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An Ethnographic Study of Street Vendors in Bogotá

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Outside the Law



An Ethnographic Study Of Street Vendors In Bogotá

LUND STUDIES IN SOCIOLOGY OF LAW 45

ANA MARIA VARGAS

Outside the Law

An Ethnographic Study of Street Vendors in Bogotá

Ana Maria Vargas



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UNIVERSITÀ DEGLI STUDI DI MILANO

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Abstract

Millions of people worldwide work outside the law as street vendors in order to earn a living. However, they often work in fear of police evictions and confiscations since their work is in many places considered illegal. In this context, formalization (steps towards legalization) is often portrayed as a model for empowerment that allows poor street vendors to improve their well-being. Formalization, as a model to manage street vending, is widely promoted by various international development organizations. While important, studies of formalization show that street vendors often resist state control, and the majority continues to work outside the law.

The main research question guiding this study is: how does formalization of street vendors in Bogotá enable and/or hinder their well-being? To examine this question, this study uses an ethnographic approach and the concept of social control within the tradition of sociology of law. The data for this study was collected through ethnographic fieldwork conducted between 2012 and 2014 in the city of Bogotá, Colombia. Three groups were studied: vendors within the transitional zones (a formalization program), two rickshaw driver associations, and itinerant ice cream vendors.

The main findings illustrate that although street vendors work outside the law, they do not operate in a state of chaos or anarchy. Quite the opposite, law and other forms of social control are present in their work. These practices of control often affect their well-being. Despite harsh working conditions, well-being according to them means more than economic survival, and often, street vendors strive to improve their lives and gain independence in their work.

Another finding is that formalization is often directed toward the more established vendors and does not account for the fact that new individuals arrive on the streets every day trying to make a living. Often, the most vulnerable groups (immigrants, women, the newly unemployed) lack the time and knowledge to formalize or simply are not targeted in formalization programs. Without a deep understanding of how social control already operates, the state

runs the risk of developing formalization initiatives that undermine the well-being of the most vulnerable groups. Thus, this study of everyday forms of social control provides empirically based insights into the ways law influences the lives of those working outside the law.

Resumen

Un gran número de personas en el mundo trabajan en actividades no reguladas en la ley, tal es el caso de los vendedores ambulantes, los cuales se dedican al comercio informal con el fin de ganarse la vida. Las personas dedicadas a este tipo de actividades viven frecuentemente en condiciones de incertidumbre y de miedo, pues carecen de una licencia para operar; esto conlleva a constantes desalojos e incluso la confiscación de su mercancía por parte de la policía. La formalización de los vendedores ambulantes se ha vislumbrado como un modelo que permite mejorar su bienestar y ha sido ampliamente promovido por varias organizaciones internacionales de desarrollo, tales como el Banco Mundial, las Naciones Unidas y la Organización Internacional del Trabajo. Sin embargo estudios sobre formalización evidencian la resistencia por parte de los vendedores ambulantes a un control formal y en la mayoría de casos continúan desarrollando sus actividades sin regulación legal alguna.

El presente estudio se plantea la siguiente pregunta de investigación: ¿cómo la formalización (pasos para la legalización) de los vendedores ambulantes en Bogotá posibilita y/o impide su bienestar? Para responder esta pregunta se utiliza un enfoque etnográfico y el concepto de control social basado en la tradición de la sociología del derecho. Los datos utilizados en el presente estudio fueron recogidos a través de trabajo de campo etnográfico realizado entre 2012 y 2014 en Bogotá, Colombia. Tres grupos fueron estudiados: los vendedores dentro de las zonas de transición (un programa de formalización), dos asociaciones de bicitaxistas, y los vendedores ambulantes dedicados al comercio de helados.

Los resultados de esta investigación muestran que, a pesar de la informalidad en la que trabajan los vendedores ambulantes, estos no operan en un estado de caos o anarquía, por el contrario, la ley y otras formas de control social están presentes en su trabajo, aunque muchas veces estas mismas sean la causa la incertidumbre y de miedo en su quehacer diario. A pesar de estas condiciones, los trabajadores informales se esfuerzan por mejorar su calidad de vida y lograr mayor independencia, incentivados por su idea de bienestar, la cual va mucho mas allá de la simple supervivencia económica.

Otro hallazgo es en relación con la formalización, la cual se dirige hacia los proveedores más establecidos y no tiene en cuenta el hecho de que nuevos individuos llegan a las calles todos los días buscando nuevas opciones para ganarse la vida. Tal es el caso de los inmigrantes, las mujeres, los nuevos desempleados, y en general los grupos más vulnerables, los cuales carecen de tiempo y conocimiento para formalizar su actividad o simplemente los programas de formalización no están en la práctica dirigidos hacia estos grupos.

Sin una profunda comprensión de como opera el control social en la vida cotidiana de los vendedores ambulantes, las reformas legales corren el riesgo de implementar iniciativas de formalización que atentan contra el bienestar de los grupos más vulnerables de la sociedad. Por lo tanto, este estudio, de las formas cotidianas de control social, proporciona una visión que está basada en la investigación empírica sobre las formas en las que el derecho influye en la vida de las personas que trabajan por fuera del marco legal.

1. Introduction

Soon it will be six in the morning, and the sun is already rising on the horizon, covering the city skyline in a warm golden colour, while down in the streets people are rushing to work and buses and the roads are already packed. Here at one of the city's main bus stations, rickshaw drivers pedal faster to bring people from the *barrios* to the station, and vendors offer all kinds of breakfast food for people rushing to work. The mornings in the city are cold, and people like me stop to buy *aromatica*, a sweet herbal and fruit tea, before jumping on to the bus. The vendor was Maria, a 69 year old woman that talked proudly about her job. Maria said:

I don't like to depend on others for my needs. You may think that I am an old woman, but I am still strong. I have worked my entire life. When I was a child I helped my parents on the farm, and when I came to Bogotá I worked cleaning houses. Now I am too old for that work, but I can still do other things. But don't get me wrong, I mean, work on the streets is hard. You can't really trust anyone around here and when the police come we all have to run away. I don't understand what we do wrong, I mean the only thing I do here is earn money for my food, else, how does the mayor want me to survive? (Field notes based on interview from 24th of June 2013)

Most street vendors in the world operate outside the law (ILO 2013, 47; ILO 2002, 49). While their irregular status and the challenges they post to urban order and public space control have been largely discussed (Chen 2007, 10), we know less about the conditions of their everyday work (Saha 2011). Particularly how local laws influence their well-being. I met Maria on one of my first visits to Portal de las Americas, a big bus station that is part of the rapid transit system of Bogotá known as *Transmilenio*. Just like Maria, men and women of all ages work in the city's streets in small businesses to earn a basic livelihood. Yet they work under harsh working conditions, competition for customer is at the heart of their everyday struggle, and on top of that police harassment is a permanent threat.

Growing up in Colombia, street vendors were not a new phenomenon for me; rather, I was a regular customer of vendors and rickshaw drivers. I was also used to seeing, once in a while, the police arriving and people in the streets running away. I observed how street vendors have become resilient to police harassment, and often vendors returned to the same places after the police left. Yet, as Maria explained, vendors often work in fear of losing their products in a police raid, and the authorities see them as a source of urban congestion, dirt and chaos.

Street vendors are not only typical of Colombia but are also present in other places. Street vendors are one of the most visible occupations in the informal economy, which includes about “one half to three-quarters of non-agricultural employment in developing countries” (ILO 2002, 7). The streets are places where potentially vulnerable groups can earn an income, because they can start small businesses without the need for big capital or a fixed place (Bromley 2000, 5).

However, street vendors live under constant fear of eviction because most of them work without a legal permit or license (Anjaria 2009, 2140; Bhowmik 2005; Saha 2009, 312). The visibility of their work exposes them to police harassment, and consequently they can lose their businesses to confiscations or evictions (Bhowmik 2010, 15; Chen 2012, 19).

Since they work outside the law, formalization, understood as a legal permit to develop previously non-compliant businesses, has been the main policy response to street vendors (De Soto 1989; Ferragut and Gómez 2013; Gandolfo 2013). Formalization can include, among other things, the regulation of licenses, markets, or zones that enable street vendors to work within the law. Formalization is often portrayed as a tool of empowerment, that allows the poor to improve their well-being (CLEP 2008a) and is promoted by different international organizations such as the World Bank, the United Nations and the International Labour Organization (Banik 2011). While important, formalization is often rejected by people working in the streets, and the majority continues to work outside the law (Nchito 2011, 87; Faundez 2009, 168; Gandolfo 2013). In the meantime, street vendors continue to experience different risks and insecurities in the workplace, and in many cases are not covered by basic social protection, such as health insurance, maternal leave or pension insurance (Saha 2011, 312; Tokman 2007, 18).

While formalization is seen as the solution, different studies have critically shown that one of the main issues of regulation of street vendors is the recovery of public space (Adaawen and Jorgensen 2012, 83; Donovan 2008; Hunt 2009,

341). In this regard, police authorities and local governments have played a crucial role in the control of street vendors (Peña 2000; Roever 2005a, 16; Yatmo 2008). Additionally, formalization is criticized for leaving unattended people's working conditions and focusing exclusively on the recovery of public space (Adaawen and Jorgensen 2012, 83). Moreover, and although it has been studied less, a number of scholars have shown that police control is often resisted by people engaged in street vending who run away or move around in order to escape evictions (Meneses-Reyes 2013, 335; Vargas and Urinboyev 2015).

Apart from police control and formalization programs, street vendors experience other forms of social control. According to Peña, vendors often depend on networks, family ties, associations, and mafias to gain access to the most profitable corners on the streets (Peña 2000, 54).

There is a great interest to formalize street vendors and empty public spaces (Adaawen and Jorgensen 2012, 83; Donovan 2008; Hunt 2009, 341), while little attention is paid to the ways in which law operates in everyday life, and the multiple practices that control and affect their working conditions and livelihoods. The experiences and voices of people engaged in street vending are often absent from a debate in which legal regulation and urban development is often the central issue (Chen 2007, 4). Subsequently, policies and legal reforms towards vendors are often ignored or resisted at the local level (Nchito 2011, 91; Meneses-Reyes 2013, 350; Vargas and Urinboyev 2015).

This thesis is an ethnographic study of street vendors in Bogotá. I use the term street businesses or street vendors to refer to people selling goods or providing services in public spaces. I include two groups: vendors and rickshaw drivers. The common element to these two groups is the use of public spaces to conduct small businesses, and their similar experiences of harassment and state control.¹

Why the streets of Bogotá? An important element of ethnographic research is the need to spend a period of time in a specific place (Madison 2011). Although street businesses are a common phenomenon in many cities in Colombia and around the world (Bromley 2000, 1), I selected Bogotá as a case study that can illustrate both the common issues of formalization and public space control, as well as the different, contextual experiences (Donovan 2008). Street vendors are a considerable group and estimates indicate that there are more than 100,000

¹ The street vendors I met often use the words harassment or bothering to refer to the acts of the police stopping or aggressively asking them to leave the streets. The term police harassment has also been used in the literature on street vendors see (Bhowmik 2005; Austin 1993).

people working in public spaces in Bogotá (DANE 2003). Additionally, having lived in the city of Bogotá facilitated my entry to the field, which is essential in ethnography (Angrosino 2007). However, I tried to keep an external view of the group I was studying through discussions about my findings at my universities. Since one of the main advantages of ethnography is the possibility to explore people's experiences in the natural context where they occur and in more spontaneous ways (Hammersley and Atkinson 2007, 4), the selection of a specific city was essential for this study. In this regard, the streets of Bogotá provided a setting that was available to me as a researcher, as well as representing a case that could contribute to the broader debate surrounding the working conditions of people in the informal economy.

Thus, I have used ethnography to explore how street vendors experience social control at work, and how these different practices of social control influence their well-being. Work plays a central role in human life (Loscocco and Spitze 1990, 313), and therefore, having good working conditions influences our lives and well-being. The working conditions (the physical and psychological environment) of street vendors are heard through the voices of the people I met, and their opinions, experiences and feelings at work are expressed through this thesis.

This introductory chapter explains my position as researcher and situates my study in the relevant literature on the informal economy, urban studies and well-being. Furthermore, I present the aim and research questions guiding this thesis, and the scope.

Why Street Vendors?

There is a popular proverb in my country that says something like "Us Colombians don't have to starve since we can always start a small business on a street corner." From my readings, as well as meetings with scholars from other countries, I realized this proverb illustrates the role of street vending for economic survival not only in Colombia but also in many other places. People asked me, why street vendors? And why was I studying the lives of people making a livelihood in the street? And the short and simple answer to this question is the contradiction I felt when living in Bogotá, a city like many others growing with the desire to catch up with the world class cities of Europe and the United States, but where, as part of this goal, people earning a livelihood in the

streets are forcibly evicted and pushed away. Yes, it is true that the most commercial areas of the city are crowded with street vendors and rickshaw drivers; yet the idea of cleaning up urban places from people in need of an income to survive seemed outrageous to me, in a country like Colombia, where poverty and unemployment are common. Street vendors operate from Monday to Monday, day and night, they are young and old, wheelchair-bound, women with small children in the hot sun or rain, and on top of that they must run away with their goods every time the police feel like raiding them. Yet, most of the political debate, at least between 1995 to 2008, prioritized the issue of public space over the needs of people working in the streets (Parra 2009; Donovan 2008).

I felt that the debate, at least in Bogotá, was too centered on recovering public space, and the policies towards street vendors' quality of life, working conditions and well-being were secondary, or absent. The issues concerning lack of police control of street vendors were often in the news and continue to be a central issue in public opinion (El Tiempo 2015a; El Tiempo 2015b; Semana 2014). While some projects were initiated and the city built different re-location malls, the majority of vendors continued to work outside the law (Contraloría Distrital 2012; Donovan 2008, 45). According to the auditing office of the city almost half of the relocation places for street vendors are abandoned (Contraloría Distrital 2012). As Donovan explains, most of the time relocation spaces are abandoned because vendors could not sell as much as previously, and even when relocation was successful it was not enough to clear public space, because new vendors occupied the old spaces that were recovered (2008, 45). I started to think that people talking about street vendors had not spent enough time in the streets and that the government obsession with public space recovery was blind to the needs of this group of workers.

My interest in street vendors was sharpened in Sweden during a lecture on development and poverty reduction. Sitting at the back of the auditorium, I listened to a professor from the university presenting, with great enthusiasm, the results of the United Nations Commission on Legal Empowerment of the Poor. Being a lawyer myself, I was curious to see how law could actually help people in poverty. However, this presentation ended with a very dissatisfactory statement: people living in poverty needed the rule of law, said the professor, and received much applause from the auditorium. I wondered why people struggling to survive in this economic system needed the rule of law (referring to business rights) rather than education, health care, and other kinds of welfare. Law was acting, not to empower people working in street businesses, but instead to

criminalize their work, if it worked at all. I felt the international debate on poverty reduction was lacking a workers' rights perspective, and that people involved in development were not aware of what the needs of people living in poverty were.

This feeling of dissatisfaction concerning how poverty and development are treated in many academic circles in Europe and North America triggered my interest in what was happening in the world, particularly with regards to people working in street businesses. For some reason, there was a lot of talk about poverty reduction and empowerment, but I could not find much about the lack of welfare and protection for workers in the informal economy. Soon I realized that what was happening in Colombia was not unique to my country, and I would read how street vendors were harassed and criminalized in many places in the world. Forceful evictions and the destruction of their livelihoods were common in various cities, and earning a livelihood in the street was not compatible with models of urban development. While I was a lecturer at the Swedish International Centre for Local Development, I also met different groups of urban planners from East Africa attending my lectures, and they constantly asked me how they were supposed to deal with the problem of street vendors. They were aware of high poverty levels in their cities, yet they were mostly preoccupied with the issues of public space order, how to collect taxes and the beautification of their cities. Although important, those issues obscured the possibility of broadening the debate and include the experiences of people working in street vending.

The more I read about street vendors, the more I realized that the overarching issue was how to eradicate them and empty public spaces. Little attention was paid to how to protect their right to work and their working conditions. They were not considered workers but merely as invaders of public space. Government officials often argued about the need to formalize street vendors and move them into specific market places. As I will show in the following review of the literature, in cities of Africa, Latin America and in Asia it was hard to find a place in which evictions and public space recovery were not part of the urban development model. Not to mention, in Europe and North America, this cleaning of the streets was taken for granted, and the few that risked going to the streets, most of them immigrants with an irregular legal status, often faced strong police control (Portes, Castells, and Benton 1989). In many cities, governments were actively pursuing the eradication of street vendors, while the news reported devastating consequences for the urban poor, including economic losses, but also brutal human rights violations, arrests, and violence. Seeing this

discouraging panorama, I was intrigued by the resilience of street vendors as well as the emergence of a social movement that claimed the right to work in the streets (Chen 2001, 80).

Thus inspired by the idea that street vendors and rickshaw driver need more than legal formalization in order to improve their lives, I conducted my first field trip to the city of Bogotá and studied one of the formalization programs for street vendors in the city, the transitional zones. However, after this first trip it was clear that the use of formal/informal labels was not adequate for studying street vendors that there was informality within the transitional zones and, similarly, many structured organizations were present in the streets. State formalization was a form of control among many others. Based in my interest in the relations between law and society, the concept of social control became an analytical tool that helped me make sense of what was happening among street vendors. The fieldwork I conducted in Bogotá showed me how different social control practices played a role in the hardships or well-being of street vendors.

Previous Studies

There is a wide array of academic studies that look into the phenomenon of street businesses, predominantly in disciplines such as economics, gender studies, urban geography, anthropology, sociology, development studies and urban planning. The most studied occupation among street businesses is vendors of goods (Austin 1993; Bhowmik 2005; Bromley 2000, 2; Cross and Peña 1999), although there are relevant studies on rickshaw drivers (Begum and Sen 2004; Fung 2005; Mani, Pai, and Aggarwal 2012), shoe-shiners (Elkan, Ryan, and Mukui 1982), and waste picketers (Aparcana and Salhofer 2013; Nguyen et al. 2004).

Three areas of the literature are of special relevance to my thesis. First, the literature on the informal economy that has been developed within the field of sociology and economics. This literature situates street vendors as one of the occupational groups of informal workers, and discusses the reasons why people work outside the law. Within this literature, special attention is paid to the use of formalization programs as a way to promote micro-economic development and poverty reduction, and is of great relevance to this study. The second field of interest includes various urban studies in disciplines such as sociology, urban planning and geography. The studies I present here are concerned with

regulation of public space and urban development. Following that, I present the less explored literature on social movements and the relations to social capital and organization. Finally, although there is less research on the working conditions of street vendors, I present some of the studies that have dealt with the problems of working conditions and social protection for informal workers.

