to the extent that she was merely struggling to make ends meet.²⁹ The economic recession that the country as a whole was experiencing and the high cost of the kiosk suggest why business was difficult.

²⁹ Interview with Shanaaz Adams, 24 June 2011.

Ashu Lucas Ebai left his paid job for street trading because he believed he could earn more from street trading than his job could offer. He used the little money he saved from his salary to set up a street trading business. He first applied for a spot at the Green Market Square from the city council in the year 2000. His application was successful and he had to pay a monthly rent of R400 for the spot. He purchased a structure for R500 and used R3 000 to buy his first stock of African craft from wholesalers who had shops close to the Green Market Square. His initial startup capital amounted to R3 900. His business did well, his capital increased and he increased his stock. After about eight years in the business, he decided to import the goods himself since he had acquired enough capital to travel to West Africa to buy crafts. He went to Cameroon, Nigeria, Mali, and Senegal where he bought crafts which were then shipped to South Africa. In South Africa, some of the crafts were sold wholesale to other traders and some was sold directly to tourists on his stand at the Green Market Square. Ebai was able to educate two of his children at university and he also bought a house for his family. This was an achievement he could only dream of if he had stayed at his job.³⁰

When Nezaar Toffar lost his job in 1990, he turned to street trading as a last resort. His access to a trading spot was made possible, as we have already seen, by his aunt who had a spot on the station deck. She allowed him use of part of her stand. He started off with a capital of R10 000 which was part of the pay off he received when the company he worked for closed down. He bought a small structure and two display units at a cost of R1 000. He then used the remaining R9 000 to buy his first stock of clothing from his brother's father-in-law who was a home-based clothing manufacturer. Unfortunately for him, the cloths did not sell and he was forced to sell them at give-away prices. He suffered a loss with his first stock of goods. He then decided to

³⁰ Interview with A.L. Ebai, 08 July 2011.

manufacture and sell his own cloths. He bought sewing machines and hired two men to manufacture cloths for him at his home. Business began to do well and he also supplied other traders.

His manufacturing business later suffered a knock with the advent of cheap Chinese import in the democratic era. He could no longer supply the traders who used to buy from him because they had found cheaper Chinese clothing. He then decided to sell both Chinese imported clothing and locally manufactured clothing. He would buy about 50 percent of his stock from Chinese wholesalers in Ottery in Cape Town and 50 percent locally manufactured clothing from home-based manufacturers in Athlone and Woodstock. The decision to sell both locally made clothing and imported Chinese clothing worked well for him and he was able make a profit.³¹ The startup capital for a street trading business usually varies as seen above. It could range from R2 000 or R3 900 to about R10 000, depending on what they sell and the nature of the stall. This account thus points to how possession of a stall may be out of the reach of the really very poor person who would lack even the minimum startup capital. Street trading is thus a highly differentiated sector.

Gender differences were also noticed in the choice of goods and services offered. The sale of flowers, cooked food and hair dressing businesses were mostly operated by women, while barber stalls and cell phone repairs were the exclusive domain of men. Though men and women sold fruit and vegetables, clothing and shoes, the majority of the traders involved in the sale of these items were men. Differences were also recorded in the number of hours put in the trade by both men and women. Most men tend to open their stands earlier and closed later than women. While the opening times for most men ranged between 6 am and 8 am in the morning, most women

³¹ Interview with Nezaar Toffer, 24 June 2011.

opened between 8 am and 9 am. While most men closed their businesses between 5 pm and 6 pm, most women tend to close at 5pm. These differences could be attributed to the double responsibilities women bore on the home and business front.

Working Condition of Street Traders.

Most of the accounts on the working conditions of street traders focus on the contemporary period that is between the 1990s and 2012. Street traders were usually on the streets as early as five o'clock in the morning to as late as seven o'clock at night. Despite the fact that street traders put in very long working hours, the majority of the traders still operated at the level of survival. The time that a trader opened and closed his/her business was affected by many variables: what he/she sold, the importance of the location in terms of the flow of pedestrians, and natural conditions like weather. Interviews with street traders in the city centre revealed that traders usually opened later and closed earlier in winter, while in summer they would open earlier and closed very late. The lack of shelter was highlighted as a major problem for the street traders. When it rained, it was very difficult to trade, and those who ventured to trade had their products damaged by water. On the other hand, when the weather was too hot, most of the products that they displayed were damaged. The weather was presented as a huge challenge for the traders. Another problem was that daily they had to push their stock and the structures that they used to and from the storerooms, which were, in most cases, hundreds of meters away. In fact, the movement of the stock and structures is an additional overhead cost. 'I used to pay someone to push my stuff to and from the storeroom. I used to pay him three hundred rand a week', says one

trader.³² While the interviewee points to an additional incurred cost, street trading seems to provide employment for others at a lower level.

For traders on the station deck, the storeroom which was also run by the traders' association was a great distance from the market. The storeroom was next to the section of the long distance trains at the Cape Town station. To get down to the lower deck and back up was a tedious task which was why traders paid as much as R300 a week to the boys who pushed the goods to and from the storeroom.³³ The storage situation at the Green Market Square was much better as the storerooms were close to the stalls. According to Ebai, there were four storerooms in the vicinity of the market which had been partitioned into smaller lock up units for individual traders. He was satisfied with the storage arrangements at the market.³⁴

On the Parade, the issue of storage was a major headache. S. Edward explained that before 2010, some traders on the Parade used to store their goods in a storeroom that was at the train station less than 40 meters from the Parade. When Intersite began to upgrade the station for the 2010 world cup, the traders were put out of the storeroom. The only solution for alternative storage was about two to three kilometers away from the Parade. Traders paid R350 a month to store their goods and also had to pay to convey their goods from the storage to the Parade.³⁵ Edward pointed out that the journey to and from the storeroom was a major problem for the traders. About three boys had been injured and one killed in the course of conveying goods from the storeroom to the Parade. The one who died was killed by a bus. She concluded that street traders

³² Interview with Ralph Bailey, 28 June 2011.