Literature on the Informal Economy

Research on street vendors takes place within the wider debate on the informal economy (Bromley 2000; Castells and Portes 1989; Centeno and Portes 2006; Chen 2012; Godfrey 2011; Maloney 2004). Within this debate, street vendors represent one of the most visible groups (Bhowmik 2010, 12). This literature is useful to understand the socio-economic context in which the discussion on informal workers has been placed, as well as the various explanations that scholars have given for why people work outside the law.

The first thing one realizes when reading about street vending is that this is a worldwide phenomenon (Bromley 2000). If you have been in Latin America, Asia or Africa, you have probably already seen thousands of fruit or vegetable vendors, rickshaws or tuk-tuk drivers, and you may have bought food, freshly cooked on the streets. Street vending exists in many places, even in the cities of Europe or North America, although the streets there are more controlled (Gerxhani 2004; L'Hote and Gasta 2007). Street vendors are often part of the so called informal economy, because they develop their businesses without complying with municipal laws that require them to obtain a license, or simply prohibit them from operating in public spaces (Anjaria 2009, 2140; Bhowmik 2005; Saha 2009, 312). Street vendors are considered informal workers, which “comprises one half to three-quarters of non-agricultural employment in developing countries: specifically, 48 percent of non-agricultural employment in North Africa; 51 per cent in Latin America; 65 percent in Asia; and 72 per cent in sub-Saharan Africa” (ILO 2002b, 7).

In Latin America informal employment outside agricultural employment ranges from 40 per cent in Uruguay and 75 per cent in Bolivia (ILO 2014a, xi). Among informal workers, street vendors are considered a representative group and estimates indicate that they represent 11 per cent of total urban employment in India and 15 per cent in South Africa (ILO 2014a, 47). In the case of rickshaw drivers, there are statistics for places where they are a

considerable phenomenon, such as Bangladesh, where estimates indicate that more than 750,000 rickshaws operate (Gallagher 1992).

The work of people in street business is characterized in the literature on the informal economy as an option for people that have not attained higher education or training, but nevertheless have some entrepreneurial skills (Bromley 2000). Street vending often require long working hours in order to meet their income needs and involve hazardous working conditions due to their exposure to poor weather, pollution and insecurity (Chen 2005, 18). While both women and men work in street businesses, some occupations, such as food vending, are predominately composed of women (ILO 2013), while rickshaw drivers are mostly men (Begum and Sen 2004). Minors are also employed in street vending (Hindman 2009), as well as people with disabilities or of retirement age.

The debate surrounding the informal economy is very controversial, and there seems to be no single answer that explains why it is growing in many places in the world. However, the most common explanations for why people work informally include lack of jobs in the formal economy (dualist theory), the need for cheaper goods and labor (structural theory), a way to avoid rental fees and taxes (voluntarist theory), the result of too many complicated rules (legalist theory), or the result of colonial structures that failed to recognized the practices of the people they invaded (colonialist theory).

The proliferation of economic activities in the streets is often explained as a result of lack of jobs in the formal economy (dualist-theory). Williams and Gurtoo explain how street vendors are often seen as residue from pre-modern economies that should disappear when modernization and industrialization takes place (2012). In this regard, the "dualist theory" considers that there are two separate ways of carrying out an economic activity: formal and informal. Under this dichotomy, the informal economy is the result of a lack of opportunities in the formal economy, high unemployment, and economic recession (Hart 1973; Sethuraman 1976, 70). According to the dualists, governments should promote economic growth and industrialization in order to stop the increase of the informal economy. While this is one of the oldest explanation, a recent book by Mike Davis dedicates a chapter to exploring the issues of urban informal workers he calls "a surplus humanity" (2006). In his book, *Planet of Slums*, Davis describes all the workers living in lower income neighbourhoods as people who cannot find a job within the formal system and thus are left to fight for their own survival.

While the studies developed in the 1970s brought up the relevance of the informal economy for many countries in the world, they were soon criticized because they failed to recognize the important links between the formal and informal sector. According to Portes & Castells (1989, 11) and Moser (1978, 1041), the informal economy serves the function of providing cheap goods and cheap labor, which benefits capitalist growth, thus contributing to the formal economy in multiple ways. This approach, known as the "structuralist theory", assumes that both informal and formal economies exist in relation to each other. In this regard, one of the first to point out this relation was Caroline Moser, who elucidated how the informal economy was subordinate to the capitalist system of production, and that the reason why some forms of informality were tolerated was that they served accumulation, perpetuating the exploitation of disadvantaged groups (1978, 1041).

More recently, the work of people in the informal economy has revolved around the issues of entrepreneurialism. While both dualists and structuralism considered informal workers as actors with no other choice than informality, a new set of literature appeared at the end of the 1990s and the early 2000s that presented them as creative entrepreneurs (De Soto 1989; Kucera and Roncolato 2008; Maloney 2004). Among these groups of thinkers, two sides arose: those who saw informal entrepreneurs as rational economic agents trying to avoid taxes and fees, and those who saw them as victims of the cumbersome bureaucracy of the state. The first approach, called the "voluntarist theory" believes that most of the people working in the informal economy are entrepreneurs who decide to work informally in order to avoid taxation, labor costs, regulations, rental fees and in general all the costs of working in the formal economy (Maloney 2004). According to the research developed by Maloney in Latin America, there are many incentives for people to work informally (2004).

The other approach, called "legalist theory" insists that informal entrepreneurs have no real options to become formal due to the lengthy time and cost involved in the legal process one must undergo to operate formally (De Soto 1989; Ghersi 1997, 107). The most influential work in the literature shift towards entrepreneurialism is Peruvian economist Hernando De Soto's research which focuses on the links between informality and poverty in developing countries (1989, 14). Through the study of the informal economy in Perú, De Soto argues that people work in the informal economy because the legal norms regulating the license and permits to operate within law are complex, time-consuming and costly, making formalization more or less impossible (1989, 146). His book *The Other Path*, dedicates a chapter to the analysis of street vendors in Lima, and De

Soto uses this example to prove his hypothesis about the cumbersome bureaucracy that vendors must deal with in order to obtain licenses.

Finally, there are few studies in post-colonial literature that criticize the explanations for informality, because they depart from the assumption that formality is the "model to follow", while informality is seen as pre-modern and typical of less developed societies (Kinyanjui 2014; Novo 2003). According to Mary Kinyanjui, the imposition of vending licenses in many African cities was used as a way to limit the commercial activities of the native population, since trade was reserved exclusively to Asian or European groups (Kinyanjui 2014, 11).

While all the explanations offer interesting insights into the phenomenon of street vending, I will pay special attention to De Soto's legalist theory and the subsequent formalization approach for two reasons. First, formalization is a paradigm in the current political debate surrounding street vending and is used in many cities around the world (Gandolfo 2013; Nelson and De Bruijn 2005; ILO 2008). Second, from the perspective of social control, formalization seems to be a non-punitive method of state control.

Formalization: Poverty, Empowerment and Development

Attempts to formalize workers in the informal economy are part of the current debate on poverty, empowerment and development (Banik 2011). Formalization, commonly understood as the shift from informal to formal (Williams and Round 2007), is part of various national and international development policies. Formalization is a component of the World Bank agenda promoted through the "Doing Business Report" that ranks how easy it is to register and create a business in the formal economy (Lyons and Msoka 2010; World Bank 2015b). It was the main recommendation of the United Nations Commission on Legal Empowerment of the Poor, which was co-chaired by Hernando De Soto (CLEP 2008a) and it is also part of the Decent Work Agenda at the International Labour Organization (ILO 2008). More recently, formalization has been included as part of the Sustainable Development Goals for 2030, specifically "to encourage formalization and growth of micro, small and medium-sized enterprises" as part of the goal eight: "Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all" (UN 2015).

In the context of businesses, formalization can be defined as “the process whereby previously non-compliant enterprises become integrated into these formal or state-sanctioned institutions, such as property registries and tax-rolls” (Kenyon 2007, 3). However, in the case of street vendors the regulation is often regarding the use of public space and can include licenses, market relocation or zone, among others. For rickshaw drivers it often involves a license to provide public transportation. Formalization is based on the difference between formal (legal) and informal (outside the law). For the purpose of this study formalization is understood as the steps towards the legalization of previously non-compliant businesses. However there are strong criticism in the literature for using the formal/informal divide and instead many argue for a more or less continuum of the reach of official intervention (Guha-Khasnobis, Kanbur, and Ostrom 2007, 16). Indeed, it is possible to find different levels of formality in terms of compliance to taxes, labour laws, business registrations, local laws of public space, health licenses, among others.

Formalization is considered a tool of economic empowerment that allows small entrepreneurs to access formal credit and the financial capital that is necessary for the expansion and growth of their businesses (De Soto 1989). According to De Soto, “The poor of the world — five-sixths of humanity — have things, but they lack the process to represent their property and create capital. They have houses but not titles; lands but not deeds; businesses but not statutes of incorporation” (De Soto 2000, 6). De Soto’s claim about the empowering effect of micro-credits is in line with the research in development economics concerning the need to create credit for the poor (Hossain 1988; Morduch 1999). In this regard, the most famous initiative is the Grameen Bank of Bangladesh. This bank, and its founder Muhammad Yunus, became known worldwide after he won the Peace Nobel Prize in 2006 for his efforts to provide micro-finance for the poor. The Bank serves now over 7,5 million people, of whom 97 percent are women (Yunus, Moingeon, and Lehmann-Ortega 2010). While micro-finance is promoted all over the world, the link between formalization, access to credit and poverty alleviation is not always clear (Woodruff 2001).

De Soto’s work has inspired formalization reforms in countries such as Peru, Tanzania, China, Russia, Ghana, South Africa, India and Thailand (ILD 2015). However, De Soto’s thesis and the formalization of businesses rights for the poor have been strongly criticized in different studies (Gandolfo 2013; Williamson 2010; Krueckeberg 2004, 2; Faundez 2009). One of the main critiques states that despite legal reforms to promote formalization, informality is growing

around the world (Faundez 2009; Jütting and Laiglesia 2009). Additionally, in Mexico City, street vendors have actively engaged in manifestations and demonstrations against formalization reforms because they consider these laws a way to exclude them from society (Pena 2000). Others simply ignore formalization laws and continue to work; they see no benefits in formalizing their businesses, and they fear upcoming taxes and fees (Faundez 2009). Similarly, Gandolfo's ethnographic study in Lima shows that most vendors continue to operate informally, despite multiple formalization incentives (Gandolfo 2013). One of the vendors interviewed by Gandolfo explains that informality is "a culture deeply rooted in our country [Perú]", and therefore formalization is condemned to fail (Gandolfo 2013, 294).

In a study of street traders in different African cities, the authors concluded that the formality imposed by the state is often in contradiction with the social practices of association and reciprocity that dominate many aspects of people's culture (Brown, Lyons, and Dankoco 2010). Similarly, Hawkins explains resistance to formality as a way for the urban poor to create spaces of autonomy, and to overcome the long-time exclusion they have experienced from state development projects that prioritize big economic enterprises and growth over the needs of small households (2011, 8).

The claim that formalization can help small entrepreneurs to boost their businesses and lift themselves out of poverty has been also criticized (Guha-Khasnobis, Kanbur, and Ostrom 2007, 9). For instance, Donovan illustrates how many street vendors abandoned formalization programs after their sales decreased which threatened the very existence of their businesses (2008). Many claim that formalization is often a way to cover up public space recovery initiatives and that formalization is only used as way to move the vendors off the streets. Hansen reports the case of "Keep Zambia Clean and Healthy", a program launched in 2007 as part of the steps towards the millennium development goals. According to this study, the program included formalization measurements that in reality were aimed at getting rid of street vendors, in order to generate order and health in the cities (Hansen 2010, 20). Similarly, a study by Slocum et al. (2011) showed how Tanzania's national strategy for growth and poverty reduction, of which formalization was a main component, had a devastating effect on small tourist enterprises. Instead of providing economic benefits for the poor, the reform created extra costs for their businesses (Slocum, Backman, and Robinson 2011).

Urban Development and the Recovery of Public Space

There is a long-standing debate surrounding the struggle to control public space against the invasion of street vendors. This literature is prevalent in the fields of urban sociology and urban planning (Crossa 2009; Swanson 2007; Peña 2000; Yatmo 2008). The literature often shows that when the number of street vendors grow and concentrate in strategic zones, local governments use different strategies to establish order, including punitive measurements (Swanson 2007) and urban renovation projects (Huang, Xue, and Li 2014; Pádua Carrieri and Murta 2011).

Some of the most commons arguments for controlling the number of street vendors include the high levels of congestion they bring, tax evasion, lack of quality control of the merchandise they sell, representing a source of uncleanness that can pose a public health hazard (Bromley 2000). It is also said that street businesses attract criminality and provide opportunities for pickpocketing (Ibid.)

Probably some of the most famous punitive measurements to eradicate unwanted street behavior were the policies developed by Mayor Giuliani during the 1990s in New York City. Based on James Wilson's and George Kelling's broken windows theory, Mayor Guiliani and his chief of police implemented tough controls on unwanted "street people" such as panhandlers, drunks or the homeless, under the assumption that these kinds of disorderly behaviors allowed for more serious crime to flourish (Swanson 2013, 973). The broken windows theory uses a metaphor to connect urban criminality with run down, graffiti-filled urban areas, abandoned cars or broken windows, and has inspired punitive control in many cities in the world (Lippert 2007).

But not all control over street vending is punitive, and instead, multiple strategies to govern public space have emerged. At the city level, planning laws are used nowadays as a disciplinary tool to shape the lives of the poor through the regulation of space (Valverde 2011; Hunt 2009). In a recent book about the practices of urban law in the city of Toronto, Mariana Valverde illustrates the more subtle ways in which cities govern public space (2012). According to her, cities develop subtle strategies to control the use of public space from city renovation projects to post-cards. These more subtle forms of control can include "urban renewal" projects (Huang, Xue, and Li 2014; Pádua Carrieri and Murta 2011; Swanson 2007), the preparation of cities for international events (Lindell, Hedman, and Nathan-Verboomen 2010; Ngonyama 2010), and

educational campaigns to promote good citizenship (Hawkins 2011, 13), among other things.

One of the most widely spread practices for controlling the number of street vendors in strategic areas, at least, is the "urban renewal" approach, in which the construction of city infrastructure to revitalize and beautify the city goes hand in hand with the removal of unwanted street behavior. Urban renewal to remove street vendors has been popular in Latin American cities and includes programs such as *Blanqueamiento* (whitening) for street vendors and beggars in Quito, Ecuador (Swanson 2007, 709), *Programa Rescate* (rescue program) in Mexico City (Crossa 2009, 44), and the Re-location Program in Belo Horizonte, Brasil (Pádua Carrieri and Murta 2011). Street vendors are seen as "out of place" urban elements that need to be removed (Yatmo 2008, 387).

The world-class city ideal has also been used to exemplify a model of urban development that is integrated into the world economy and excludes informal street vendors. According to John Friedmann (1986), world class cities are designed to attract big business, to have world class hotels, be service oriented, and concentrate important financial capitals. Under the world-class city initiatives, urban space control is often concerned with specific areas such as city centers, bus stations, commercial neighborhoods, tourist areas, or business centers, which Bromley calls "conflict zones" (2000, 22). Control is applied selectively since complete eradication is often difficult to achieve. And people such as street vendors resisting the new city model are seen as an obstacle to progress and modernity. The world class city model has been largely opposed by thousands of street vendors that see this development model as excluding them from the possibility to earn a livelihood, which contributes to further exclusion and displacement (McDonald 2012).

There are more subtle ways to achieve control over street vendors, for instance through educational campaigns. Parra documents the use of "citizenship education" techniques in Bogotá to teach street vendors how to become good citizens that abide by the law and overcome informality (2009). Similarly, Valverde analyzes the use of post-cards to portray cities as places of order and beauty, where social actors such as street vendors are often absent. The thesis of Lucas Konzen also shows how post cards are used in tourist cities to create an ideal of order and beauty that excludes certain groups in society (2013). According to Bromley, the owners of large businesses are often in conflict with street vendors and try to maintain their surrounding areas free (2000, 7).

The above literature illustrates that social control of street vending is exercised through multiple actors and different practices. However, control is also resisted, and often other forms of social control arise, such as social networks or associations.

Organizations, Social Capital and Resistance

Another set of the literature on street vending illustrates the strategies that people develop in order to resist control and removal from an individual perspective, or a collective approach (Crossa 2009). In this sense, studies by Bayat (1997), Cross (1998), Crossa (2009), Steel (2012) and myself (Vargas and Urinboyev 2015) argue about the spaces of resistance for people who participate in the informal economy.

Despite multiple attempts to remove street vendors, they remain present and active in many cities in the world. The persistence of street vendors has been documented in Latin American cities such as Cusco (Steel 2012), Bogotá (Donovan 2008), Lima (Gandolfo 2013), Caracas (Smilde 2004), and Buenos Aires (Whitson 2007) among others. In African cities, the persistence of street trades has also been largely recognized (Brown, Lyons, and Dankoco 2010; Chirisa 2007; Elkan, Ryan, and Mukui 1982; Kinyanjui 2014; Musoni 2010; Rogerson and Hart 1989). Similarly, many studies have documented the prevalence of street vending in India (Anjaria 2006; Bhowmik. 2001; Mani, Pai, and Aggarwal 2012; Williams and Gurtoo 2012) and in Bangladesh (Bhowmik 2005; Muzaffar, Huq, and Mallik 2009), just to give a few examples. In Europe, unlicensed street vendors are also common in cities in Italy (Harney 2004) and Spain (L'Hote and Gasta 2007). And in North America, the famous food trucks in Los Angeles (Crawford 1995) and street commerce in New York (Devlin 2011), are some examples.

Individual strategies to avoid control are illustrated in the literature on street vendors using different analogies such as the game of "hide and seek" (Yatmo 2008, 391), "cat and mouse" (Swanson 2007, 721), or "looking for birds in a cornfield" (Rogerson and Hart 1989, 32). Within the social context of poverty and inequality, the policies towards complete eradication and control in practice generate a game in which the police visit strategic places to evict street vendors who then move to neighboring areas to avoid control, and once the police have relaxed new and old vendors return. Rodrigo Menses explains this phenomenon in terms of mobility, which in turn constitutes one of the most important

weapons street vendors have (2013). Individuals learn to resist the law in order to avoid punishment, and at the same time, they become resilient in order to adapt to new situations and continue with their work (Steel 2012).

There is a wide array of research on the role of social capital, networks, and family ties of people in the informal economy. These studies look into the role of organizations and associations (Peña 2000; Cross 1998; Crossa 2009) and the use of other forms of social capital (Peña 1999, 363). Much of this literature demonstrates that people in street vending depend on access to social networks to conduct their businesses, such as the support of family members and access to informal credit. In this set of literature, strategies to resist control can be developed through associations (Peña 2000; Roever 2005a), or can depend on smaller social networks and family ties (Steel 2012). This literature predominantly uses the term “social capital” to explain how people working in street vending create collective action in order to undermine the policies that try to control their work. The most relevant literature that comes to mind on street vendor strategies for resistance is Sergio Peña’s study on social capital and self-regulation among street traders in Mexico City. In this study, the author demonstrates that “social capital, family, friends, etc., play an important role among street vendors whenever access to stalls in the informal market is at stake” (Peña 1999, 363). In the absence of effective and efficient government regulation, vendors develop their own institutions to regulate themselves, improve profit, and avoid social chaos (Ibid.). Additionally, street vendor associations often try to re-negotiate evictions with the politicians, which in turn generates a system of patronage and corruption (Bromley 2000, 18).

Individual and organized resistance is also exercised through legal actions, and many street vendors workers have brought their claims to courts or political arenas. In countries such as India (Rubin 2013) and Colombia (Donovan 2008) the rights of survival for street vendors and rickshaw drivers have been discussed in the Supreme Courts, producing favourable decisions. Roever considers the participation in political arenas a way to negotiate the terms of their formality (2005b). Probably the most favorable regulation of street trade has been developed in India, due to the constant push by people claiming their right to work. The Supreme Court’s decision in 1989 in favor of the right of street vendors to conduct trade in public space was the beginning down a road of policy debates to create a national policy and law to protect the rights of street vendors (Bhowmik 2010). Thus, the court’s decision was followed by the National Policy on Street Vendors in 2004, and finally a national bill was passed in 2014. While the law protects the rights of street vendors, it does so through

licenses and leaves the problem of the great fluctuation of new vendors and seasonal vendors unattended. Although the bill brings up the protection of street vendors' livelihoods to the national level, it imposes the need of a license, thus maintaining a formalization approach (Mathur 2014).

Street business workers' organizations have also mobilized at the international level through global networks that advocate for their rights worldwide (Batliwala 2002; Chen 2001). One of the most active organizations is WIEGO- Women in Informal Employment: Globalizing and Organizing. Since its foundation in 1997, WIEGO has functioned as a network of member-based organizations of informal workers, researchers and practitioners to influence the academic and political debate on the regulation of informal workers. The work has been developed in close relationship with the well-established Self-Employed Women's Association of India (SEWA). Other associations include StreetNet International which unites national street vendor associations. These international organizations are now widely recognized by the International Labour Organization, and their work has influenced policies such as the Decent Work Agenda (ILO 2002a), and the United Nation's (CLEP 2008a).

However, informal regulation and particularly control that is based in social capital is not good for everyone. A study by Portes and Landolt (2000) illustrates that social capital is not only a source of empowerment but can also have negative consequences. It can support the exclusion of outsiders; it can restrict freedom among group members, and it can impose excessive obligations. For instance, Steel observed in a study on street vendors in Cusco that, "the weaker the family support, the more vulnerable the socio-economic position of the street vendor, and the higher the risk of destitution" (Steel 2008, 128). Bromley explains how street vending associations often include the most established and experienced individuals who can also seek the removal of competition from unorganized street vendors. Individuals fighting to keep good business locations often have to pay strongmen to defend their posts, or bribe the police to leave them outside the scope of raids and control (Bromley 2000, 14). Sally Roever's study in Lima, Perú illustrates that despite the proliferation of street vendor associations, they face enormous difficulties to achieve collective action and self-regulation, and that "only with the support of both local officials and vending organizations that stable, comprehensive, sectoral governance becomes likely" (Roever 2005b, 170). The study on street vendors in La Paz-El Alto, Bolivia, illustrates how high levels of competition also hinder the possibility to achieve cooperation and organization among street vendors (Agadjanian 2002). Thus, social capital may not always be available to street vendors.

In this review, I have shown that when police control is tough, street vendors use different strategies to continue with their businesses, such as becoming mobile, going into less controlled neighborhoods, or creating associations or networks. In some cases, they may accept re-location offers from the government, but once control has relaxed old and new businesses tend to fill up the space (Hunt 2009). However, this review also shows that studies on informal control practices in the informal economy tend to focus on the positive aspects of social capital, trust and organization. With some exceptions (Peña 2000; Agadjanian 2002), not much is known about how practices of control influence the lives of street vendors in different ways.

Working Conditions, Decent Work and the Welfare State

Finally, the last set of the literature that I wish to present explores the working conditions of street vendors. According to the International Labour Organization, working conditions are the issues that affect workers' well-being in the workplace (ILO 2014b). It includes multiple aspects related to the work environment, such as employment conditions, health, organization, safety, development opportunities and the balance between work and private life. At the international level, the working conditions for informal workers have been addressed through the Decent Work Agenda, a framework for social policies created by the International Labour Organization (ILO) to promote policies, not only for wage workers, but also for workers in non-standard relations of employment, particularly those in the informal economy (Vosko 2002). Presented in 1999, this new platform represents a shift in the regulatory frameworks of labor and recognizes that most workers around the world are outside the traditional protection of labor law (Vosko 2002). In this view, Guy Standing, former director of the ILO's Socio-Economic Security Program criticized the division formal vs informal, and used the term "precarariat" for most of the workers of twenty first century who are denied of labour rights and welfare protection (2011).

Decent work is defined by the ILO "productive work in which rights are protected, which generates an adequate income, with adequate social protection" (ILO 1999). Using ILO's definition of decent work, some studies have explored the working conditions for street vendors (Luebker 2008; Saha 2009; Walsh 2010). A study of street vendors in Mumbai showed that their working hours and safety conditions in the workplace are some of the main problems experienced by this group of workers, together with the bribery and harassment

activities of local authorities (Saha 2009). However, Vung Tau's study of Vietnam evaluated whether street vending can provide decent work for this group and concluded that the vendors place high value on the freedom their work allows them, despite the tough working conditions (Walsh, 2010).

Vendors often have to carry heavy loads, and in the case of rickshaw drivers they are exposed to systematic health risks due to long hours of pedaling (Begum and Sen 2004). In line with this research, a case study on women working as street vendors in Mumbai showed that their work has low socio-economic status, they have low literacy, difficulties in forming collective associations to voice their needs, they experience harassment from the police, and they are exposed to incidents of sexual exploitation (Sarkar and Srivastava 2009). Additionally climate change research has pointed out that in cities with increase temperatures, vendors and other workers will see a decline in their welfare due to heat but also to a decrease in their costumers (Das 2015).

Since the initial assumption was that informality should disappear, the discussion surrounding the creation of social protection schemes for informal workers has been absent from the debate (Chen 2012; Hawkins 2011). Thus, the risks of their work such as illness, or disability are rarely discussed. Instead of the welfare state serving their needs, street vending become a safety net to replace the welfare state (Bromley 2000, 5). Thus some research suggest that the discussion about social protection for informal workers cannot be postponed (Lund and Srinivas 2000). However, an important exception has been the development of welfare boards for informal workers in India (Agarwala 2006). In a study on *bidi* (tobacco) rollers in India, Agarwala illustrates how this group of workers was able to negotiate basic welfare protection though their union, despite being informal. Also, in India the Self-Employed Women's Association SEWA has created health insurance for its members in absence of welfare state protection (Ranson et al. 2006). While important, the provision of welfare outside the state often faces financial difficulties and has limited coverage (Ranson et al. 2006).

One of the reasons why the role of the welfare state has been absent in the discussion is probably the link to the Bismarckian model of welfare protection. According to Martha Chen, the reason why there is a lack of discussion on the welfare rights for informal workers is the historical connection of workers' rights to "employment relation" (2012, 13). Indeed, formal employment and contributory schemes continue to be the way in which labor law protects workers' rights, despite the fact that a great number of workers in the world are informally employed (McLaughlin 1987). Since informal workers do not have

the same employment model, the role of welfare structures is not seen as playing a crucial role in long-term poverty and inequality in the world (Mesa-Lago 2008). While the family has been the major provider of welfare in many countries, this has generated great pressure on the poor to supplement the welfare state, which in turn causes family conflicts, intergenerational poverty and further vulnerability (Roberts 1994). In this regard, the main policy recommendation that exists, at least at the level of the International Labour Organization, is the creation of universal protection floors for health coverage and minimum pensions (Chen 2012).

As explained above, the assumption that informality will disappear has limited the debate surrounding the working conditions and well-being of street vendors. Thus, we know very little about how the police, the government and other social actors develop practices of control that influence the everyday lives of street vendors.

Social Control and the Working Conditions of Street Vendors

The foregoing review of the literature illustrates that social control practices influence the work of people engaged in street vending. The literature also shows how the main response to the proliferation of street vending has been the recovery of public space, not only through punitive measurements based on police control, but also through other practices such as urban renovation projects, the privatization of public space, and the use of formalization programs. In addition to state control, a few studies expose that networks and organizations also influence street vendors. Thus, law and other forms of control influence the everyday lives of street business workers, and determine the conditions of their work and well-being.

Well-Being of Street Vendors

There are numerous definitions of well-being, and at times even competing perspectives (White 2010; Taylor 2011; Sen 1993). Well-being can be analysed objectively as the result of different economic, social and psychological standards, or it can be defined by each individual subjectively (White 2010). There are different lists of objective indicators of well-being including income,

employment, having good health, education, housing, security, and good quality of air and food. Subjective aspects of well-being depend on individual self-assessments of one's position in life, including income satisfaction, happiness and satisfaction with one's life. Sarah White (2010) differentiates between the material aspects of well-being (doing well) and the subjective aspects (feeling good). She also defines well-being as a relational process that relates to historical time and space. Time is relevant, as people's expectations on the future and memories from the past influence how they perceive their present well-being. It is also dependent on space, as the person's experiences of well-being can vary across geographical places. It also depends on the relation between the individual and society.

Amartya Sen has studied well-being in relation to agency, freedom and capabilities. The term capabilities refers to "a person's ability to do valuable acts or reach valuable states of being" (Sen 1993, 30).² This definition of well-being pays attention to the goals a person can actually achieve (functionings) and the freedom to choose among available choices. It concerns the material aspects of life that produce utility (having food, having good health, access to education) but also about the existence of freedom. Sen pays a special attention to the idea of the freedom to achieve well-being, which he calls "well-being freedom" (Sen 1985, 203).

Sen's definition highlights individual agency and freedom in the context of power, structures and choices. He emphasizes the importance of freedom using the example of a starving child and a fasting monk. According to Sen, while both of these individuals experience lack of food, the starving child has had no other choice while the monk was able to decide. Sen emphasizes this difference to bring attention to the importance of understanding people's experiences in terms of human diversity and constrained choices.

For the purpose of this thesis I do not depart from objective definitions of well-being and instead I want to uncover the ways street vendors describe well-being in their own terms.

² Sen uses the terms *functionings* and *capabilities* to define well-being. Functionings are "the various things that he or she manages to do or be in leading a life. The capability of a person reflects the alternative combinations of functionings the person can achieve, and from which he or she can choose one collection" (Sen 1993, 31).

Aims and Research Questions

As explained previously, different social control practices, such as police harassment, formalization projects, mafias, social organizations and individual control influence the everyday work of street vendors. However, the current understanding of the working conditions of people earning their livelihoods in street vending, and the debate on how to broadly alleviate urban poverty, continues to be trapped in the ideal of formalization. In this sense, the assumption that informality is bad continues to frame the debate.

Meanwhile, the pressing needs of a large number of workers in today's world continue to be unattended. In the specific case of street vendors in Bogotá the key question at the political level has been how to recover public space and how to achieve order and compliance in the streets (Hunt 2009). While important, the focus on public space and state control has been dominant in the discussion, and the everyday working conditions are often outside the debate.

The primary aim of this thesis is to provide insights and knowledge that can guide reforms that are driven by an ambition to improve the lives of street vendors operating outside the law. A secondary aim is to show how social control informed ethnography can be a useful approach within the discipline of sociology of law. To accomplish that, the main research question guiding this thesis is:

How does formalization of street vendors in Bogotá enable and/or hinder their well-being?³

In order to answer this question, it is necessary to explore the following sub-questions:

1. How do street vendors themselves describe their own well-being?
2. How do street vendors experience law and other forms of social control in their everyday work life?
3. Based on street vendors' own descriptions of well-being, how does law and other forms of social control enable and/or hinder their well-being?

³ Formalization is understood here as steps towards the legalization of previously non-compliant businesses.

Each of these research questions will be addressed and answered through this ethnographic study of street vendors in Bogotá.

Which Streets? The Sites of this Ethnography

In this thesis, I use an ethnographic approach to the study of street vendors. Ethnography provides a rich ground to understand the experiences of people in the natural context in which they occur, and to give account to the complexity of the phenomenon being studied (Hammersley and Atkinson 2007). This approach allows me to describe in depth the everyday working conditions of people in the streets of Bogotá, as well as to uncover stories of resistance and control of street businesses, which are often hidden. Additionally, understanding the relations people experience with other businesses, the police, social organizations, and multiple power structures, was only possible through long stays in the field, my previous experience of vending during my university studies, and my situation as a local researcher. The different ethnographic encounters in this research allowed for a more thoughtful and comprehensive study of street businesses which can bring a meaningful contribution to this academic debate.

My fieldwork started properly while on a trip to the city of Bogotá in 2012, during which I visited one of the decentralized offices of the Institute for Social Economy (IPES), which deals specifically with the issue of formalization of street vendors. During that visit I met the leaders of some street vendor organizations, and through them I came in contact for the first time with the "transitional zones of vending", i.e. the project that I studied during this first field trip. The vendors present at this meeting explained that the vending zones were a government initiative to help them formalize their businesses. The vending zones allowed vendors to work in public space through a collective permit given to the vendor associations in each zone, and additionally, vendors received tents for a period of two years. During these two years, vendors were supposed to improve their businesses and move toward the formal economy. Although that sounded like an interesting solution, the vendors at this meeting complained about the terms of formalization and the two year limit to move off the streets. This first encounter with some street vendors inspired me to direct my focus towards the transitional zones. I was curious about how these zones operated, whether vendors could work more freely and without fear of police

harassment and control, and whether that had led to an improvement in their working conditions and well-being. While the vending zones were a good start, there were only 458 vendors in the city included in this project, and despite other formalization projects the majority of them were working in the streets. I decided then to expand my fieldwork to formalized and non-formalized vendors as well as rickshaw driver and ice cream sellers, as all of them were present in the same streets, sidewalks and bus stops.

The specific streets, or in ethnographic terms the "fields", were selected through spontaneous encounters, although I tried to include different geographical areas of the city, in a multi-sited ethnography (Marcus 1995). The first site for this ethnographic research was the neighborhood of Santa Librada in the south east of the city. The second site was the sidewalk outside a large bus station called Portal de las Americas located in the south west of the city, which was Maria's working place, the vendor I introduced earlier in this chapter. The last field site was the area around a large mall in the north of the city called Santa Fé Mall. Each of my field trips in 2012, 2013, and 2014 focused on one of these sites, although I returned to previous sites on subsequent visits to talk to the vendors and rickshaw drivers for shorter periods of time. As part of my fieldwork, I also visited the government offices dealing with street vendors.

Scope and Delimitations

There are temporal and geographical delimitations in this study. This study is concentrated to certain streets; it was developed within a specific time framework (2012-2014), and it is based on observations and informal interviews that are unique to each of the individuals that shared their experiences with me as a researcher. Additionally in this study, the working conditions of street vendors are explored through the lens of personal stories and observations in the field.

Another delimitation derives from the conceptual understanding of social control as well as well-being. In this study, social control is understood from the viewpoint of the experiences and perceptions of the street vendors. Although social control, particularly legal control, can be studied from the controller's point of view, in this case the police or the government, the main focus here is how different practices influence the work of people in street businesses from their perspectives. Similarly, well-being is also approached from the perspective

of my informants' experiences who were asked in general about their feelings and ideas surrounding their work. Consequently, the psychological and physical aspects of well-being are explored only through my observations and the fieldwork interviews, and not through other methods of inquiry.

While the previous delimitations may leave aside some aspects of well-being and social control, the theoretical analysis of the findings in this thesis will bring up a broader understanding of the phenomenon studied. Still, a people-centered approach provides possibilities to explore a phenomenon as it is experienced in everyday life.

2. Theoretical Considerations

Since one of the main characteristics of ethnographic research is the thick and contextual description of social phenomenon (Murchison 2010), transcending the specific context toward more abstract levels of analysis can be a complex venture. Therefore, this chapter has two main sections: (a) an explanation of how theory is used in this ethnography, and (b) the conceptual framework of social control. The concept of social control was not present from the beginning; rather, it was added after the first fieldwork. During my first trip to Bogotá, I wanted to study, from a sociology of law perspective, how street vendors operate outside the law and their experiences with formalization programs aimed at legalizing their work. However, the multiple actors and complex processes I encountered during my first fieldwork influenced me to turn the project theoretically towards the study of social control of street vendors.

The Role of Theory in Ethnography

Scholars of ethnographic studies are rather ambivalent about the role of theory in their research, and while some advocate for the “let the data speak for themselves” approach (Walford 2007a), others insist on the need to engage in broader theoretical analyses (Wilson and Chaddha 2009). In the words of Wacquant, the problematic relation between theory and ethnography can be described as the problem of getting too close or too far from the data (2002). If one gets too close to the data, the study may represent only a collection of folklore notions and vocabulary. In doing so, one runs the risk of presenting observations and interpretations in a social vacuum without connecting them to the broader systems of material and symbolic relations in which social action is embedded (Wacquant 2002). However, if one gets too far from the data, the ethnographer may end up forcing observations into pre-determined concepts, and the value of contextual and rich explanations can get lost (Ibid.).