³³ *Ibid.*

³⁴ Interview with A. Ebai, 24 November 2012.

³⁵ Interview with S. Edward, a former street trader on the Parade, and who now had a kiosks on the station deck, 15 December 2012.

were not only confronted by the risks of accident, their goods were also stolen in the distance between the storeroom and the Parade.³⁶

Interviews also provide a contemporary account of working hours. Out of the 30 street traders interviewed, 21 of them said that they worked six days a week, five said they worked seven days a week, two worked five days a week, one worked only for three days, and another said he only worked for two days a week. The majority of street traders in the CBD, operated from Monday to Saturday and took Sunday off. According to Masnoena Domingo, the trading days on the Parade were from Mondays to Saturdays. Sunday was observed as the Sabbath for Christians.³⁷ The few who operated for seven days a week, worked for six days in the CBD and on Sundays, they went to the flea markets of Muizenberg, the formal Green Point flea market, or those at Strand and Milnerton.³⁸ The two traders who only worked for five days, that is Monday to Friday complained that their locations were not suitable for trading on Saturdays and Sundays because these areas attracted very few or no people on weekends.³⁹ This implies that if there were pedestrians in those areas (the lower section of Longmarket Street and upper section of Adderley Street adjacent to the Slave Lodge) on weekends, these traders would also operate on extra days. Those who only worked for two days a week operated on the Parade and strictly respected the historical market days which were Wednesdays and Saturdays. 'The Grand Parade has been operating for a very long time for two days, Wednesdays and Saturdays. Even if the council gave us the whole week, we would not take it because there is no business the whole week, only on Wednesdays and Saturdays'.⁴⁰ It is important to indicate here that these traders are not the usual

³⁶ *Ibid.*

³⁷ Interview with Masnoena Domingo, 21 June 2011.

³⁸ Interview with Vincent Baatjies, 22 June 2011.

³⁹ Interviews with S. Mosaval, 28 June 2011, and Samsodien Adams, 21 July 2011.

⁴⁰ Interview with M. Abrahams, 13 July 2011.

small survivalist street traders as most of them have huge quantities of stock and own trucks which transport their goods to and from the Parade. They usually operated for very few hours from about 8am and 9am until 1pm, compared with the smaller traders who operated from 7am to 5pm. Though they traded only for two days on the Parade, they owned shops in other parts of the city. Some of these shops sold goods on a wholesale basis to other street traders.⁴¹ Traders who sell in public spaces and have stands and stalls are thus a very mixed socio-economic group.

M. Abrahams indicated that the stall opposite his on the Parade was actually owned by Traders Warehouse which was a formal business with branches all over the city.⁴² He also stated that of the 32 big traders on the Parade, 90 percent of them were shop owners who supplied other traders in Bellville, Paarl and Muizenberg.⁴³ He was amongst the 10 percent who did not own shops but owned stands in other areas. He owned a big stand in front of his brother's shop in Wynberg where he traded on the days of the week when he was not on the Parade.⁴⁴ Some of the traders served as wholesalers on the Parade. The smaller street traders on the Parade were able to buy their stock of goods from them. M. Domingo pointed out that she opened earlier on Wednesdays and Saturdays because she wanted to take advantage of buying from the bigger traders who doubled as wholesalers. 'On market days we come earlier because the wholesalers from whom we buy our stock are here early'.⁴⁵ Those who traded for three days a week also observed the Parade market days and added Mondays to the usual Wednesday and Saturday market days. Oral histories thus provide a complex picture of those involved in street trading-small day to day survivors to formal businesses and wholesalers. Unlike the earlier histories

⁴¹ Interview M. Abrahams, 24 November 2012.

⁴² *Ibid.*

⁴³ Interview with Abrahams, 13 July 2011, Bromley has expressed a view that, generally, some street traders are branches of some formal businesses which either operated in front of the store or some distance away. Bromley, 'Street Vending and Public Policy', 2.

⁴⁴ Interview M. Abrahams, 24 November 2012.

⁴⁵ Interview with Masnoena Domingo, 21 June 2011.

considered in this thesis, which saw a clear distinction between formal and informal these distinctions have become more blurred.

Trading for Survival versus Trading for Profit

One of the most sensitive issues that street traders did not feel comfortable talking about was the amount of money or profit that they made from the business. On this issue, they were very evasive and either said that they were making profit or did not make any profit. No one would state specifically what the exact amount of profit made was. One cannot generalize that all street traders made a profit or conversely that they did not make profit. Profit making depended on the quantity of stock, the seriousness and commitment of the trader, the rental paid for the stand, the location of the stand and the market for the goods. What the traders sold also affected profit. The street traders in most areas in Cape Town sold similar items. Take Adderley, Darling, and Plein Streets where the majority of traders sold sunglasses, caps, belts, or in the Green Market Square and St. George's Mall where almost every trader sold crafts and curios, and the flower market at Trafalger Place. Competition was seen to be very tough and the ability to make profits greatly reduced.