Therefore, the challenge is how to pursue a theoretical analysis that is grounded in the richness of the ethnographic data, that pays attention to the social context in which the data was collected, and connects the data to the larger photograph. This study is concerned with this challenge. Therefore, I try to provide a relevant place for the data collected in the field, but I also engage in broader debates. Before explaining my approach to theory building in detail, I will first discuss how ethnographers have dealt with theory building in their studies. Being aware of the approaches used by other scholars, as well as the implications of the approach one adopts, will be of great use. Thereafter, I will present more practical issues concerning how to go about theory building in ethnography.

Theory Building in Anthropology and Sociology

The challenge of going from rich data to theory building has been approached differently by the two main disciplines in which ethnography is grounded: anthropology and sociology (Bryman 2001). Although ethnography is also used in other disciplines such as literature and history (Clifford and Marcus 1986), as well as marketing and consumer studies (Kozinets 2002), most of its development is found in the anthropological and sociological traditions.

The most common approach to theory building in ethnographic studies grounded in the discipline of social anthropology is known as the “let the data speak for themselves” approach (LeCompte and Schensul 2015). Using this approach, the job of the researcher is limited to the description of the group or culture being studied, and the role of theory is rather limited or different. Most anthropologists prefer to refrain from generalizations and, instead, look at the contributions of single case studies and the value they have in their own right (Walford, 2007b, 164). Theory is seen as an imposition of meaning (Anderson 2002), and thus, it is preferred to leave judgments and broader explanations to the reader. The work of a good ethnographer is not to explain but to describe in detail the local culture (Katz 1997). Instead of being preoccupied with macro-explanations, the main task for ethnographers is to be rigorous when it comes to conducting fieldwork and describing the data collected (Walford 2007b).

The analysis of the data is often done as a way to organize and present the extensive and fragmented material collected in fieldwork, and concepts are used to illustrate the findings (Randall, Harper, and Rouncefield 2007). While some analysis can be conducted in order to explain certain social phenomena, the analysis is limited to the culture studied, and ethnographers in the

anthropological tradition often try to stay away from broader discussions and generalizations. Let the data “speak for themselves” is seen as a strength of ethnography, and efforts are made to limit the influence of the researcher in the production of results (Graves 2004, 30). This is a rather inductive process where themes and explanations are built from the data without reference to external theories (Ibid.).

While initially anthropologists were mostly concerned with the thick description, the use of ethnography in anthropology made an important turn in regard to theory building with the contribution of Clifford Geertz (1926-2006). In his seminal work *The Interpretation of Cultures*, Geertz argued that knowledge of a culture is not an experimental endeavor searching for the laws that determine behavior but instead an interpretative task in search of meanings (Geertz 1973, 5). Subsequently, the use of ethnography was highly influenced by the interpretative approach as a theoretical framework (Bryman 2001).

However, the emergence of theory from the data is rather problematic. Daly criticizes this as a “magical businesses of emergence” in which concepts and explanations are supposed to arise from the field with little or no intervention by the researcher (1997). Early ethnographers were criticized for making authoritative representations of other cultures without discussing their own views, and making claims that this was the “native’s view”, without taking into account the historical development of the culture they were studying (Myers 1988).

The characterization I have presented about how theory has been used in ethnographic studies among anthropologists is only a tendency, and more recently, anthropologists are also increasingly concerned with connecting their studies to broader debates (Metz 1984). In this regard, I agree with George Marcus when he explains that although disciplines are fictional, understanding the standpoints of a discipline are useful to contribute to an interdisciplinary debate (2008). Indeed, regardless of one’s theoretical aims, the close engagement with rich descriptions, based on fieldwork, is still the essence of good ethnography (Marcus 1998).

While anthropologists often claim to be the genuine ethnographers due to their training in the analysis of cultures, sociologists consider themselves to be well trained in research methods and the theoretical tools that often are lacking in anthropology (Agar, 2006). Sociologists conducting ethnographies are often confronted with the need to present the results of their studies in a theoretical framework, to specifically respond to the question of “So what is this study

useful for?” Therefore, they have to clearly explain the contribution of ethnography beyond contextual and unique descriptions (Katz 1997).

On the other hand, some sociologists refuse to engage in wider theoretical discussions. In an article on the need for theoretical justifications in ethnography, Jack Katz mentions different motives, such as the historical relevance of a social phenomenon, the emergence of theoretically relevant data from the field, the need for the narrative to illustrate a theory, and the relevance of the study to police (1997). Katz explains how ethnographers in sociology have been interested in the study of historical processes that change common forms of social life (1997). Consider, for instance, the urban ethnographers of the Chicago school studying the growth of urban migration in the city, or contemporary studies of the role of technological devices in certain social settings (Hei-Man, 2008). Social changes are occurring all the time, and thus, ethnographers can find a great amount of data worth considering. In this case, the ethnographer not only describes the group in detail, but she also explains the historical relevance of the case and connects the findings to a broader debate.

Another possibility to connect a study to a broader debate is a *posteriori* analysis. A phenomenon may be an example of everyday life which can suddenly become relevant when the researcher discovers something that is worth discussing with a wider audience. Katz calls this *theoretical emergence*. For instance, in a study of gyms in Brooklyn, USA, Trimbur connects the discourses of the trainers and the trainees to the neoliberal ideology that requires people to succeed as individuals and deal at the same time with racist structures (2011).

Finally, ethnographic studies are also used to provide narratives that can demonstrate or refute a theory developed with other methods. In a study of juvenile detention rates in Australia, Travers illustrates how ethnography and quantitative methods can complement each other to provide better explanations of a phenomenon (2014).

So far, I have presented some of the main differences between the anthropological and sociological approach to the use of theory in ethnography. While generally both disciplines take different stands on the role of theory, in practice, scholars from these disciplines as well as from other social sciences engage in theoretical debates at different levels. Some try to present the data as raw as possible, while others see the need to go into more abstract levels of analysis. In the following section I will explain how this ethnographic study is closer to the sociological tradition of ethnography and, more specifically, how

this study is in line with previous ethnographic studies within sociology of law (Urinboyev 2013; Flood 2005).

Two Approaches to Theory Building in Ethnography

Two specific approaches can be found to theory building in ethnography: theory in the context of discovery, and theory as complement. Theory building in the context of discovery implies approaching the field with an open mind to construct a theory or hypothesis based on the data collected. In contrast to the preoccupation of traditional interpretative ethnography with describing what is found in the field, ethnography can also include a greater theoretical ambition (Snow, Morrill, and Anderson 2003). Some argue against theoretical claims: Geoffrey Walford, a sociologist in the field of education, argues that ethnographers should resist the temptation to draw generalizations from their studies (2007b). He argues that ethnography sites should be chosen because of their intrinsic importance, and the results should illustrate the specific context and diversity of the places studied (2007b, 164). Thus, a lack of generalization and engagement in abstract theories should not be seen as a weakness but as a strength. While I agree with Walford on the importance of bringing up the uniqueness and richness of the data collected, I believe that theory can play an important role in ethnography by connecting the individual to broader questions. One way of doing this is through induction.

Induction is a process of drawing theory from the data. However, to be entirely inductive or completely blind to theory seems very difficult in practice, since researchers often have theoretical understandings that guide different methodological decisions in the field (Merriam 2009). In this regard, some ethnographic studies use grounded theory based on fieldwork descriptions (Glaser and Strauss, 2009; Pettigrew, 2000). In Anderson's response to the critique of his ethnographic book, he argues that although researchers bring with them a theoretical background which, in turn, influences their work, "the orienting questions should emerge from the local knowledge the researcher gains from the field setting, not just from his or her intellectual preconceptions" (2002, 1536).

So how does one go about induction and theory building? The data collected in ethnography is often rich and it can be overwhelming, diverse and complex to analyze (Walford, 2007b, 158). One way to solve this problem is to view the

theoretical process at different levels, starting from the structuration and coding of the data collected to more abstract levels of analysis.

Vivid Data and Theory as Complements

When approaching the field, my aim was not to describe the problem of street businesses in its entirety; instead, I focused on their relation with law. While I allowed the research to remain open to the emergence of different themes, I kept one question in mind: How do street businesses operate outside the law? Although I could also have looked into the commercial and economic aspects of their work, I focused on their experiences with law with regards to their well-being. It was in this context that the concept of social control emerged as a useful framework.

According to Wilson and Chaddha, ethnography can be used for theory testing in smaller communities, it can help to build alternative hypotheses for further research, or it can be used in a combination of both deduction and induction (2009). In practice, researchers often combine both induction and deduction, and even the most inductive approaches are influenced by some theoretical explanations and previous studies (Wilson and Chaddha, 2009). Wacquant's critique of Anderson's study mentions two main problems with ethnographic studies that abstain from discussing the socio-economic constraints and context in which social life takes place (2002). First, there is a risk of maintaining established norms without reflecting on how "people's views" develop. Second, if one does not reflect critically on the context in which the data is collected, one will not be free from bias but, instead, will bring the lens of the status quo into the research. According to Wacquant, the best way to present the results of ethnography is through "vivid data" and theory that complement each other (Ibid.).

While I believe the theoretical challenge in ethnography is complex, I agree with Daly that leaving aside theory completely is a disadvantage for scientific work (1997, 353). However, my aim is not to provide explanation, but to connect the results of the empirical data with previous research and theory.

The Concept of Social Control

According to Ellickson, law-and-society scholars have a long history of studying informal controls that supplement or supplant the legal system: “they have concerned themselves with the interplay between the legal system and less formal systems of social control” (1987, 92). Some socio-legal scholars that have studied the relations between legal and less formal forms of social control include Black (2010), Hydén (2011), Griffiths (1984), and Macaulay (1963).

In the case of street vendors, some scholars have studied the role of informal forms of control, based on networks, associations and in some cases mafia groups (Peña 2000; Steel 2012). Thus, a theory of how different controllers use sanctions to achieve conformity and, more broadly, of how different systems of social control operate and interact, can provide some clarity in the complexity involved in the regulation of street vendors, as well as other forms of informal work.

To transcend the debate about legal regulation and legal control, this study uses the broader concept of systems of social control, which includes different controllers, sanctions and norms. The concept of social control is not used here with the aim to provide explanations, but instead as an analytical concept. It helps to problematize simplistic approaches by people that focus either on strong control by the legal system, those that argue for de-regulation (market approaches), or those arguing for formalization of the informal economy.

As described in the first part of this chapter, engaging in theoretical debates in ethnographic studies is a complex venture because the concepts and explanations should come from the field (Murchison 2010). Therefore, in this section, I present different definitions of social control and a typology of systems of social control (Ellickson 1991). My intention is not to provide explanations but to connect the findings of my research with similar studies in other contexts and to achieve a more abstract level of analysis, that allows me to establish a dialogue with previous research and to explore comparisons with similar studies.

Defining Social Control

The literature on social control is extensive, ranging from early studies in sociology on the question of social order in modern societies (Ross 1901) to studies developed in the mid-20th century within the sociology of deviance and

criminal behavior (Boeri 2008). Contemporary studies in social control include issues of surveillance (Gandy 1989), urban control (Weiss and Dresser 2001), general deviance (Gustafson 2011), welfare and control (Larkin 2007), and more recently control on the Internet (Kollock and Smith 2002; Brignall 2002).

One of the pioneers in the study of social control was Edward Ross, who was concerned with how society establishes order and conformity, and how individuals adjust their behavior in order not to collide with others (Ross 2009, 2). In trying to understand the processes of achieving social order and successful cooperation, Ross found that individuals were persuaded or manipulated by different social mechanisms of control such as norms, institutions, technology, capitalism, and ecology (Gross 2009, xiv).

Norms are an important element in the study of social control. For instance, Reiss defines social control as the “capacity of social groups or institutions to make norms effective” (1951, p. 196). Similarly, Griffiths stated that social control is “the enterprise of subjecting human conduct to the governance of rules”, (Griffiths 2003, 23). Donald Black defines social control as “the normative aspects of social life, or the definition of deviant behavior and the responses to it” (Black 2010, 1–2). Cohen describes social control as “the organized ways in which society responds to behavior and people it regards as deviant, problematic, worrying, threatening, troublesome or undesirable” (1985, 1).

Social control practices can also be unintentional, “as when adults unconsciously implant habits of behavior in their children” (Black 1984b, 1:4). While unintentional social control is also important in everyday life, empirical understanding of it requires a different approach. Instead, I focus mostly on intentional forms of control mentioned or observed in the field. Consequently, the more cognitive and psychological aspects of social control are not included in this theoretical framework. However, because ethnography is an open methodology that develops in a rather spontaneous way, the empirical data I will present may also illustrate some internal feelings or motives, as they are a part of everyday life. Additionally, following an ethnographic methodology I do not start at the state level, but instead I use a bottom-up approach based on ethnographic data of the everyday working lives of street vendors. In other words, my methodological approach starts “outside the law.”

Typologies of Social Control

Social control is not only about legal control, but also includes more informal controls that are part of our everyday lives (Black 1984b; Warner and Rountree 1997; Sampson 1986; Ellickson 1987; Ross 2009). Schwartz distinguishes between legal and non-legal control (Schwartz 1954, 473). He defines legal control as, “carried out by specialized functionaries who are socially delegated the task of intra-group control”, while informal control is not so delegated (Schwartz 1954, 473). According to Griffiths, the dual division between legal and non-legal control, sometimes called formal vs. informal, seems not very appropriate to understand social reality (Griffiths 1984, 38). In practice, individual relations are regulated by multiple and overlapping forms of control, and additionally, individuals have their own will and can decide against control (for instance, through a rational choice perspective or based on emotions). Instead, Griffiths sees social control as varying from “more or less” legal, and “as exhibiting a greater or lesser degree of division of labor” (Griffiths 1984, 38).

Systems of Social Control

A system of control can be defined as being composed of rules of appropriate behavior, sanctions (rewards and punishments) and controllers (actors that enforce rules). This definition is based on Ellickson’s statement that control consists “of *rules* of normatively appropriate human behavior. These rules are enforced through sanctions, the administration of which is itself governed by rules” (1991, 124). Ellickson differentiates between five subsystems of social control: self-control, promisee-enforced contracts, informal control, organization control and legal system. The following table summarizes the typology of social control systems according to Ellickson. This typology offers general types of controllers, rules, sanctions, and combined subsystems. While it is a general framework, some of the experiences of street vendors in Bogotá are similar to the ones described in this typology, such as the study of every daily relations with the police, which is an example of state enforcement.

<i>Controller</i>	<i>Rules</i>	<i>Sanction</i>	<i>Combined System</i>
1. <i>First-Party Control</i> Actor	personal ethics	self-sanction	self-control
2. <i>Second-Party Control</i> Person Acted Upon	contracts	personal self-help	promisee-enforced contracts
3. <i>Third-Party Control</i> Social Forces	norms	vicarious self-help	informal control
Organization	organization rules	organization enforcement	organization control
Government	law	state enforcement	legal system

Figure 1 Elements of a Comprehensive System of Social Control
Source: Ellickson (1991, 131)

First party control refers to an actor imposing rules and sanctions on the individual (Ellickson 1987, 71). Second-party control refers to the acts of the individual acted upon (one of the parties in the contract) that “administers rewards and punishments depending on whether the promisor adhere to the promised course of behaviour” (Ellickson 1987, 72). Third party control “differs from second party control because the rules are ones to which the actor may not have agreed; “in addition the sanctions may be administered by persons not involved in the primary interaction” (Ellickson 1991, 127). Third party controllers can be “non-hierarchically organized social forces, organizations (non-government hierarchies that make an enforce rules) or governments (state hierarchies)” (Ellickson 1987, 72).

In Ellickson’s typology of social control, he differentiates five types of rules, including personal ethics, contracts, norms, organization rules and law (1991, 131). Personal ethics are defined by Ellickson as the rules that emanate from first-party controllers (1987, 72).⁴ Contracts are defined as “second party rules that two or more parties negotiate” and they require that both parties are in

⁴ This definition does not have a normative content. However, ethics are commonly defined as “rules for distinguishing between right and wrong” (Resnik 2011, 1).

voluntary association (1991, 246, 127). Norms (also called informal rules) are those that emerge from social forces and denote what is normal, but also the behavior that should be mimicked to avoid punishment (Ellickson 1991, 126–7). Organization rules are those that emanate from organizations (Ellickson 1991, 127). Organizations can be defined as “collectivities oriented to the pursuit of relatively specific goals and exhibit relatively highly formalized social structures” (Scott 2003, 27). Finally, the law is used to describe specifically, “governmental social control.”⁵

An important element in the ethnographic study of social control is the concept of sanctions. According to Ellickson, behavior can be divided between good behavior that triggers rewards, bad behavior that triggers punishment and ordinary behavior that brings no response (1987, 69). He distinguishes between two main sanctions, rewards and punishments (carrots and sticks). While not all social control is about sanctions, and subtle forms of control have an important role, it is often easier to observe the application of sanctions in an ethnographic study. According to Ellickson (1991, 128) “The best, and always sufficient, evidence that a rule is operative is the routine (though not necessarily inevitable) administration of sanctions –whether rewards or punishments- upon people detected breaking the rule.”

Consequently, there are sanctions that are typical of each subsystem of social control. Within the system of self-control, they are called self-sanctions and refer to the sanctions one administers on oneself. In the second-party system of control (based on bilateral contracts) the sanctions applied by the person acted upon are called self-help. In the case of informal control, the sanctions are called vicarious (delegated) self-help (Ellickson 1991, 131).⁶ The fourth type of sanctions are organization enforcement. Organizational control is often based in the power to sanction and is attached to positions within the organization (Scott 2003, 311). Finally, the sanctions of the legal system are called state enforcement (Ellickson 1987, 76).

⁵ This is the definition of law used by Ellickson (1987, 72), following Donald Black’s definition (2010, 2).

⁶ While self-help means “an individual’s effort to administer sanctions in his own behalf”, in Ellickson’s theory this is called personal self-help, and the administration of sanctions by a third party (friends, relatives, gossips, and other non-hierarchical forces) is called vicarious self-help (1991, 131).

Hybrid-Systems of Social Control

There are various problems in achieving order through social control. First, it is common in modern societies to find contradicting normative systems and values (Åström 2013; Hydén 2011).⁷ Second, individuals have agency and therefore the freedom to choose whether to accept or to resist social control.⁸ And third, people have difficulties to accept social control when the results can undermine their personal benefits (rational economic behavior). In the following section, I will explore the idea of hybrid-systems of social control (Ellickson 1991, 254) in order to study how multiple controllers use different norms.

According to Ellickson, “a hybrid system of social control is in place when one controller enforces another’s rules”, for instance, when a judge uses customs or when a person who is not a law enforcer uses the law (Ellickson 1991, 254–5). Hybrid systems of social control are common in everyday life (Ellickson 1991, 254). For this reason, Ellickson argues that in a society that encompasses government, organizations, contractual agreements, social forces, and individuals capable of self-control, there must be rules that determine the division of labor of social control (1991, 134–35). Ellickson calls these rules “controller selecting rules.” They tell us what and how to choose between conflicting norms that regulate the same behavior and about who should exercise control. In a comparison with legal rules, Ellickson explains that controller selecting rules are similar to choice-of-law rules and jurisdictional rules (Ellickson 1991, 135).

Legal pluralism is a concept that can be helpful to describe the existence of different norms in society and hybrid systems of social control. Merry states that legal pluralism is generally defined as “a situation in which two or more legal systems coexist in the same social field” (1988). Specifically, she defines legal pluralism as “forms of social regulation that draw on the symbols of the law, to a greater or lesser extent, but that operate in the shadows, its parking lots and even down the street in mediation offices.” John Griffiths’ contribution connects legal

⁷ Åström argues in the context of welfare law, legal norms are often in competition with social norms, in particular professional norms (2013)

⁸ There are multiple reasons for an individual to act in certain way and social control is only one of this aspects. Individual rationality, feelings, emotions are also important. The concept of social control is criticized for not paying enough attention to the individual’s agency (Sutton 1996). One of the neo-classic economics’ premise is that individuals are rational maximizers of their benefit. However, people do not always make rational decisions or at least not completely rational.

pluralism to social control (Griffiths 2006; Griffiths 2003; Griffiths 1986). According to him, “‘legal pluralism’ designates the situation in which an actor’s behavior is subject to the social control of more than one semi-autonomous social field” (2006). His argument is that it is “‘social control’, and not ‘law’ that is the proper subject of sociology of law” (Griffiths 2006, 49). Consequently, Griffiths’ argument is that “the expression ‘legal pluralism’ can and should be reconceptualized as ‘normative pluralism’ or ‘pluralism in social control’” (2006, 64). Thus, this thesis adds empirically grounded material about the ways control pluralism develops in the everyday life of street vendors in Bogotá.

Not Everything is about Social Control

While the concept of social control is useful to illustrate street vendors’ experiences of work outside the law, the ethnographical material indicates that social control often encounters resistance. According to Griffiths (2003, 57), actors have alternatives to social control that can include “lumping it, avoidance, exit, mobilizing some other (perhaps ‘non-legal’) rule, jotting the incident down in one’s mental moral balance-sheet of the relationship.”⁹ Not everyone accepts social control. Rather, one actor may decide not to follow some rules. Resistance to legal or other forms of social control is common. Sometimes, the controlled can use direct confrontation to challenge and defy social control. She can also use avoidance as a subtler form of resistance. This avoidance is similar to James Scott’s everyday acts of resistance, explained in his book *The Weapons of the Weak*. His thesis is that resistance does not only consist of historic events such as organized rebellions or collective action, but can also be exercised through less direct but powerful forms of “everyday resistance.” He includes examples from his study of peasants, such as foot dragging, evasion, false compliance, pilfering, feigned ignorance, slander and sabotage (1985). Bayat also writes about subtle forms of resistance and he uses the term ‘quiet encroachment of the ordinary’, in order to explain “a silent, patient, protracted and pervasive advancement of ordinary people on the propertied and powerful in order to survive hardships and better their lives” (Bayat 1997, 57).

Finally, the concepts presented in this chapter were chosen to illustrate a broader phenomenon and to allow for comparisons with other cases. These concepts are

⁹ In this citation Griffiths makes reference to Ellickson (1991).

not meant to provide explanations, instead they are useful when describing and comparing the experiences of street vendors in Bogotá.

Ethnography of Law

The use of ethnography to study law was widely developed among anthropologists scrutinizing foreign cultures, before it was incorporated into socio-legal studies (Flood 2005, 37). According to Flood, while ethnography is open, dynamic and flexible, the use of law as a topic of research has brought important theoretical questions. Law in ethnography is not taken for granted; instead, it is part of the social and cultural practices of particular communities, and therefore it is a field of discovery. In anthropology of law, the definition of law is not an idealized form that comes from the state, but rather, it is loosely defined (Flood 2005, 36). Thus, in anthropology of law there is an assumption that “We live in a normative pluralistic world” (Ibid.).

Legal anthropology or anthropology of law is a sub-discipline in anthropology concerned with empirically grounded studies of law, and explores issues concerning how law is manifest in different cultures, and what people consider to be law (Pirie 2013). An example of a classical study in anthropology that used an ethnographic methodology is the research of the legal system of New Guinean highlanders by Leopold Pospisil (1964). In this study, the author records the conflict resolution methods used by the community he studies and discusses the abstract rules that he was able to capture (French 1993). Pospisil started his analysis by looking into the polysemic definition of law in English language that includes scientific laws, moral laws and *jural* laws (1964). In more recent times, the field of anthropology of law has developed in an on-going debate with socio-legal scholars (Merry 2012, 105). They have shared concepts such as legal consciousness, legal culture and legal pluralism (Merry 2012).

A classic example of the use of ethnography in the study of non-Western forms of law is the book *The Cheyenne Way*, which explores how, despite its nomadic practices, The Cheyenne group has an organized set of rules (Llewellyn and Hoebel 1941). Ethnographic studies of law argue about the importance of context and how law is embedded in societal culture and values. According to Laura Nader, a prominent scholar in ethnography of law, “law cannot usefully be isolated from other social and cultural systems of control that serve many purposes” (Nader 2002, 27). In regard to theory building, Nader makes an

important point in that, as researchers, we are shaped by Western ideas and that, often, our informants in the field are also shaped by these same ideas (2002, 33).

Ethnographic studies of law and society are concerned with understanding law in everyday practices both in the courts but also among regular people (Halliday and Schmidt 2009, 83). In this regard, the use of ethnography to study everyday law has produced interesting results, such as Greenhouse's study of attitudes towards justice and law in a small, religious community in the USA (1989), or Urinboyev study of the informal economy in Uzbekistan (2013). Other examples of ethnographies of law include the study of the legal profession (Flood 1981), legal consciousness (Sarat 1990), formal and informal systems of performance evaluation (Kratavičiūtė-Ališauskienė 2014), and legal pluralism (Goodale 2002), among others.

The most recent collection of studies of ethnography of law is to be found in the anthology *Ethnography and Law*. This book compiles a variety of socio-legal studies that deal with ethnography (Darian-Smith 2007). According to the editors of the book, one can identify some trends in the use of ethnography in socio-legal scholarship. First, ethnography is no longer only concerned with the studies of other cultures; instead, scholars from both Western and non-Western cultures are increasingly scrutinizing their own societies. Additionally, scholars are less concerned with long fieldwork stays, and there is a trend towards multi-sited ethnography. And finally, there is also a trend towards the need to be ethically responsible about the predominance and imposition of Western legal thought (Gillespie 2009).

Most of the studies I have mentioned have been conducted by anthropologists that share an interest in the interdisciplinary study of law. Nevertheless, ethnography is still rarely used in sociology of law (Flood 2005, 37). With few exceptions (Urinboyev 2013; Flood 2005), the ethnographic approach is still a field in development within sociology of law to which this study makes a methodological contribution.

3. Methodology

I can give an interview that is no problem, but you staying here with me all day to see how I work, I am not sure that is a good idea. Why don't you start selling something instead? (Field note from August 12, 2014)

These were the words of one of the vendors near the Santa Fé Mall in Bogotá when I asked whether I could sit next to her while she worked. I was carrying out ethnographic research, and my goal was to take part in their daily routines, get a feeling for their work, and be able to observe the street vendors as an insider. However, many of the people I encountered were more comfortable with being interviewed rather than sharing their "work space" with me watching what they were doing. The idea of simply observing their work felt very strange to them, and I do not blame them. I might have felt the same way in their place, and therefore I had to change my approach. First, I asked people for an interview, and then I asked if I could stay with them for some hours or days.

While different methodologies are suitable to study street vendors, I am convinced that the ethnographic approach is particularly insightful and relevant because it offers more ways to interact with the people running small businesses in the streets, and to participate in their daily activities. This is what distinguishes ethnography from other methods, the possibility of spending longer periods of time observing and participating in the field, the flexibility to adapt the research to the field, and the rich descriptions that result from these interactions. Since I wanted to better understand the ways in which laws affects street vendors, it was not enough to collect data through interviews or surveys; instead, it was important to re-create the environment that enabled me to observe them and then describe their work and daily experiences in-depth (Madden 2010).

Ethnography as a methodological approach is well suited to the study of social phenomena and social groups, because it pays specific attention to cultural understandings and the social context in which data is collected (Hammersley and Atkinson 2007). In addition, conducting an ethnographic study is

predominantly about having first-hand and direct interactions that lead to “thick descriptions” of the phenomenon and the social group that are being studied (Geertz 1973).

In my case, ethnography provided me with the methodological, analytical and theoretical tools to problematize current explanations for the regulation of the informal economy. It also allowed me to bring a more complete photograph of what is going on in the streets to the debate.

Because of the different initiatives of the government of the City of Bogotá to regulate and formalize the work of people engaged in street businesses, it was an ideal site to study how law influences the welfare of this group. I was able to use my personal experience during the years I had studied and worked in Bogotá (1999-2004), which I combined with four and half months of intense fieldwork. I collected ethnographic data on the operations of street vendors and rickshaw drivers in Bogotá. Fieldwork was conducted between 2012 and 2014.

Three particular groups were studied: vendors inside the transitional zones, organized rickshaw drivers and itinerant ice cream vendors. Although the cases selected are not exclusive and other groups could have been included, these cases illustrate three different types of control. Formalized street vendors illustrate how state control operates. In the case of rickshaw drivers, they operated illegally, yet they conducted their businesses through their associations. Therefore, their case illustrates social control of associations. And in the case of ice cream sellers, they too operated illegally, however, they conducted their businesses under the command of big companies. These different types of businesses presented opportunities for comparisons of how law interacts with other forms of social control in the regulation of street vendors.

The 307 square kilometres of Bogotá is a large area of study and required further delimitation. In the case of formalized vendors in the transitional zones it was possible to visit all the vending zones, since there are only sixteen. However, I conducted longer fieldwork stays in two transitional zones: one located in the north of Bogotá and the other in the south east. In the case of rickshaw drivers I chose Portal de las Americas located in the borough of Kennedy, which is the locality with the larger number of rickshaws in the city. Since two rickshaw associations controlled this rickshaw stop, it was possible to make comparisons at this location. Finally, the case of ice cream sellers was mainly developed near the Santa Fé Mall. I selected this location because it illustrates the role of multiple private actors within the regulation of street businesses; in this case, the ice cream companies and the managers of the mall.

The results I present are to a large degree based on informal conversations and observations during fieldwork. However, I complement these with an analysis of legal documents and interviews that I conducted with representatives from the city government, leaders of vendor and rickshaw associations, and people working in street businesses. While I engaged in conversations with a large number of people, I draw to a large degree on the conversations and interviews with 40 street vendors, 12 rickshaw drivers, 10 ice-cream vendors and 7 government officials. A complete list of the main interviewees is available in Appendix A. I also conducted a questionnaire with 169 vendors in the transitional zones (Appendix B).

Methodological Considerations

The term ethnography has its roots in the Greek word “ethnos” (people) and “grapho” (writing), which translates to “writing about people.” Unlike other research methods that are pre-designed by the researcher such as experiments, surveys, or formal interviews, ethnography aims to understand social reality as it occurs in everyday life. Therefore, ethnographers do not intend to control what happens in the field. Instead, they try to gain access to research subjects, that is people, in a non-intrusive way (Madden 2010). Consequently, ethnography is not only flexible, but also uses different methods in order to explore a social phenomenon in the social setting where it takes place (Thomas 1993).

Research methods that can be combined in ethnography are both qualitative and quantitative. However, ethnography as a research approach gives preference to more natural and everyday life encounters. The main value of ethnography is that it reports not only what people say about their lives, but also adds to it with rich descriptions of what they do, the social interactions between people, and in the case of Bogotá, also the interactions with institutions and authority, based on the observations of the researcher in the field (Grills 1998). The primary means to collect data in ethnography is through fieldwork. Fieldwork allows the researcher to make observations, conduct interviews that are more natural and spontaneous, or employ questionnaires as a more structured way to obtain data. Moreover, a distinctive characteristic and aim of ethnography is that it allows the researcher to present the data collected as part of wider narratives, including

the aforementioned thick or rich description of the context where the data was collected (Madden 2010).¹⁰

Before I describe the main elements of ethnographic research in more detail, and how I have applied them in my thesis, I will briefly discuss the history of ethnography in social sciences.

Sociological and Anthropological Approaches to Ethnography

Ethnography as a methodology has developed within the disciplines of anthropology and sociology over the last hundred years (Creswell 2003). However, nowadays, a wide range of scientific disciplines use ethnography in different contexts (Scott-Jones 2010).

Historian and ethnologist Gerhard Friedrich Müller, in his studies of the Siberian people, was the first to use the word ethnography (1733–1743). After that, the development of ethnography as a research method became a central part for anthropology, particularly within British social anthropology in the early twentieth century (Vermeulen 2008). The early development of ethnography in anthropology was related to participant observation and fieldwork, mainly in non-western cultures. For this reason, ethnographers were criticized for supporting the stereotype that Western cultures were superior and, therefore, many anthropologists were criticised for reproducing the colonial agenda of domination (Bryman 2001).

In the meantime, ethnography also started to be used by sociologists. The connection between sociology and ethnography can be traced back to Max Weber (1864-1920) and his approach known as *verstehende Soziologie* (the sociology of understanding), or the study of a group from the point of view of its members (Gold 1997). Weber's *verstehende Soziologie* is regarded as one of the foundations of ethnography in sociology because it marked a shift in how research was conducted at that time, and prompted researchers to try to abstain from putting their own views of the social phenomenon forwards and instead

¹⁰ Consider the book "Heat Wave" in which Eric Klinenberg analysed the vulnerability of the urban poor in Chicago during the heat wave of the summer of 1995. In this persuasive story, Klinenberg made use of formal interviews, participant observation, archival research, and quantitative data analysis to construct a powerful story of why some residents were more vulnerable to heat waves, and why the government had only insufficient responses to their needs (Klinenberg 2003).

rely on the views and experiences of those being studied (Gold 1997). However, it was the scholars of the Chicago School (1915-1935) who put ethnography into practice within sociological research.

Sociologists in the early twentieth century often focused on urban settings in order to record the problems experienced among marginalized and troubled urban groups such as gangs, migrants, and deviant youths (Deegan 2001, 11). While these studies were also criticized for their fascination with deviance, they marked the development of sociological ethnography and, unlike anthropology, sociologists who used ethnography were more often interested in the discussion of theory, as I discussed in Chapter Two.

More recently, ethnography has moved from a narrow approach to studying “native or local cultures” to a more interdisciplinary methodology used for the study of a variety of groups or social phenomenon, in whichever context they occur (Wolcott 1999). Contemporary ethnographers often combine different methods in order to enrich their descriptions of social life, and this methodology is now used in many fields (Wacquant 2009; Anderson 2000; Duneier and Carter 1999; Jerolmack 2013).

The development of ethnography in both anthropology and sociology influences the way I employ ethnography. While the differences between sociologists and anthropologists conducting ethnography are often blurred, my approach is closer to sociology. I have studied a social phenomenon in my home city, using my mother tongue, in a context quite familiar to me. I felt that I would not have to be overly concerned with otherwise common issues, such as understanding or even gaining access to the specific culture and the specific context. However, I had to learn that even though I am Colombian, speak Spanish, and understand the culture because I am part of it, often this was more of a superficial understanding of the context and the reality that street vendors experience every day. I had to learn that I was more of an outsider to this culture and this group of people than I could have imagined. While I was not coming from an upper class family, I was pursuing a PhD degree in Europe which marked a class difference with most street vendors. In addition, my interest in how the law operates in everyday life for people who work as street vendors also influenced my methodological and theoretical approach. Nevertheless, the core ideas and values of ethnography played a crucial role in this methodology and will be discussed below.

My Role as a Local Researcher

Ethnography embraces the active role of the researcher who needs to engage in a permanent process of reflection regarding the decisions she makes during the research process and the interpretation of the data. Therefore, ethnography accepts subjectivity in research.

In the cases where ethnographers study their own national culture, their previous experiences play a role that influences and potentially supports, yet also hinders, research. This is true for my case. I have lived in Bogotá for many years, and I was aware of and could see street vendors daily. Sometimes I was a customer, and on a few occasions I worked as a street vendor myself. This personal experience allowed me to gain insights into this culture which have shaped my understanding and influenced my decision to study street vendors in Bogotá. In that sense, I do not only write about others, but to some extent about my own experiences as well (Denshire 2014).

I was close to the street business culture not only as a customer but also due to having worked as a street vendor myself during the Christmas holidays in 1999, as well as during my student years at university (1999-2004). While the time and places I visited this time were different, I felt comfortable talking with people engaged in street businesses, and it was relatively easy to gain access to the field. My situation as a local researcher allowed me to collect rich data during my visits to Bogotá; however, I tried to step out of the field in order to avoid internal view bias. The analysis of my data in between fieldwork helped me to transcend some of my initial assumptions and allowed me to explore issues that were not relevant to me at first.

In order to differentiate my role as an "insider" in street business culture, I openly discuss my position and separate my memories, observations and interpretations from those of the people I met. I also look carefully into cases that contradict my assumptions, and I strive to keep the research process open to different interpretations.

While highly dependent on interpretations and intersubjectivity, ethnography strives for a balance between subjective aspects and the objective accounts of reality (Madden 2010). Thus, ethnographers often accept that their findings are socially constructed and highly dependent on the context where the social interaction has taken place. However, this does not imply that the data does not represent a more generalizable social phenomenon (Hammersley and Atkinson 2007).

Multi-Sited Ethnography

The academic literature on ethnography describes the kind of fieldwork that includes different places as multi-sited ethnography (Marcus 1995). In contrast with fieldwork that develops around one site such as the neighbourhood, the company, or the school, multi-sited ethnography aims at understanding a subject that takes place in different geographical or social spaces. While ethnography that concentrates on one single site aims at acquiring deep knowledge of a culture that takes place within the limits of a determined location, multi-sited ethnography traces a problem across a variety of places. Multi-sited ethnography provides the researcher with a variety of perspectives on the same issue and the opportunity for theoretically driven comparisons between the different sites studied. However, it sacrifices extended periods of time, and therefore the level of interaction in the field can be more superficial (Marcus 1995).