The issue of competition based on the similarity of goods sold by traders was a cause for concern for the traders in the Green Market Square who resolved not to admit any new traders dealing in crafts and curios in the market.⁴⁶ This was the most they could do because it would be very difficult to ask a trader to change what he/she was selling to selling something else in order to reduce competition. The ability of a trader to make more profit than another would depend on the quality of the goods and the prices at which they are sold. Ebai had an advantage in the sense

⁴⁶ Interview with A. Ebai, 24 November 2012.

that he imported the goods that he sold and also supplied other traders in the market and in other areas. He also had stalls in other flea markets in the city.⁴⁷

Survival at Trafalger Place, on the other hand, was based on the clientele that the trader had attracted over the years. According to K. Bachmann, there were many days that she did not attract new customers, only her regulars tended to save the day.⁴⁸ The traders at Trafalger Place had made an arrangement amongst themselves whereby they would rotate their trading places. Trafalgar Place lies between Lower Parliament Street and Adderley Street. The traders lined up their stalls in the space between these streets. The prime locations in the area were three stands on the pavement in Adderley Street. The arrangement to rotate one space down each month was to ensure that each trader secured a spot on the pavement at some time.⁴⁹ This provides an example of street traders working harmoniously in the interests of all.

Some traders argued that they did not make profit because of lack of capital or that they did not have sufficient stock. There were those who said that because business was slow they could not make profits. While there were others who said that despite the fact that business was slow, they were still able to make some profit. However, those who said that they made profit were in the minority.⁵⁰ The period that the majority of street traders said they usually made some money was during the December holidays. Some mentioned that they also made profit during the opening of the school year and during winter. For most of the traders, outside of these three periods, business was very slow and they found it difficult to make ends meet.

⁴⁷ *Ibid.*

⁴⁸ Interview with Bachmann, 21 June 2011.

⁴⁹ *Ibid.*

⁵⁰ I have chosen not to identify interviewees here.

Several factors were said to be the reasons why business was very slow. In the Parade for example, street traders complained that they found it difficult to do business on market days (Wednesdays and Saturdays) because many wholesalers were at the market and sold their goods at very low prices to the public. The foreigners were also accused of cutting prices and selling cheaper to the public.⁵¹ In Lower Parliament Street and the Train Station, the problem was very high rentals. 'I cannot actually talk about profit because we sell and the system takes back the money. We pay R1 800 for a stand per month in this area (Lower Parliament Street). Whatever is left if any, goes for food and shelter'.⁵²

Ismail Kassiem at the Station Deck mentioned several factors that had led to a slow down of business at the Station Deck. 'Due to the development that is still going on, at the Cape Town Station, business has gone down. Also a lot of people are out of work at the moment and the economy as a whole is a bit down. As such, business is not as wonderful as it used to be'.⁵³ Street traders in the city centre especially the older traders seemed to have nostalgia for the good old days when business was good. They argued that despite the repressive laws that they were subjected to under apartheid, business was good. J. Dlamini, has expressed the view that though South Africans in the post –apartheid era seem to express a longing for some 'good old days' under apartheid, it does not mean that they supported apartheid, rather it was because they missed something of the past. According to him the expression of nostalgia for apartheid days speaks to 'bonds of reciprocity and mutual obligation, social capital, which made it possible for millions to imagine a world without apartheid.'⁵⁴ In the context of street trading, the nostalgia for the apartheid era was more about the profits that street traders made rather than a support for

⁵¹ Interview with Vincent Baatjies 22 June 2011, and Natasha Naicker, 22 June 2011.

⁵² Interview with G. M. a Ghanaian Street Trader at Lower Parliament Street, Cape Town CBD, 21 June 2011.

⁵³ Interview with I. Kassiem, 24 June 2011.

⁵⁴ J. Dlamini, *Native Nostalgia* (Johannesburg: Jacana, 2009), 3-13.

apartheid. This nostalgia was about the period of de-regulation which characterized the 1980s and early 1990s.

Qiraan Muller, who had been a street trader on the Parade for over two decades, expressed his experience of the business of street trading.

Over a period of 25 years, it has been a roller-coaster ride, ‘up-down, up-down’. My glory years were probably the first five years. The first five years were good, excellent, and from then onwards, it has just gone down. Right now I am a survivalist. I do not have disposable income from my business. I cannot buy extras, luxuries, everything is going to debt because of the work situation. The reason being that we were fewer traders before, we were not as many as we are today. Because of the sheer numbers, the market is saturated and people through no fault of their own, whether it is asylum seekers or people who have been retrenched, come to the market and the ‘pie’ has become much smaller for everybody.⁵⁵

The views expressed by traders like Q. Muller and others echoed the idea that the policy of the democratic dispensation to encourage informal trading, has had a positive impact on the sector, but such policy has also caused the saturation of the sector and has resulted in economic difficulties for poor street traders. Further, the increase in foreign traders, most of them with asylum permits, has compounded the problem. Though the majority of the traders tend to operate at the level of survival, there were a few who had been able to graduate from street trading into operating shops. There were also traders who had bought houses from trading on the street which is indicative of the economic potential of the activity. Ashu L. Ebai was one of those traders who bought a house from street trading.⁵⁶

Karin Bachmann supported her husband with money from selling flowers in order to buy their home. ‘We took a decision to live on bread and butter in order to buy our house. It was a great

⁵⁵ Interview with Q. Muller, 15 August 2012.