Multi-sited ethnography is more common in multi-disciplinary ethnography and sociological research that aims at developing theory (Nadai and Maeder 2005). It allows for the testing of ideas in different places and provides researchers with the possibility to explore alternative explanations. Additionally, multi-sited ethnography is comparative, as it needs to reflect on the selection of sites and on how they contribute to the research (Ibid.). This in turn requires a thoughtful analysis of the field under study in relation to the theory of interest. In my case, because I was not interested in all the aspects of street businesses, and was more interested in their relationship with the law and their experiences of social control, I could have a theoretical focus that allowed me to look in detail across different fields. Because the legal status of people engaged in street businesses was often informal, their relations with the law were of special interest from an empirical and theoretical point of view.

In my case, soon after I had started studying people in street businesses, I realized the crucial role of the location in relation to social control. There were differences between congested places versus calmer and more isolated streets. So, instead of limiting my study to one street corner that allowed me to describe in detail the social interaction in a single location, I travelled around the city and observed differences in terms of location.

Description of Fieldwork

Transitional Zones

I travelled for the first time to the city of Bogotá in order to conduct my first fieldwork, between July and August 2012. During this fieldwork, I studied in depth the transitional zones, one of the formalization initiatives in the city of Bogotá. There were in total 16 vending zones in the city in 2012, covering 458 street vendors (IPES 2012). I developed intensive fieldwork in two of the vending zones, one in the north and one in the south. I chose the first location, the vending zone in the north, after having met their leader Marisol in a meeting at the local mayor's office. I spent one week at Marisol's vending zone and learnt about their business operations, the conflicts they had, and the influence of law on their well-being.

Then I visited one of the largest vending zone in the city, located in the borough of Usme in the south east of Bogotá. There were 110 vendors operating in this zone. I visited this zone for about a month and hung around during their working hours. There I met Clara who let me sit next to her tent and participate in her daily activities. Clara was to a certain extent a gate opener, and although I only met her randomly during one of my visits, she was a sympathetic woman who maintained a good relation with the other vendors, and she agreed to help me during the course of my fieldwork. Prior to meeting Clara I would walk around the tents and talk to some of the vendors about their work, and conducted some informal interviews. After I had met Clara, my fieldwork felt much easier, as I had a place I could come and visit, I could participate in the daily activities of the vendors, and they started to see me as a member of the group.

I finished my first fieldwork conducting a small questionnaire in the transitional zones. While questionnaires are not the main source of data in an ethnographic study they can be useful to collect demographic information and explore the magnitude of the phenomenon being studied (Fetterman 2010). In this case, the questionnaire helped me to collect general demographic data about formalized vendors as well as their perceptions of how formalization had influenced their lives. I conducted the questionnaire among 169 vendors in 16 transitional zones, and the results are carefully described in the Appendix C.¹¹

¹¹ The questionnaire used for the interviews consisted of 18 questions about vendors' socio-economic status, working conditions, and their perceptions of their situation after the formalization of their businesses. I used a systematic sample in which half of the total vendors

Portal de las Americas

During my second visit to Bogotá in June 2013 I conducted fieldwork among rickshaw drivers at Portal de las Americas. I came in contact with this group on my previous trips visiting the vending zones, where rickshaw provided the easiest way of transportation. I took the bus and then rickshaws to the vending zones, but also on my visits to the government. While there were few rickshaws prior to 2000, after 2010 it was possible to find rickshaw drivers outside many bus stops in the city. Unlike vendors in the transitional zones they were illegal, but the operation of their business was highly regulated by small associations of rickshaws.

The rickshaw stop outside Portal de las Americas was an excellent location to conduct fieldwork for different reasons. First, most rickshaw drivers in the city were located in the boroughs of Kennedy and Bosa, and Portal de las Americas was located right on the border of these two boroughs. Second, at Portal de las Americas there were two different rickshaw associations controlling this route, and therefore, it was possible to establish comparisons. This was a relatively large rickshaw stop with 70 drivers, so I was able to conduct various interviews. Finally, the leader of one of the rickshaw associations at Portal de las Americas was highly engaged in the negotiations for a future law for rickshaws and he allowed me to observe and participate in some of the activities of the association.

I interviewed rickshaw drivers during their work, followed their daily routines, share rides and spent long days with them at the rickshaw stop. I also interviewed the leaders of the two rickshaw associations while working and I followed Miguel, one of the leaders of the associations, for a few days of work. During the time I followed Miguel he was trying to produce a video to illustrate the daily work of rickshaw drivers in preparation for negotiations at the Ministry of Transportation. I agreed to involve my sister and help the association to edit

(458) were asked to answer the survey. Since the vendors were located in rows (in their respective zones), I asked every second vendor to obtain a random sample of 229. However, from this sample, 22 respondents were not in the tent at the time I conducted the survey and 38 refused to answer. The respondents were selected from the 16 transitional zones where the program was operating in order to ensure a complete geographic representation of the sample. In addition, respondents were guaranteed confidentiality to avoid bias in their responses. When the vendor did not know the exact answer, I asked to provide an estimation. This simple survey should not be viewed as a fully fledged statistical study, but rather as an initial way to capture the magnitude of the phenomenon. In total 169 vendors (93 women and 76 men) agreed to respond. The survey questions are listed in Appendix B and a summary of results is presented in Appendix C.

this short video as a way to reciprocate all the time that Miguel had spent with me during my fieldwork.

While this favour could have affected the results of my research, the documentary project was only developed during the last three days of my stay in the field, and my sister completed the video while I was away in Sweden. In ethnography, the researcher must strive to gain trust in the field but also to be able to keep a distance in order to think critically about the research (Fetterman 2010). On the other hand, some scholars argue that ethnography tends to be exploitative in the sense that participants, in some cases, do not have the power to confront the researcher and ask for equal terms of exchange (Hammersley and Atkinson 2007; Madden 2010).

Appreciation and reciprocity are part of the researcher's commitment to keep a respectful relation with the group studied. It is also a commitment to the avoidance of exploitation or harm to the people involved in the study, and to establishing fair relations in the field (Hammersley and Atkinson 2007). In this case, with the help of my sister, I did not have to compensate economically for the documentary since she agreed to produce it free of charge. Instead, this became a way to achieve a balance between my interest in studying this group and the association's interest in recording a short film to use in their political activism for the regulation of their work.

Vendors Near the Santa Fe Mall

During the last fieldwork of this study between December 2013 and January 2014, I revisited formalized and non-formalized vendors and the rickshaw organizations. I went back to the vending zone of Santa Librada, but this time I focused on the vendors outside formalization programs, specifically the ones surrounding the formalization zone. This helped me to better understand non-formalized vendors' experiences with law, but also uncover tensions and conflicts among formalized and non-formalized vendors. I also visited Miguel, the leader of the organization of rickshaw drivers at Portal de las Americas.

To have a closer look at the experiences of non-formalized vendors, I decided to stay near the Santa Fe Mall. While Portal de las Americas and the neighbourhood of Santa Librada are located in the less wealthy south, the Santa Fe mall was one of the newest and most luxurious malls in the north of the city. This was an excellent opportunity to see how social control operates in wealthier neighbourhoods. Here, outside the Santa Fe mall, I interviewed the vendors operating on both sides of the highway and observed their social interaction.

During this fieldwork the group of ice cream vendors caught my attention since they were, among street vendors, the group with a lesser level of organization, but also the group that experienced less police control probably because they use smaller pushcarts that allow them to move easily. All of them worked for well-established ice cream companies that provided them with ice cream, uniforms, and refrigerators. However, despite being financed and supported by big private companies, they were also illegal.

This last fieldwork was the most challenging, but also one of the most exciting, in terms of my findings. While in the two previous fieldworks the people I met were often the same individuals, the population of vendors outside the Santa Fe Mall was more itinerant and mobile. Although I met some people working in the same places, many of the vendors moved from place to place, and often did not come on a daily basis. In the case of itinerary vendors such as ice cream vendors I had to walk around with them in order to share longer conversations. Some of them were very hostile to my presence, while others were friendly and trusted me with their ice cream carts while they went to the toilet or needed to exchange a large bill.

The three sites included in this research allowed me to compare and contrast different settings where social control operates. Although these sites are diverse and illustrate interesting theoretical issues, they are not representative of the city, and further studies could compare the conclusion of this thesis to other cases and places. However, for the purpose of this thesis these three cases provide illustrations of some of the practices of social control that are present in the everyday working lives of people engaged in street businesses.

Visiting the Government

I would like to end this section by briefly explaining my visits to government offices in Bogotá, particularly to the Institute for the Social Economy (IPES). There, I was able to interview the director of this office and the person in charge of the transitional zones. However, because they were often busy during my visits, I had time to spend in the corridors of this office, and I met two other officials that shared some of their experiences working inside this organization. I also interviewed the person coordinating the Decent Work Agenda for the city and the government official in charge of the draft of the new regulation for street vendors. Among the rickshaw drivers, I interviewed the person working on the draft of the regulation for rickshaws at the Ministry of Transportation by telephone. The visits and interviews with the government allowed me to grasp

some of their views on the issue of street businesses. The following map illustrates the main locations of fieldwork.

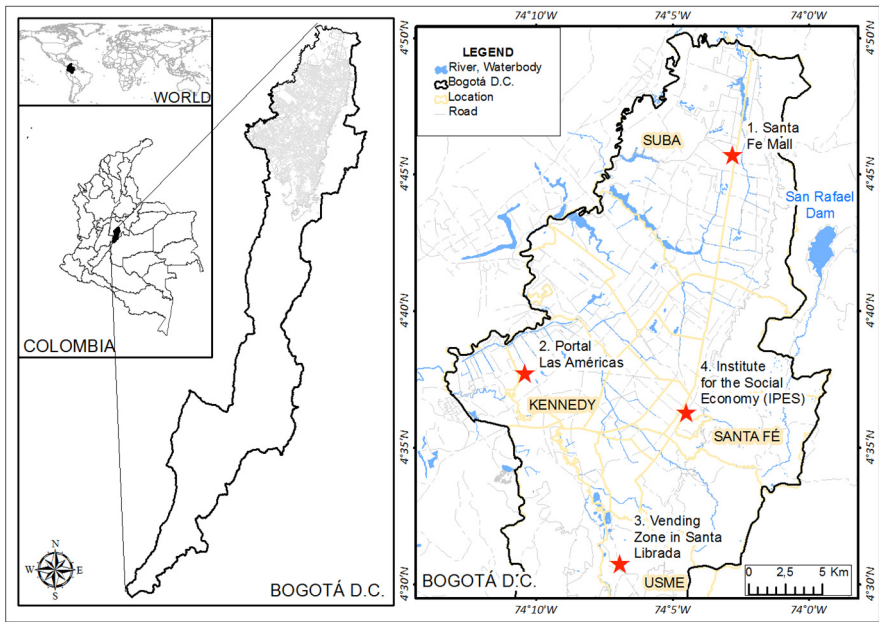


Figure 2 Fieldwork sites

Location of Bogotá, Colombia in South America, (1) Santa Fé Mall, (2) Portal de las Americas, (3) Vending Zone in Santa Librada, (4) Institute for Social Economy (IPES).

Source: Cadastre of Bogotá 2016. Map developed by Karen GarcíaAccess to the Field

Since I conducted most of my fieldwork in public spaces, initial access to the field was relatively easy. While entering the public space where people conducted street businesses was not a problem, getting access to their activities was more complicated and required a careful process of gaining trust and sympathy from the people in the field. Each time I met a new person in the field, I introduced myself as a PhD student conducting a study on the regulation of street vendors. Sometimes people rejected my presence immediately and said they did not have the time, other times they asked me if I was from the government, or thought I was from the Office for National Statistics (DANE). The first time I visited a new place where I had not made previous contacts, I felt anxiety in my stomach that was similar to the feeling I have when I have to ask a stranger for a favour on the street. Obviously, I had a fear of being rejected,

and yes, I was rejected sometimes. Sometimes people thought I was coming from the government and did not want to talk to me. Other times they simply said they were working and I should leave them alone. However, most of the time people were pleasant and said they could share some words with me while they were working. After introductions, the problem was how to explain them that I wanted to “hang around” and observe their daily lives. I felt awkward, and people often asked whether the interviews would not be enough. I had to explain that I was more interested in their everyday lives, and that I only wanted to spend time in the streets to get acquainted with their work.

Key contacts in the three locations where I conducted fieldwork helped me feel more comfortable during my visits. In turn, those key contacts facilitated conversations with their colleagues, and people that initially had refused sometimes talked to me once they felt they could trust me. However, this also got me in trouble since some of my key contacts had conflicting views with other people, and therefore, I had to manage to gain trust from the other side. For instance, in the vending zone near the Santa Féa mall, Marisol introduced me to some of her colleagues, making it easier for me to enter this territory. However, later I realized some vendors were in conflict with her, and I had to avoid spending too much time with her in order for other vendors to feel comfortable talking to me. As explained by Hammersley and Atkinson, relations in the field can be facilitative or obstructive (2010, 74). Getting too close to a person in the field may complicate achieving independence in the field, and I had to balance trust and closeness with some distance in the field.

I believe my situation as a middle class woman also helped me gain access and trust in the field. Being a woman, I believe was helpful so that people could feel no threat of violence. I also dressed in a very informal way since researcher appearance can be important in shaping relationships with people in the field (Hammersley and Atkinson 2007). While the people I met were often impressed by me studying in Sweden, I also told them about my law studies at the university in Bogotá. This helped them feel more familiar with the kind of studies I was conducting, and sometimes they had legal consults with me. In those cases I tried to help when I could, and in other cases I provided people with the phone number to the law clinic at my old university.

Informal Conversation and Interviews

During my fieldwork I initiated conversations with most of the people I met in the field. I will describe how conversations and interviews were conducted and the questions I often asked during my fieldwork in greater detail. These encounters varied from informal interviews in the street, spontaneous conversations during fieldwork, and semi-structured interviews with government officials and leaders of the associations of street businesses. Let me consider each of them.

When I visited a new field site for the first time, I often had to negotiate my entrance through informal interviews. I would arrive at one place and approach the first vendor I found and ask whether he or she could spare a few minutes for an interview. If the person agreed, I started by asking them general questions about their work, how long they had worked, and the advantages and disadvantages of working in street businesses. I took notes during these short interviews that lasted about 10 minutes.

After the short interview I asked the informants whether I could stay and accompany them during their work day to get a better feeling of what is like to be a street vendor. If the person agreed I was able to stay for a longer period of time. I got somewhat involved in the businesses, so that my presence was not merely a hindrance to their work; for instance, I was prepared to tell costumers about the prices, or I would watch their pushcarts when the vendors needed. Sometimes costumers approached me thinking I was the vendor, and I would redirect them to the person in charge. This lengthier interaction was not always possible and required me to grasp whether the person felt easy about my presence. In this case, I not only observed the vendor's acceptance when asking whether I could stay and accompany them, but I also noted whether the conversation was flowing spontaneously and whether both vendor and I felt comfortable with each other. In some cases, I decided to thank the vendors for their time with me and leave, while in other cases I was able to share several days with the same vendors. During that time, I often asked questions about their encounters with the police, about how it is to start a street business and in general about how they see they work.

When I was able to meet someone for a few days, the other vendors would often start to wonder what I was doing. Many times they started to talk to me and ask me about my research. They asked me whether I wanted to become a vendor, they asked me about my life in Sweden and how I had managed to get to study there. I shared some details about my private life, which often led to more

interesting conversations about their children, their dreams, and their thoughts on the political situation of the country.

Transcriptions and Analysis

Writing field notes is a central activity in ethnography and helps to ensure the quality of the research (Gold 1997). I recorded jottings from participant observations and informal interviews. I often started with short interviews during which I took notes in my journal. Then, I put the journal in my bag and tried to participate in a more spontaneous way. I took some photographs when I was allowed and used them to write contextual notes later about the setting where my fieldwork had taken place. The jottings were used to develop longer notes that make readable what was happening on the field. Those are what I call field notes. I also use exact quotes when I have them. The jottings, quotes and field notes were taken in Spanish and translated by me.

I wrote a total of three journals, one for each trip. I have re-read the journals on different occasions to add descriptions and complement my initial observations. However, the participants' quotes are taken exclusively from the jottings made in the journals in order to differentiate them from my observations, memories, and feelings during fieldwork. While most interviews were informal, I recorded six interviews with the leaders of different associations of street vendors, one interview with the leader of the association of rickshaw drivers and three interviews with itinerary vendors.

I analysed my field notes using two approaches. First, I shared these fieldwork reports with my colleagues and my supervisors in Sweden during a workshop in May 2015. They read the field notes and shared with me their interpretations of relevant themes that could be extracted from the field. This allowed me to take a step outside my own view of the research and try to see what my field notes tell other readers. From this workshop, the following main themes came up: a) the contradicting feelings of freedom and hardship; b) the absence of reflections on welfare structures, and instead the importance of everyday needs; c) the authorities' views on the need to clean up the streets; d) the mix of law and other forms of social control; d) the discourses of legitimation and neutralization of street vendors about their work and e) the blurred line between private life and working life.

The second approach for the analysis was to use the software Nvivo to identify common themes. I inserted my field reports into Nvivo and ran a frequency word analysis, and found the most common words used in my notes. I grouped the words into similar themes from which the following nodes appeared: place (the street, the route, the tent, and the zone), time (at night, the weekend, and the busy hours), the police and the business (the money, the stuff, payments, and the fees). Then, I conducted a second round of groupings among repeated themes, and from this process I extracted the following themes: a) relations with the police, b) the role of big companies, c) relations between old and new vendors in the use of public space, d) conflicts and violence among people engaged in street businesses, e) competition for good business spots, f) comparison of working conditions in street businesses and jobs outside the streets, g) strategies to avoid and resist control, h) coming everyday and the role of perseverance in the streets and i) the emerging discourse within the government about street mafias and vulnerable groups.

The themes from the expert workshop and the Nvivo analysis were further combined. Then I conducted a deeper level of analysis around the issue of social control, which is my theoretical concern. At this level of analysis, I group the field notes in two five types of social control and one theme on well-being (See Chapters Five to Ten).