⁵⁶ Interview with A. L. Ebai, 8 July 2011.

commitment and we had to wait for ten years to put the money together. It was worth the wait by the end of the day.⁵⁷ I. Kassiem who operated on the station deck, bought a house with money earned from street trading. Samsodien Adams of Longmarket Street also paid off his house from the proceeds of his street trading business. 'I was able to buy a house from the business. Because business was good before, my parents bought another house and left me the house that we were staying in. But I had to pay them some money. We agreed that I would give them a R1 000 every month and I have finished paying them already'.⁵⁸ Abrahams lived in a house that his parents bought from trading in the street. He argued that the business of street trading was much better in the 1970s and 1980s and it was during that period that his parents bought the house.⁵⁹

These were just a few success stories of street traders in the CBD of Cape Town. However, this should not blind us to the struggles of the majority of traders who were barely able to make ends meet. Despite the success stories, the successful traders themselves have warned that business was not as good as it used to be in the 1970s and 1980s. This was attributed to the economic downturn that the country was going through and the fact that there were too many street traders as well as too many flea markets all over Cape Town. The situation of business in the CBD of Cape Town confirms the argument by C. Skinner that street trading is to some extent a survival activity.⁶⁰ Yet, these accounts have also indicated that street trading is not solely a survival activity as there are possibilities for growth and potential for capital accumulation.

Street trading is not only about the traders themselves alone as there are a number of other people who have come to depend on the traders for their own survival. As alluded to earlier,

⁵⁷ Interview with Karin Bachmann, 21 June 2011.

⁵⁸ Interview with Samsodien Adams, a Street Trader on Longmarket Street, Cape Town CBD, 21 July 2011.

⁵⁹ Interview with M. Abrahams, 13 July 2011.

⁶⁰ C. Skinner, 'Getting Institution Right?', 50.

traders employed others to carry their goods to and from storage facilities. Of the thirty traders interviewed, twenty traders either worked alone or were helped by family members. Three of the remaining ten traders employed two workers each, and the last seven traders all employed one worker each. There were close to 2 500 traders in the Cape Town city centre in 2011.⁶¹ If the number of street traders in other areas of the city like Mitchell's Plain, Bellville, Claremont, Wynberg, Somerset West, Strand, Sea Point, and Khayelitsha were considered, the number could rise into many thousands. Add to this the number of assistants employed and the links with formal businesses and wholesalers, this is an important sector. What this chapter does not consider, are the consumers in the city who benefit from the cheaper goods provided by this sector.

A. Brown *et al*, have argued that the informal economy has become the main source of employment in urban areas in Sub-Saharan Africa and accounts for 60 percent of all urban jobs.⁶² On the basis of the number of people involved in street trading, this thesis argues that street trading is a source of employment for the urban poor and an avenue for economic growth. Some traders started very small and moved to become big retailers. A long held view of those who are advocates of street trading is articulated by Bromley: 'if street traders could not sell on the streets, they would be unemployed and their dependents would be destitute, and some might turn to crime, rioting or revolution.'⁶³ Interviews have pointed to how street trading has supported families and provided opportunities for their survival.

⁶¹ Interview with E. Harmond, 21 July 2011,

⁶² A. Brown, M. Lyons, I. Dankoco, 'Street Traders and the Emerging Spaces for Urban Voice and Citizenship in African Cities', *Urban Studies*, Vol. 47, No. 3 (2000), 666.

⁶³ Bromley, 'Street Vending and Public Policy', 5.

Insecurity of Tenure

Street traders acknowledged that the attitude of the local government in the post-apartheid era (both ANC and the DA) has been more tolerant and supportive of the activities of street traders than during the apartheid era. All the traders interviewed expressed the view that there was a cordial relationship between street traders and the city council. They intimated that a trader might only run into trouble with the city council if he/she failed to pay the rent. However, they pointed to issues where they could appreciate a change in the city council's attitude. These were with regard to security of tenure and the permanent transfer of their trading permits to their dependants to ensure the continuity of their businesses.

A permit is issued once but its validity is based on a month to month basis dependent on a monthly lease and a monthly rental fee. A trader had to pay the rent for the spot every month to keep ownership. Transfer of ownership of the spot from the owners to their children or family members was not allowed. The agreement specifically excluded a transfer. Though, as has already been pointed out in the previous chapter, the 2009 by-law provided for the transfer of permits, the permits that were issued actually prevented this. Three years later and precisely by the close of 2012, this provision had not been rectified on the traders' permits. This has a negative impact on street traders as it prevents the continuity of the business. A trader on the Parade suggested that it was a deliberate attempt by the city council not to have informal trading as a permanent occupation.⁶⁴ What is more likely, is a cautiousness on the part of the council about transfers.

⁶⁴Interview with Q. Muller, 15 August 2012.

Holdstock, a co-ordinator in the Business Areas Management department of the city of Cape Town, explains the city council's position. Though the permits indicated that they were not transferable, the city council had made provisions for the transfer of permits in the event of the death of the permit holder. He said that, in the event of the death of the permit holder, the city council would transfer the right to trade on the space to the dependents but not the right to own the space.⁶⁵ This implied that the city council would allow the dependents of the deceased to use the stand but they were not allowed to either sell or sublet it to a third party. He also affirmed that the issue of a month to month permit should not be seen as against continuity because the city council has never asked any street trader to leave the streets at any point in time. He argued that there were street traders who had been on the streets for over twenty or thirty years and the city council had never asked anyone to leave the trade no matter how long he/she had been in the business.⁶⁶

Though the explanation by Holdstock that street traders could stay on the streets as long as they intended to, traders still do not feel secure with the month to month arrangements. Rosheda Muller, the leader of the Grand Parade United Trader's Association said their association would continue to engage the city council for longer lease agreements. They preferred lease agreements for five or more years with the city.⁶⁷ The lease agreements that the city council granted the traders' associations on the Grand Parade as well as the ones issued by the Passenger Rail Agency of South Africa on the refurbished Station Deck were all monthly lease agreements.

The month to month lease arrangement is clearly not a good business arrangement for the traders. Perhaps it is a potential administrative tool in the hands of the authorities to the

⁶⁵ Interview with R. Holdstock, 7 December 2012.

⁶⁶ *Ibid.*

⁶⁷ Interview with R. Muller, Leader of the Grand Parade United Traders Association, 11 December 2012.

disadvantage of the desperate and vulnerable traders. Street traders on the Parade confirmed this when they stated that in the lease agreement, there was a clause that whenever the city council needed to use the Parade the traders had to step aside. Street traders had been kept out of the Parade on several occasions by the city council when there were major events in the city. The use of the Parade as a fan park during the world cup of 2010 displaced the traders on the Parade and other streets to less significant corners in the city. In preparation for the world cup of 2010, the Parade also underwent renovation and the traders were displaced to less popular areas of the city centre.

According to Q. Muller, the traders would have liked to share the fan park on the Parade, but the city council preferred big businesses like Coca Cola and others to trade in the area, while the traders were given spaces outside the Parade to trade. Though outside the Parade, the traders were able to make some sales from the flow of people to and from the fan park.⁶⁸ The traders were disappointed because what they made was less than they expected. The only real benefit that the traders made came through a company called Monviso, which produced world cup T-shirts and catalogues in Cape Town. About a week to the close of the world cup, the company approached street traders with the assistance of the city council to help in the disposal of tons of T-shirts that the company could not sell.⁶⁹ The traders negotiated the price at which they were willing to pay for the T-shirts and took them on credit. They paid for only those that were sold and unsold items were returned to the company.⁷⁰ This situation highlights a positive relationship that could exist between big business and street traders, a co-operative relationship rather than a conflictual one. In an attempt to look beyond a relationship of conflict between informal traders

⁶⁸ Interview with Q. Muller, 15 August 2012

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

and formal traders, Cross suggested the creation of economic zones in which both informal and formal businesses can operate with tax and regulatory enforcement reduced to the bare minimum.⁷¹

The problem faced by the traders on the Grand Parade being pushed out was replicated in Green Point. Before the 2010 world cup, the Green Point flea market was the biggest Sunday market for street traders in Cape Town. The construction of the Green Point world cup stadium meant trading in the area had to be stopped. In June 2011, one year after the 2010 world cup, Vincent Baatjies, a street trader on the Grand Parade wondered why the Green Point flea market had not yet been opened as promised by the city council.⁷²

When the area around the train station had to be upgraded, the traders were also pushed out to a very small space adjacent to the Cape Town Civic Centre. The area was so small that not all the traders could be accommodated there. According to one of the traders at the Station Deck, the Passenger Rail Agency of South Africa did not have any other alternative place to accommodate the bulk of the traders as such most of the traders had to stay at home for close to a year.⁷³ When the traders were called to come back to the newly revamped area, as seen in the previous chapter, only 300 traders out of a total of 700 traders were allowed back into the new area.⁷⁴ All these point to the precariousness of street trading and the travails that short-term leases can cause.

Nduma has argued that 'Instead of catering for the needs of the poverty-stricken population, the officials and departments of the city councils have focused their attention on the protection of the

⁷¹Cross, 'Street Vendors, Modernity and Post-Modernity', 45.

⁷²Interview with Vincent Baatjies, 22 June 2011.

⁷³ Interview with R. Bailey, 28 June 2011.

⁷⁴ Interview with R. Bailey, 28 June 2011.

city in line with the concept of the Western city model'.⁷⁵ The lower deck at the Cape Town Train Station which used to be very busy with street traders has been turned into a beautiful space at the expense of the livelihood of the traders who used to work there. Vincent Baatjies referred to the open and unused space at the lower deck as a 'white elephant'. 'I know of people who had to close their business. They do not trade any more. Some of them got spaces here on the Parade but the majority went down. Look at the side of the station it is a 'white elephant', there is nothing happening there'.⁷⁶ This situation indicates how traders have been sacrificed in order to create a beautiful and neat environment.

F. Miraftab has argued that the decision by the Cape Town local government to adopt the City Improvement District (CIDs) in 1999, was not only to generate income for the government through real estate development and lucrative tourism, it was also supposed to create jobs. However, he argued that the most important agenda behind the CIDs was to turn the Cape Town city centre into the image of a world-class city that would serve as a desirable destination for global capital and tourism, a world-class city that would operate perfectly when all informal trade on the sidewalks of the city centre were removed to designated market spaces. He argued further that, the restructuring of urban space to serve the ideal of a world-class city integrated into the global economy was at the expense of the city's social and spatial integration in the post-apartheid context.⁷⁷ The repeal of the Group Areas Act and the demise of apartheid saw the movement of people, who were excluded from the city centre which was reserved for whites, to take advantage of the economic potential that the city centre provided due to its hubs of rail and

⁷⁵J. N. Nduma, 'Street Trading in Transkei's Major Urban Areas', 65.