I combine stories, anecdotes, observations, and memories with the goal that the empirical chapters will provide powerful imagery that allows the reader to mentally travel the streets of Bogotá. After all, the thick and rich descriptions of social life are a way for the ethnographer to present her findings (Hammersley and Atkinson 2007).

Limitations of Ethnography

As I explained in the introduction chapter, ethnography is a rich and flexible methodology that allows the researcher to uncover the complexity of social life, it is also limited to drawing generalizations from the field. First, ethnographers often study only a few cases, and therefore their data can be limited in scope (Davies 2008). Another limitation is the role of the researcher as the primary source of data; field notes and more or less all data depend on a presence in the field, and therefore the data relies on people's interpretations of their lives, and subsequently on the researcher's interpretations of what was observed and

collected in the field. While these limitations are important, I agree with the argument of other ethnographers that being aware of those limitations is the first step to gaining validity and reliability of the data collected (Fetterman 2010; Davies 2008).

Raymond Gold, who studied sociology at the University of Chicago, proposed to use at least four strategies to achieve reliability and validity in ethnography (1997). First, there is a large concern about sampling and the selection of informants in the field. Sociologists give great importance to making explicit why some groups and not others are included, and there is a conscious effort to generate a theoretical sample that allows the researcher to include different groups, categories, and contradicting cases (*ibid.*). In my case I actively looked to include different cases that could provide alternative explanations. I relied on formalized and informal vendors, vendors in conflict areas where police control was strong, as well as in more relaxed areas.

A second important step to achieve validity in ethnography is to explore different and alternative explanations for an issue. The inclusion of contradicting stories is carefully used as a way to avoid single views of social life. Additionally, discussing the findings with informants and sharing the researcher's interpretations is seen as a way to produce more accurate and validated knowledge. In my case, I constantly discussed some of my findings with my informants in the field, and I also returned to the field on subsequent trips and discussed my research with some of the vendors.

Finally, by placing the study within a historical and socio-economic context and revealing the way I conducted my analysis, ethnography aims to overcome bias and expose the entire research process to scrutiny. Consequently, in this chapter I have explained the sampling process, access to the field, and how I extracted different themes of analysis. I have also used a "self-check" of my field notes allowing other researchers to analyse and interpret my data in alternative ways (Murchison 2010, 25:188). Furthermore, I have reflected on my situation as a local researcher and am aware of the subjectivities involved in the process of collecting and writing ethnographic research; yet, I have tried to take the necessary steps to gather data that can contribute to the development of academic knowledge.

Ethical Considerations

Upholding ethical standards implies a commitment to basic human rights of autonomy and dignity and is therefore essential to any kind of research (Hammersley and Atkinson 2007, 209). In ethnography the code of ethics of the American Anthropological Association is often used as a guide to determine the basic values that must be respected throughout the research process (Madison 2011). This code lists at least three relevant ideas: to avoid harm or wrong, to respect the well-being of humans, and to consult actively with the affected individual on their role in the research in order to establish a relation that is beneficial to all parties. Ethical considerations in ethnography are part of the design and development of the research process as well as the presentation of the results. Because of the flexibility and high involvement of the ethnographers during their research, they have a greater deal of responsibility in upholding ethical standards throughout the entire research process. Therefore, upholding ethics in ethnography is a constant “practice” (Scott-Jones 2010). I will discuss these ethical considerations in more detail, and how they were practiced during my academic work.

Informed Consent

It is stated that researchers must approach the field in an open way, explain the aims of their study, and ask participants for their agreement to participate. However, ethnographers often enter the field without knowing the final aims and questions of their research, and therefore they must negotiate informed consent throughout the entire research process. People should have the right to re-negotiate their consent at any time, to request the confidentiality of the information they provide, or to simply withdraw from the research.

In practice, obtaining “free informed consent” depends on the way one approaches people in the field, and requires closer examination. The way I often started my fieldwork interactions was by presenting myself to the person in the street and telling them I was a university researcher conducting research on street business regulation. I showed them my university ID as a way to provide proof of my identity. I told them this was an informal interview and that I would not record their names, and that I would guarantee confidentiality of our conversation. I also explained they could continue working and that I could just sit next to them or accompany them while they worked, but I also told them I did not want to disturb them and that they could say no if they did not want to participate.

Informed consent was constantly negotiated through my interaction in the field, and I paid attention to the interest people showed in my research. In a few cases, the person told me they were busy and that the interview would have to be enough, and I understood this as a clear sign of them denying consent and moved on. While the streets are open to anyone, I respected the autonomy and privacy of the people I met, and I preferred to move to a new street rather than to make them uncomfortable with my presence. However, most of the time I met friendly vendors who shared their time and knowledge with me.

During the development of fieldwork, the research is responsible for the questions posed to the participants. The questions should avoid judgment and be formulated to try to understand the point of view of the people in the study (Madison 2011, 100). In this regard, Madison suggests ethnographers must avoid stereotypes, ensure that their interactions develop within the terms of the group, and reject an arrogant approach (Madison 2011, 118). When meeting people in the streets, I would try to avoid the distance that can arise from my cognition as an academic researcher in a university in Europe. Still, sometimes I met people in the field that did not like my presence. They had all the right to manifest their discomfort, and on such occasions I would try to gain their trust through patience and over time, and at other times I simply left the field.

Harm and Negative Impact

Reflecting on the harm and negative consequences of research is of great importance. In considering the possible harm that research can cause before and after the study's publication, the interests of the people in the study must always come first (Madison 2011). The researcher must identify, as far as possible, the implications of the research for the group studied. In order to avoid harm and negative impacts, Madison lists the following steps: researchers must discuss their findings with the group in order to identify sensitive issues that cannot be accounted for by the researcher (Madison 2011, 134). The data must be contextualized as much as possible to avoid oversimplifications and the perpetuation of stereotypes that can further marginalize a group. The researcher must explain the importance of the study for the community and avoid the study of a group only for the sake of extracting knowledge for the outside world.

I have taken into consideration the possible consequences of this research for the group studied. Few delicate issues arose during research, and I tried to deal with them in order to respect the integrity of the people in my research. Some of these issues included corruption, violence, and illegal activities among the vendors and rickshaws organizations, as well as within the government. When

these kinds of accusations were made in the field, I treated them with respect, but I also tried to explore them in detail and to find contradicting stories in order to provide a more complex photograph in my results. Since these accusations could harm the persons involved, I have changed the names of all the people that participated in this research to ensure privacy and confidentiality. While changing the names can reduce the ability of other researchers to confirm my findings, when dealing with issues such as corruption and street violence I believe the respect for confidentiality comes first.

Compensation and Avoiding Exploitation

During this research I have asked participants to help me with their time and knowledge in the provision of data for my doctoral degree and explained that they could not expect to receive anything in return. Engaging in this kind of exchange in which people give and the researcher takes requires ethical consideration of the possibilities of exploitation during research. Hammersley and Atkinson (2007) put it in these words: in ethnographic research people “supply the information which is used by the researcher and yet get little or nothing in return.” However, unpaid participation in research is common and people often agree to provide information to researchers for non-economic reasons. A few times, I asked my informants why they had decided to share their valuable time with me and received very different answers. Some people said talking to me was not much work, others felt they were able to reveal their problems, some of them were friendly to everyone and often engaged in altruistic behaviour, while many others simply answered “why not.”

While remuneration is not common in ethnographic studies, researchers can compensate participants for their time, they can engage in community work, or they can show appreciation in other ways (Hammersley and Atkinson 2007). In my case, I was never asked for payments in exchange in the streets, and I saw no reason to provide them except in some cases when I saw the person could not work while talking to me. This was the case for Luis the rickshaw driver who let me ride with him for a day. Although he was happy to share a working day with me he could only take one passenger in the rickshaw, and I soon realized he was losing money because of me. He refused to let me pay for the rides, so I invited him for lunch the next day. However, in some cases, vendors invited me for coffee and I reciprocated by inviting them the next time. While this can be considered getting too close, I kept a distance toward the research; but, in order to participate in street business culture it was disrespectful to reject someone holding a cup of coffee in their hands.

Another important engagement concerning compensation and the avoidance of exploitation in my research occurred during my involvement in the short film for the rickshaw association. In this case I helped the association record and edit the video. This informal exchange helped me spend more time with the people of the association, but it also allowed me to contribute to the group's interests. However, my involvement in this video only occurred towards the end of my fieldwork, and the information I was able to collect was not dependant on this kind of reciprocation.

Finally, I believe an important way to give something back to the communities I studied is the dissemination of my study among government officials in Colombia and the leaders of the associations of street vendors. For that reason, I will try to disseminate the results of my research among policy makers and social organizations interested in street vendors.

4. Legal Culture of Colombia and the Regulation of Street Businesses

Many years later, as he faced the firing squad, Colonel Aureliano Buendia was to remember that distant afternoon when his father took him to discover ice. (Gabriel García Márquez, 1967, opening line in 'One Hundred Years of Solitude')

Colombia is a special place. Its landscapes are of outstanding beauty, but drenched in blood. Its people are joyous, yet most families carry an immense burden of pain and loss of loved ones in their hearts. Gabriel García Márquez, the famous Colombian author and winner of the Nobel Prize in literature, had the outstanding talent to capture the lunacy that we often still can observe and experience in Colombia until this day. Márquez created Magical Realism, revealing the magical of reality and his imaginative town of Macondo, the place he uses to recount a family's entanglements throughout history as a symbol of Colombia. In order for the reader to understand where I come from and to situate this study of street vendors in Bogotá, I provide in this chapter a short description of the historical and socio-economic aspects that have both marked and shaped Colombian society throughout the last century, based on secondary sources. I also provide an account of the most relevant aspects of the legal culture.¹² Furthermore I enunciate the legal framework of street businesses in Bogotá, using doctrinal methodology that describes legal regulation and how it is used in judicial reasoning (Dobinson and Johns 2007).

¹² David Nelken defines legal culture as "one way of describing relatively stable patterns of legally oriented social behaviour and attitudes. The identifying elements of legal culture range from facts about institutions such as the number and role of lawyers or the ways judges are appointed and controlled, to various forms of behaviour such as litigation or prison rates, and, at the other extreme, more nebulous aspects of ideas, values, aspirations and mentalities" (Nelken 2004, 1).

A Country of Contrasts and Beauty

Colombia is the fourth biggest country in South America, with a land area of 1,138,000 km² approximately 2.4 times larger than Sweden. Colombia is home to an immense natural and ethnic diversity. Being located on the Equator, Colombia is primarily characterized by a tropical climate. However, due in part to its topography, it contains a great variety of ecosystems and biomes, from tropical rainforests and flat savannah plains to alpine grasslands and snowy peaks (CDB 2015). Colombia borders the Pacific Ocean to the west and the Caribbean Sea to the north. It shares a border with Panama, Venezuela, Brazil, Peru and Ecuador. Many parts of the country are quite remote, partly due to the dense and relatively intact forests of the Choco in the western parts of the country, and the immense Amazonian rainforest in the east (Palacios 2006, 5).

Colombia ranks number one in the world for bird, amphibian and butterfly species (CBD 2015). Roughly 10% of the planet's species are found amid its many ecosystems (CBD 2015). Colombia is also home to more than 90 different indigenous groups and more than 60 different languages. Despite this astonishing array of cultural and biological diversity, Colombia's indigenous people and unique species face great threats. The expansion of industrial agriculture, illegal and legal resource extraction, and the increase in large-scale extractive industries such as oil, mining, and logging continue to degrade and fragment ecosystems and threaten many local and indigenous communities (CBD 2015).

A History of Suppression, Blood and War, with Sunrise on the Horizon

The Republic of Colombia, its people and political landscape, are marked by a tumultuous history of centuries of colonial suppression by the Spanish, and the ensuing political and social conflict. Colombia gained independence from Spain in 1819 and after decades of political struggle combined with violence and reconfiguration of the territory, the Republic of Colombia was declared in 1886. War and violence have been part of the Colombian history with some periods of extreme chaos and social unrest, such as the time known as *La Violencia* (1948-1953), which resulted in the deaths of more than 200,000 peasants and political leaders. This particular period of time is of transcendental importance in the history of Colombia, not only because it generated a military coup in 1953, but because it led to the creation of a limited democracy with alternation of power

between the conservative and liberal party (1958-74), and it marked the beginning of the guerrilla movement (Palacios 2006).

Violence returned to Colombia in the 1960s when an armed conflict erupted between various guerrilla rebel groups and the government of Colombia. An estimated 220,000 people have died during the armed conflict, most of them civilians. In addition to the loss of life, approximately 6 million people have become internally displaced, having to leave their rural homelands and villages due to violence and fear (UNHCR 2015). According to the UNHCR (2015), widespread security risks and violence involving the forced recruitment of children and youth, sexual and gender-based violence (SGBV), threats, disappearances and murders continue to occur, despite the Colombian government's efforts to improve its response to forced displacement and to implement the Law on Victims and Land Restitution (*Ley 1448* of 2011 signed by the Congress of Colombia). Moreover, there has been poor response to the economic needs of the families that have moved to urban areas as a result of the conflict and often they live under extreme poverty conditions (Ibáñez Londoño 2011).

The Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia* - FARC) and the National Liberation Army (*Ejército de Liberación Nacional* - ELN) are the two main left-wing guerrilla groups fighting against the government. On the opposite side are numerous right-wing paramilitary groups who also engage in the armed conflict. The reasons for the conflict are multiple, but the unequal distribution of land in Colombia has been one of the main motivations for the guerrilla groups to take up weapons (Fajardo 2002). Although the armed conflict started as an ideological movement, all groups, both left-wing guerrillas and right-wing paramilitary groups, engage in the drug trade, extortion and kidnapping (Fajardo 2002). Moreover, the suppression of political rights and civil liberties is a continuous issue, and while regular democratic elections are held, they are only partly free. Threats and violence against political leaders are still a major problem. The assassination of political leaders is a recurrent fact with a record number of 41 candidates killed during the campaigns in 2011 (Freedom House 2014). Engaging in politics in Colombia is, arguably a dangerous endeavour and a game of fire.

Tired of decades of war and armed conflict, with hundreds of thousands of casualties, the Colombian government under the current president Juan Manuel Santos started negotiating a peace agreement with the FARC since 2012, which is expected to be signed in 2016 (Beittel 2015).

Socio-Economics – the Wounds of the Past are the Scars of the Future

Colombia is classified as an upper middle-income country (World Bank 2015a). Nevertheless, poverty is widespread and 30.6% of its population (i.e., 14 million out of 47.49 million inhabitants) lives in poverty. The poverty line is established at a monthly income per capita of 206,091 Colombian Pesos, equivalent to 67 USD¹³ (DANE 2014b). Poverty levels are higher in rural (42.8%) compared to urban areas (26.9%) (DANE 2014b).

In terms of income inequalities, Colombia is considered the third most unequal country in Latin America, with a GINI index¹⁴ of 53.9, which underlines the degree to which the distribution of income or consumption deviates among households or individuals in the country (World Bank 2015a). Based on data from 2013, Colombia ranks at 98th place globally with a Human Development Index (HDI)¹⁵ of 0.711 (UNDP 2014). Furthermore, poverty and inequality disproportionately affects women, children, Afro-Colombian, and indigenous groups and internally displaced persons (UNDP 2014).

Corruption is a continuous problem in Colombia and transcends many administrative levels and business sectors. According to Transparency International which publishes a yearly corruption perception index that ranks countries based on how corrupt a country's public sector is perceived to be, Colombia scores 37, with 100 being very clean and 0 highly corrupt (TI 2014).

¹³ The conversion rates made through the thesis are all based on the rate of USD from December 1, 2014: 1 USD = 2261.011431451 COP, Source: XE Currency converter available at <http://www.xe.com/>

¹⁴ For the Gini index, a value of 0 represents absolute equality, while a value of 100 represents absolute inequality; Sweden with 27.3 has one of the lowest Gini indexes and thus one of the highest levels of equality in the world (World Bank, 2015a).

¹⁵ The HDI is defined as the composite index measuring average achievement in three basic dimensions of human development - a long and healthy life, knowledge and a decent standard of living, Norway ranks 1st and Niger ranks in last place (187) (UNDP, 2015).

Urbanization and Working Conditions

More than 34% of Colombia's population lives in only three major cities. The capital of Bogotá has 9.7 million inhabitants, Medellín has 3.9 million inhabitants, and Cali has 2.6 million inhabitants (DANE 2015a). The high urbanization rate in Colombia (75.1%) is quite typical for South America (83.7% of urbanization) (DANE 2015a). However, a high level of urbanization, particularly when it is concentrated in a few large cities, has many social and environmental implications, for example, socio-economic segmentation and increasing levels of pollution (Fay 2005). This socio-economic segmentation has created large areas of urban poverty, where sub-standard housing is common, infrastructure is deteriorating and municipal services are in short supply. Although there are many initiatives in Colombia to address urban poverty, the already existing inequalities and income gaps persist (Joumard and Londoño Vélez 2013).

In terms of the labour market, Colombia has a relatively low unemployment rate, estimated at 9% for 2015 (DANE 2015c). However, the low unemployment rate hides an inequitable reality. The World Development Indicators from 2012 reveal that 48.6% of the labour force is in a situation of vulnerable employment, for instance, as unpaid family workers and own-account workers (World Bank 2015a). And, although youth unemployment in Colombia has decreased continuously over the past years and the latest unemployment rate for youth (aged 14-28) is 15.7%, almost half of all those who work do so in vulnerable conditions, either working on their own account, or as domestic workers or day labourers (DANE 2015b).

The Colombian Welfare State

According to the National Constitution, Colombia is “Estado Social de Derecho” which translates into a “Social Rule of Law”. In practice the Colombia welfare system combines elements of the ‘welfare state’ and the neo-liberal state. That is the state ensures access to basic health care, education and some social protection. The protection of the state is limited and private companies as well as the family provide many services under a market economy or a mix of private and public funds. Historically the welfare state in Colombia, like in other Latin Americas countries, has been highly stratified, with wider protections for state

employees, while larger groups continue to be excluded from access to basic services (Segura-Ubiergo 2007).

One way to illustrate the size and coverage of the Colombian welfare state is through the percentage of social expenditure. For instance the social expenditure as percentage of the GDP (OECD 2016) is in Sweden (28.1%), USA (19.2 %), Spain (26.8 %), Mexico (7.9 %), Chile (10%).¹⁶ In Colombia social expenditure was 13.6% in 2013 (CEPAL 2015). While social expenditure has increased in the last years, there is still a gap in the coverage with few groups getting benefits while others are left out. However, in order to get a glance into the role of the state in the provision of welfare in Colombia, it is necessary to look into specific areas.