⁷⁶ Interview with Vincent Baatjies, 22 June 2011.

⁷⁷F. Miraftab, 'Governing Post-Apartheid Spatiality: Implementing City Improvement Districts in Cape Town', *Antipode* 39, No.4 (2007), 603-608.

bus transport, and its flow of people. Yet there were new struggles. The displacement of over 400 street traders around the Cape Town train station following the upgrade of the area, as well as developments at the Green Point Stadium which did away with the informal trading around the stadium's vicinity, are indications that street trading does not fit in with improvement plans which are grounded in aspirations for a world-class city, as Miraftab has so appropriately argued.

Conclusion

This chapter has engaged with the oral testimonies of street traders to understand how the street traders operate and the impact of policy on the activities of street traders. Interviews have pointed out that there were several categories of street traders in Cape Town city centre. It has, therefore, provided a different understanding of who a street trader is. A street trader is not always from the ranks of the poor and down-trodden. It is not simply a survival activity. There are possibilities for growth in street trading and a few street traders in the Cape Town city centre had actually moved from being street traders to shop owners. Traders also pointed out that it was not only unemployment and poverty that pushed them into street trading. The economic potential of the sector was a major pull factor that encouraged them to give up their formal jobs in favour of street trading.

Interviews have also shown that street trading is not a temporal activity but almost a permanent occupation and the majority of street traders in the city centre preferred to be independent than to be employed by someone else. Some street traders in Cape Town reported that they inherited their businesses from either their parents or grandparents which are evidence to show that there is continuity in the business. This thesis particularly highlights how street trading has been an

activity that has strong family roots. The issue of continuity poses an important question as to why there has been continuity in the face of laws that proscribed the transferability of permits and certificates to the traders' dependents. The Cape Town city council argues that though laws in the past prevented the transferability of permits, the city council had always allowed the dependents of a permit holder to continue the trade in the absence of the permit holder. Though the 2009 by-law allowed for the transferability of permits, the city council has still not implemented that provision, a matter of some grievance to the traders.

From the interviews with traders, the sector was presented as being very dynamic and capable of catering for a very diverse group of people with different aspirations. The fact that it is relatively easy for people to get into the sector for the purpose of earning a living, makes it a very important occupation for the population of Cape Town, in particular, the unemployed. Yet interviews have also shown that many needed some start-up capital that varied from R2 000 to R10 000. This points to socio-economic diversity in the category of street trader. The ease of entry characteristic of the sector, equally allows for ease of exit as well as the ease of re-entry.

In terms of policy, traders indicated that the city council had been more supportive of the activities of street traders in the post-apartheid era than under apartheid. The importance of a more supportive environment, however, led to an increase in the number of street traders in the city centre and throughout the city. But the increase in trader numbers led to stiff competition between street traders and had reduced the profits that traders could make. Many traders thus express nostalgia for the 1980s and early 1990s. Traders were particularly concerned about the clause in lease agreements with traders' associations which empowered the city council to put traders out of the area when the city had to organize events on the space. The experience of street

traders during the world cup in 2010 brought home the reality that street traders' interests gave way to other interests of the council.

From oral histories we have been able to understand how a street trader operates his/her trade. Street traders have expressed the view that street trading has its difficulties. Traders had to get up very early in the morning only to return home late in the evening. The hours of trade were very long, and very often, the returns per day were usually not commensurate with the effort put in the business. Weather conditions were reported to be a major problem for street traders.

Oral histories also revealed some gender differences amongst street traders. It shows that while most men turned to street trading because of its potential for capital accumulation or as an alternative employment, most women, especially those with child caring responsibilities turned to street trading in order to have greater control over their working lives. There are also differences in the choices of goods and services offered by men and women and disparities in their working hours with men putting in more working hours.

The oral histories of street traders in Cape Town have presented unique insights into why some people became street traders which have not been highlighted in the literature on street trading. While one would expect that street traders would leave street trading for formal jobs, some street traders actually abandoned their formal jobs for street trading. What is also notable is the entry into street trading of individuals with degrees and skills. Interviews highlighted how some people preferred street trading because of the accessibility to a disposable income on a daily basis. The interviews particularly highlight conditions of trading on stands and kiosks and represent a different experience compared to street traders in earlier decades of the twentieth century who were denied stands and were subject to rules of constant mobility. Previous chapters highlighted

and gave an account of policy, oral histories put a face to street trading and point to what the consequences are on the ground of policy.



CONCLUSION

Street trading regulations in Cape Town followed a trajectory from simply demanding that hawkers pay a fee in order to trade, to much more detailed regulatory apparatuses that not only demanded fees from hawkers but also laid down trading rules. The regulation on street trading began by simply demanding that street traders pay a fee in order to trade in 1864, to the introduction of rules that governed the issue of licenses by 1884. This was then extended to include the identification of street traders in the Union era. In the apartheid era, regulations that gave the city council powers to remove street traders from the city centre were added to the existing regulations. In the 1980s there began a policy that marked a discontinuation with previous policies. The shift in policy was motivated by the desire to seek solutions to unemployment and poverty alleviation. The post-apartheid era saw a more significant discontinuity from previous policies on street trading as street traders were encouraged to trade and to take up permanent positions on the streets.

Between 1864 and 1985, the factors that influenced official policy towards street trading shifted from the need to raise revenue during the colonial period, to the need to protect shop owners against competition from street traders and about access to the streets, to the need to maintain a clean and beautiful city. Traffic control and sanitation issues played a role, as too, the desire for order in the city. From the Union era up to about 1985, the central focus of the by-laws introduced by the Cape Town city council was to limit the number of street traders especially in the city centre to a manageable level. The motivations behind the city council's policy were two fold. The first was to protect formal businesses against competition from street traders. The other reason resonates with the aspiration of the city council to maintain a clean and beautiful city similar to the cities of the western world.

This thesis has highlighted how street traders employed illegal means to circumvent the city council's prohibitory regulations. Even street traders who were not given trading licenses defied the authority of the local government in order to eke out a living. Many of these traders could not escape the wrath of the authorities without being caught, fined or had their goods confiscated.

The period between 1985 and 1990 experienced a shift in the city council's attitude towards street traders with council becoming more tolerant. The shift was precipitated by the difficult economic climate in Cape Town in the 1980s which caused high unemployment levels. The city council was also influenced by international discourse on the importance of the informal economy in alleviating poverty and unemployment.

In 1991, the national government came out in support of street trading through the Businesses Act which on one hand encouraged South Africans to engage in street trading and, on the other, it disempowered local authorities from taking actions that would prevent street trading. This was a major shift in the approach to street trading from the apartheid era. Street traders all over South Africa took advantage of the provisions of the act to position themselves along the streets of the city centers of South African cities. The importance of the act lies in the fact that it gave the direction that post-apartheid legislation on street trading would follow. In fact, the act is still relevant in the administration of every aspect of business in current day South Africa.

The by-laws and the policy to control street trading in the city of Cape Town which were implemented post-1994, showed a complete break from the by-laws under apartheid. The by-laws in the democratic era in the city of Cape Town provided for a more tolerant approach towards street traders. They also made provision for the city council to take into account the

views of street traders, which was hardly the case under the apartheid era. Before a by-law was passed into law, the draft documents were given to street traders' associations for comments. This therefore made street traders part of the decision-making process.

Race which was a prerequisite to trade in the city centre before and during apartheid became insignificant in the post-apartheid context. Blacks who were prevented from trading in the city centre have become prominent in the city centre. This is an indication of progressive policy as it allowed the previously excluded from the city centre to take up permanent positions in there. Foreigners, especially blacks from other African countries have also become prominent street traders in the city centre where they have come to dominate street trading. The city council has not been able to reverse the situation despite complaints from locals because its allocation policy does not discriminate on the basis nationality especially if the applicant falls under the category of people described by the South African constitution as previously disadvantaged.

This thesis has shown that Cape Town city council has had a steady number of street traders in the city centre of between 2000 and 2500 and has provided infrastructure for street traders in the city. In comparison, the literature has shown that the Johannesburg city council has constructed more structures for street traders than the cities of Cape Town, Durban and Pretoria (see chapter three). It also has the highest number of street traders in the centre of the city than any other city (see chapter three). We have seen how some councils like the Durban city council could move from a progressive policy in 2000 to a more controlling one by 2010 as it reduced the number of street traders in the city. Johannesburg, at the time of completion of the research for this thesis, showed it had the most progressive policy of all the major municipalities in its encouragement of 8 000 street traders in the city centre and its provision of significant infrastructure.

This thesis has adopted the idea of utilizing the concept progressive. This is defined to be encouraging street trading (rather than policies of exclusion and strict controls); seeing to the needs of street traders and responding to what traders want. As has been shown, the Cape Town city council took a long while to reach this stage. Further, even as it embraces promotion of street trading, the street traders often bear the impact when other considerations of the council surface to the fore (for example, preparing for the world cup in 2010).

Skinner, as we have seen, has argued that local government by-laws only aim to limit rather than to promote street trading. This thesis has a different view in its focus on the by-law of 2009 which shows that it had very positive provisions for street traders in Cape Town. It encouraged the creation of an enabling environment that would promote the growth of informal trading. It also encouraged the unemployed in Cape Town to engage in informal trading. It also emphasized the need for street traders to grow from small businesses into formal businesses. This thesis thus argues that by-laws do not only suppress street trading but, as seen in the post-apartheid era, they actually do promote street trading.

In terms of the provision of structures, the most improved structures in the city centre were constructed by PRASA on the station deck as street traders were provided with kiosks. On the one hand, the provision of kiosks could be viewed as a progressive policy since it emulated a more formal type of business and allowed for the use of electricity which had benefits. On the other hand, the provision of kiosks led to the displacement of more than 400 traders and those traders who secured kiosks saw a downfall in business. The tidying up of street trading on the Station Deck thus had negative consequences for street traders, though it contributed to a clean orderly environment.

The thesis has also shown that the month to month lease agreement given to street traders in Cape Town is not to the advantage of the traders. Rather, it is more in the interest of the local authority. The displacement of street traders on the Parade and from the streets during the 2010 world cup confirms this argument that the arrangement is for the benefit of the city council at the expense of the traders. Street traders in Cape Town, like their counterparts in other cities, have shown that they were ready to stand their ground against the controlling authorities in the defense of the source of their livelihood. They were sometimes successful and sometimes not.

One of the most important developments in the history of street trading in the city centre of Cape Town has been the transition from mobility to immobility. The request for permanent stands for street traders in the city centre began as far back as the 1930s. It was only in the 1990s that street traders were allowed to occupy permanent stands on the streets in the city centre. Again, this is an indication of progressive policy as mobile traders became stall holders. The demarcation of stands on the streets and elsewhere for street traders in the city centre in the late 1990s put an end to the long struggle between street traders and the city council over the issue. The importance of the provision of permanent stands to street traders has been that they have been able to display more goods than previously and have been able to develop a regular clientele. Some street traders have also been able to grow from the stands to become shop owners.

From a relatively uncomplex range of street trading in the earlier colonial era with traders on the move pushing barrows or having carts, the nature of street trading in the city by 2012 was more complex. Street traders are to be found on pavements and in designated areas with stands and kiosks. What one also has found is the way in which formal businesses and wholesale businesses have also taken to street trading in public places, as seen on the Grand Parade. Thus there is some blurring in both instances of what is formal and informal.

The identification of street traders in the city centre has been highlighted as a thorny issue between street traders and the city council. At first, a street trader was asked to give his/her name, address, nationality, and place of birth for the purpose of identification. When the requirements for identification were extended to include fingerprints, it was strongly opposed. Traders believed that the request for fingerprints was derogatory and an infringement on their rights as citizens. The opposition forced the city council to amend the requirements for identification. The new requirement gave street traders the choice between a thumb print, a photograph or signature. Under apartheid, this gain was reversed and street traders had to provide a photograph and signature. These requirements have also changed in the democratic era, and street traders are now asked only for their names, identity numbers and home address. While registration in this way is motivated by the desire for control, the achieved permit confirms rights on the traders and is a valued document. Of great disappointment for street traders is the omission on the permit of a clause allowing for transfer to family members.

This thesis has highlighted that the administration of street trading in Cape Town's city centre went beyond the jurisdiction of the city council because both the provincial and national governments were role players in the administration of street trading in the city. Evidence has shown that the provincial and local governments were not always in agreement as to how to deal with street traders. This thesis has shown that there were times when they had opposing views on how to deal with street traders. In a situation where both parties had divergent views about the governance of street traders, the authority of the provincial government prevailed.

Oral histories have provided a significant understanding of street trading. They point, for instance, to the importance of family histories where street trading has been practice of several generations. They point too, to how some street traders have skills and qualifications and see

opportunities for capital accumulation. These biographical details in some ways turn one's focus away from street trading as an activity of only the urban poor. It must be emphasized, though, that without street trading, many of those interviewed would be destitute. The sector is a very mixed socio-economic one. What the interviews indicate is that street trading is not only about survival. In addition, interviews challenge the idea of street trading as a transitory occupation. For several traders also it is almost as if they have inherited a family business.

This thesis sought to understand the ways in which Cape Town's policy towards street trading is similar or different from other municipalities. There are many similarities. This thesis has highlighted that the concerns of the Cape Town city council with regard to the free flow of traffic and the maintenance of a clean and orderly city has similarities with other municipalities. Also similar is the concern of municipalities to protect the interest of formal businesses against competition from street traders. The shift in policy from one of strict control to de-regulation in the 1980s was not unique to Cape Town. Similar processes of de-regulation of street trading occurred at almost the same time in other municipalities. The extension of de-regulation in the post-apartheid era saw a surge in the population of street traders in the major South African cities, as well as a significant presence of foreign street traders.

An important and unique element in the administration of street trading in Cape Town's city centre has been the delegation of the power of control to traders' associations. Street trading on the Grand Parade is controlled by traders' associations which lease portions of the area from the city council. Such an arrangement seems to benefit both parties. For the city, it appears better to deal with a group which is represented by two or three individuals than to deal with hundreds of traders on individual basis. It also saves the city the cost of employing personnel to supervise and control trading in the area. For the traders, being able to manage and control their different

sections of the Parade is an indication of their recognition. It also gives them the power to decide who they would accept to trade in their area and who not to allow. The administration of Green Market Square by a private individual however, proved unsatisfactory and saw the council taking control. In contrast, the city of Johannesburg devolved the power to control street trading to private companies. Though the city of Pietermaritzburg made traders' associations a part of the administrative structure, their authority was limited to the supervision of trading areas.

In the Cape Town city council unlike in other municipalities, the presence of coloured councilors was significant in influencing policy in the interest of street traders. On several occasions, they were able to sway the vote in the council in favour of street traders. However, this influence came to an end in 1972 when coloureds lost the municipal representation after the creation of local government structures for the coloured communities. Of major significance in Cape Town, was the extent to which the registration of street traders became a prerequisite to trade. This does not imply that registration was unique to Cape Town, rather it suggests the need for research on the registration practices of other municipalities to establish what forms it took elsewhere and the contestations around this.

This thesis has revealed some gender differences amongst street traders. It shows that while most men turned to street trading because of its potential for capital accumulation or as an alternative employment, most women, especially those with child caring responsibilities turned to street trading in order to have greater control over their working lives. There are also differences in the choices of goods and services offered by men and women and disparities in their working hours with men putting in more working hours. While this thesis touches on gender, this is a subject which could do with a more detailed focus and is suggestive of fruitful future study.

While this thesis has focused on the city centre only, there are other areas with long histories of street trading with significant street trader populations like Mitchell's Plain, Athlone, Gatesville, Claremont and Wynberg. These could be the subject of future research.



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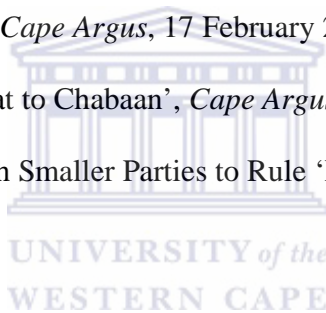
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