Access to Education is a basic right in Colombia and it is provided by public and private schools. According to the study of Martha Delgado (2014) the coverage in primary (1st to 5th grade) and secondary (6th to 9th grade) school is 100%. That is basically all children go to school. There is only one year of mandatory preschool and the coverage is of 97%. Access to high school (10th to 11th grade) has coverage of 75%. However, only 48% of the students that start high school in rural areas achieve graduation, in comparison with 82% in urban areas. Education in public schools is totally free since 2012. Nevertheless, the quality of public education is often lower than of private schools. Public schools often have shorter school hours and the scores of the PISA test in 2012 also indicate better results for private schools (Ibib.).

Access to university studies is more limited in Colombia. From the 132 universities that exist in the country only 13 are public, the rest are private and collect fees from the students. Only 34% of the people in age of advanced education (university and technical) are attending. Moreover the difference in access to education between the wealthiest sections of society and the poorest groups is the highest in Latin America, in Colombia from the poorest quintal only 8.5% can access university studies (Brunner 2011).

According to the national statistics from 2012, about 91% of the population in Colombia is affiliated to a health insurance (Minsalud 2016). There are two main types of insurance, one is through work (contributing) where workers pay 4% of the salary and employers 8.5%. This insurance covers 42.8% of the population. The other insurance is the national subsidized insurance for people

¹⁶ Data from the OEDC Social Expenditure Database (SOCX). Available at <http://www.oecd.org/social/expenditure.htm>

without "formal" work and includes 48.2% of the population. Most people outside the health insurance are living in the amazon of Colombia. People that are part of the contributing insurance have access to more services, treatments and medicines. Thus in practice, there is a great deal of inequality in terms of health care.

Access to pensions is low and estimates indicate that only one in ten Colombians can get access to a pension (Mintrabajo 2016). While about 20% of the workers are paying to the pension insurance, due to the flexibilisation of labour and the years needed to pension, estimates indicate that many of them will not qualify to receive a pension. The system is highly unsustainable and inequitable because the state subsidy goes to everyone contributing. Thus, those getting the highest pensions (about 20%) get 81% of the state subsidies (Fedesarrollo 2010), whereas the rest (less than 20 %) goes to other groups.

Public child care is provided to 1.7 million children through "community mothers", that is, women who take care of 12 to 14 children in their house and some community centres. Community mothers were a case of state sponsored informality as they were not considered workers and instead received a "scholarship" of less than the minimal wage. However after years of protests and a favourable decision in the Constitutional Court, community mothers were finally formalized in 2014 and at least now they have a minimum wage. However they are still fighting for equal rights since the state sub-contracted them through other institutions in order to avoid collective contracts and they have a contract of only 8 months instead of one year (Pinzón 2015).

Socio-Economic Characterization of Street Vendors

As noted earlier, Bogotá is home to more than nine million inhabitants. It has a population density of 59,000 people per square kilometre more than double the density of London (Sedghi 2015). It is the political and administrative centre of the country and concentrates a large economic activity. Bogotá's GDP in 2014 was 24.87% of Colombia's total, with 94 thousand million USD. However, the participation of different activities in the GDP of Bogotá reflects a very small industrial activity (9.6 %), commerce (14.9%) and the financial; real estate and service sector is the largest (33.3%) (DANE 2014a).

The city of Bogotá has made enormous advances in terms of poverty reduction in the last ten years, still 17.3% of the city residents live under the poverty line and 4% are in extreme poverty. Poverty has decreased at high rates, with total

poverty level of 53.1% in 2000 going down to 21.3 percent in 2011.¹⁷ Still, Bogotá is a city of large social and economic divides, and nearly half of the working population is employed in the informal economy. Estimates indicate that 43.6% of the workers in Bogotá were informal in 2015 (DANE 2015a). This means they lack social security protection of pension and work related insurances. In addition unemployment oscillates between 10 and 8% (8.6% in 2013). Regarding street vendors, estimates indicate that there are more than 100,000 persons working in the streets of Bogotá.¹⁸

Street vendors have existed in Bogotá since colonial times and the legal regulation of their economic activities date from 1932 (Simanca 2007). In contrast, the phenomenon of rickshaw driving is more recent with the first vehicles operating approximately since the 2000s (CID 2013). While the activity of rickshaw driving is not allowed under the current legislation (2015), street vendors could in theory formalize their work in different programs offered by the city.

The socio-economic characterization made by the city government in 2004 includes information from a survey of 39,492 vendors. According to this survey the average age of a street vendor is 41 years old, four per cent of the total number of vendors are younger than 20 years old and 8.6 per cent are 60 years or older. Most street vendors are women (55%) of whom 26% are heads of the household. An interesting fact from this survey was that half of the street vendors answered that if they were offered a formal job where they would earn the same they earn now they would not leave their work as street vendors. The highest education level achieved by most of the vendors (85%) is primary school. Only 5 per cent completed basic secondary education or higher education. Additionally, 42% of the vendors live in the three poorest boroughs of the city and 46% has another family member that is also working as a street vendor. In average a vendor has been working in the streets for the last 11 years and the vendors with the lowest levels of education are the ones that have worked in the streets for longer time (Castañeda and Garcia 2007).

¹⁷ Informe de gestion IPES 2011. Extreme poverty is calculated according to the value of the basic food needs of a person established in 2011 for 73,984 pesos (USD). The poverty line is instead calculated using the Orshansky Coefficient with a value of 177,562 pesos (USD) for urban areas.

¹⁸ These estimates are based on a question that asks people about the place of work. From this question 162,198 reported to work in a mobile business, 56,337 work in the streets in a fixed place, and 1,788 work in kiosks. Encuesta Nacional de Calidad de Vida 2008.
www.dane.gov.co/files/investigaciones/condiciones_vida/calidad_vida/anexos/Cuadro42.xls

According to the survey collected by the National University of Colombia (CID 2013), there are a total of 3,054 rickshaw drivers, while the National Federation of rickshaws claims they are more than 8,000 (T-442-13). From the first study 51.4 % are present in the borough of Kennedy and 21.3 % work in the borough of Bosa.¹⁹ Most rickshaw drivers are men (93.5 %) and between the age of 27 to 59 years old (56%). The second largest age group is between the ages of 18 to 26 (28%), between 14 to 17 years old (10%) and only few were of 60 years or older (4%). Using the socio-economic identification of Colombia based on strata of the residence, 83.4% lived in housing of strata 1 or 2. In terms of education, the highest level of education for rickshaw drivers is 33.9 % primary school, 37.4 % incomplete secondary school, 22.9 % completed secondary school and only 0.6 % completed university education. Almost half of the rickshaw drivers are also the owners of the vehicles (45.9%) while the rest rented their vehicle. The price of renting a rickshaw oscillates between \$5,000 and \$60,000 Colombian pesos a day. However most drivers (85.7%) pay a rent that oscillates between \$5,000 pesos and \$20,000 pesos (Ibid.).

In relation to the welfare of rickshaw drivers, the study indicates that 52.4% are registered in the national subsidized health insurance, 26.7% are registered in the contributory scheme and 18% do not have any insurance. Eighty two per cent of the rickshaw drivers are members of an association and 97.1 % of the vehicles are human powered (CID 2013).

While this is only a brief description and rather a snapshot of the social realities of the Colombian population, where poverty, displacement and precarious employment are serious issues that affect a large number of people, these social realities constitute the context where social control of street businesses takes place. The contrast, where geographical and cultural beauty meets violence and poverty, as presented above. This connects with the reality of the legal system where street businesses are regulated.

¹⁹ Boroughs or *localidades* are an administrative division of the city of Bogotá, the city has 20 boroughs.

The Legal Culture of Colombia

Anyone aware of the laws prohibiting street businesses in Bogotá will characterize these laws as inefficient, considering the great number of small economic activities that can be found throughout the city. Indeed, lack of enforcement and compliance with the existing laws falls into the general characterization of the legal systems in Latin America, which are often described as highly inefficient (Garcia-Villegas 2002). Formal legal institutions contain a set of written laws, many of them copied from European and American legal systems. However, anyone who observes Latin American societies will be able to see the wide gap that exists between the written laws and the way social order is achieved in everyday life.

Placing this study of social control of street vendors within the context of Colombia requires a more detailed description of its legal culture. Although it is a thesis project in itself to present the legal culture of any country, my aim is to only briefly describe general patterns of the Colombian legal system in the following pages. For this purpose I use previous studies (Garcia-Villegas 2002; Garcia-Villegas 2011; García-Villegas and Uprimny Yepes 2004; Santos and García-Villegas 2001; Kalmanovitz 2002; Mockus 1999; O'donnell 1998). These scholars describe the main patterns of the Colombian legal culture as authoritarian, inefficient and pluralistic. In the following paragraphs, I describe each of these three main patterns.

Authoritarian Use (Rule) of Law

How does one characterize a state where regular elections are held, a constitution is in place and a running legislative power exists, but where law is often seen as the “will of whoever is in power”? Colombia’s legal system is based on civil law, with core principles that are codified. Nevertheless, scholars who study the Colombian legal system often characterize it, diplomatically expressed, as “imperfect” (Foweraker and Krznaric 2002), as “authoritarian use of law” (Restrepo 2013, Garcia-Villegas 2001), as the “(un) rule of law” (O'Donnell 1998), or as “perverse constitutionalism” (Garcia-Villegas 2001).

While the concept of rule of law is often contested (O'Donnell 2004), it describes a system governed by laws made by the appropriate authority, publicized and applied also following certain procedures. In addition, a “thicker”

meaning of the rule of law also includes democracy and protection of basic rights and freedoms (Tamanaha 2004).²⁰ On paper, Colombia has rule of law (*Estado de derecho*) since the establishment of the Constitution in 1886, which means that its people and the government should act within previously defined laws instead of according to arbitrary decisions. However, in practice the written laws are often in contradiction with the ways laws are applied, and also with the ways of everyday life.

The authoritarian use of law has historical roots in the colonial times of Colombia when law was interpreted and applied by the Spanish King with great discretion (Garcia-Villegas 2002). Kalmanovitz (2002) describes the Spanish legal system as grounded on a Catholic philosophy based on a feudal, hierarchical and stratified vision of society (Ibid.). In Colombia's current political system, there are no kings or novelties, but instead, a highly centralized presidential system. This legal and political history transcends into social relations that are often marked by large social class differences.

An important example of the authoritarian use of law is the normalization of the "state of siege" *Estado de Sitio* in Colombia during which military courts were given the power to judge civilians for many years (Iturralde 2003). The figure of the "state of siege" or state of exception was incorporated in the Colombian legal system in the Constitution of 1886. It was a legal figure copied from the French system that allowed the suppression of freedoms and rights under exceptional circumstances of public disorder or war. In practice, for 32 of the 42 years between 1949 and 1991, the country was governed under a "state of siege" (Garcia-Villegas 2001). During those years, the ordinary guarantees of the law were put aside, and instead the executive had the power to legislate and to suspend ordinary justice and legal guarantees.

Various governments used the "state of siege" to limit the people's rights of free assembly, free movement, and freedom of expression, as well as to arrest union leaders and political opponents. Under the "state of siege" the president was not obliged to follow normal rule of law, but instead was able to impose military rule (Iturralde 2003). One of the most terrible consequences of the "state of siege" for the rule of law was that great power given to military courts that could judge civilians and apply criminal law (Uprimny, Rodríguez, and Garcia-Villegas 2003). According to Garcia-Villegas (2001), the permanent use of the "state of siege" had a lasting impact on the Colombian legal culture and for

²⁰ See the rule of law index at Freedom House and the World Justice Project among others.

ordinary people the authoritarian use of law became the rule and no longer the exception.

Inefficacy and Overproduction of Law

The Colombian institutional culture can be further characterized by a flexible application of law together with a normative overproduction (Restrepo 2013). According to Kalmanovitz (2002), this flexible application of law stems from colonial times and is represented in the contemporary and common belief that "it is legislated but not enforced." Subsequently, the lack of enforcement is seen as a problem of law itself and, therefore, legal norms are changed all the time, which in turn generates a normative overproduction.

The idea that law must be interpreted and adapted to the practical circumstances of the moment was also coined during Colonial times, when the representatives of the Spanish monarchy would say "law is obeyed but not satisfied" (García-Villegas 2002). According to this position, the officials in charge of the application of law interpreted and adapted the content of law without openly disregarding the norms. Under the catholic monarchy of Spain, to disobey the law was to defy the King, and since it was believed that it was God who gave power to the King, no one would openly accept disobedience of the law (Melo 1996). Instead, the colonial government managed to formally obey the laws without putting them into practice. For instance, the Spanish laws prohibited the exploitation of the native indigenous population and declared that they should be free. In Colombia, the ruling elite kept these laws (*las leyes nuevas*) in secret from the indigenous population and postponed their implementation without major consequences from the monarchy in far away Spain (Ibid.).

This flexible use of law is often perceived as a tool favouring the elites. The phrase *hecha la ley, hecha la trampa* meaning "the law is always made with a loophole" illustrates this belief. Looking for a loophole in law is a common practice in Colombia. Many actors, such as businesses, use loopholes in order to avoid taxes and the payment of social security obligations for their employees (Cardona 2005). This is common practice and together with the inefficacy of law creates many social problems, particularly for those who belong to the most vulnerable groups, for example the large share of domestic workers. Often, they do not even know their rights and the laws that are supposed to provide them with more security and protect them from exploitation. Yet, even when they do and are able to bring cases before a court, which is rare, often it is not enough to

have a favourable legal decision. It is often necessary to start another action to enforce a decision of Court (Uprimny 2006).

The peak of the iceberg of the inefficacy of Colombian legal system is exemplified by our large impunity rates. According to a study of 59 countries in the World, Colombia obtained the third last place in level of impunity (UDLAP 2015). For instance, more than 370 journalists have been murdered in the last 10 years and 90% of these murders are still not resolved or punished (CPJ 2015). Freedom of association is another major issue. Colombia holds a record of 2,940 assassinations of labour union leaders between 1986 and 2012, most of them, victims of paramilitary and state mandated violence. Human rights defenders are also the target of violence with a record of 78 activists murdered only in 2013 (Freedom House 2014). Moreover, there is an increasing preoccupation by the lack of compensation and justice for the victims of the armed conflict (Torres and Alonso 2015).

In addition to the great inefficacy, there is a pattern of normative overproduction supported by the idea that if we cannot (or do not want to) implement laws, the solution is to change them. While economists often argue that stable legal institutions are important for development (Kalmanovitz 2002), Colombia holds quite a different tradition, and the creation of legal norms leads to a normative overproduction (Restrepo 2013). One of the most critical examples of normative overproduction is the number of amendments to the Constitutions. For instance, the Constitution of 1886 was reformed 70 times and the Constitution of 1991 has been reformed 39 times until 2015. This means that since 1991, we have had an average of one reform every seven months. This "normative overproduction" is often considered a sign of weak state capacity, but it also reflects the belief that if laws are inefficient it is necessary to change and expand existing ones, regardless of whether the new ones can be applied (Restrepo 2013).

The Culture of Non-compliance to the Law

The problems of the inefficacy of the legal system are not only linked to political and institutional aspects of the law, but are also part of a culture of non-compliance that has existed since colonial times (García-Villegas 2011). According to García-Villegas, during the centuries that Spain imposed their laws on the colonies in South America, people developed subtle ways to avoid and resist them. Indigenous groups, Afro-Americans and even the colonizers

developed ways to adapt and interpret Spanish law according to their own values. In Colombia, many of the beliefs developed during colonial times are still present in our culture and can be found in colloquial terms and phrases that we use to refer to the legal system.

One of the legacies of Colonialism is the popular use of *malicia indígena* which translates to “indigenous malice” or “flair” (Ariza 2013; Morales 1998; García-Villegas 2006). For many people this may be seen as a bad characteristic, but in Colombia this term has positive connotations and having *malicia indígena* is seen as an important quality in order to overcome harsh conditions. It is often used as a way to describe the ability of the poor and the oppressed (indigenous in the context of Colonialism) to get around political power (Ariza 2013; Morales 1998). The expression is still used in contemporary Colombia to refer to non-conventional and sometimes illegal ways to get things done. Thus, non-compliance to law in everyday life is common in Colombia, for example cutting the line, disrespecting traffic norms, cheating on exams, or, as in the cases presented in this thesis, street vendors and rickshaw drivers who do not have a license, but who continue to go about their businesses (García-Villegas 2011).

While there are always many nuisances to any generalization, overall one could speak of some features of a Colombian culture. The more contemporary description of the cultural values that influence legal culture are summarized in the World Value Survey, which presents Colombians as traditional, catholic, family oriented, hard workers, but also having low levels of trust (WVS 2015). Colombian cultural values are often in contradiction with actions. For instance, a majority of Colombians strongly believe in God, but do not attend church very regularly. Another example is the value placed on family and tradition, yet many women have to raise their children alone (Uribe Díaz 2007). In addition, Colombians tend not to trust strangers, but nevertheless often help people in need because of the absence of a welfare system (Sudarsky 2003). When people talk about and claim their rights, but at the same time disobey laws in everyday life, this double-folded mentality has a significant imprint on the legal culture.

Legal Pluralism

Colombian law is characterized in terms of legal pluralism because of the multiple and often competing normative systems within the country (García-Villegas 2006). Some examples of legal pluralism are the use of transitional justice and military courts, as well as the existence of private systems of justice

exerted by armed actors who control and claim certain territories. Norms that regulate street businesses are another example of the plural normative systems that exist in Colombia.

There are multiple examples of legal pluralism in Colombia. One example is the norms created during the aforementioned "state of siege" under which the president creates a parallel criminal system to judge political leaders and activists (Restrepo 2013). Another example is the transitional justice mechanism created in 2005 to judge crimes committed during the armed conflict (Bell 2009). Indigenous communities have been given autonomous jurisdiction over their territories and exert a legal pluralism accepted and acknowledged by the state (Hoekema 1998). On the other hand, in the territories controlled by armed groups, such as the guerrilla, paramilitaries, and even drug traffickers, these groups have their own set of principles and rules, which are neither accepted nor mandated by the state, but are nevertheless enforced by these groups, leading to an illegal legal pluralism.

In relation to law that prevails in everyday relations, Santos (1987) argues that in Latin America the dichotomy legal-illegal is more complicated, and therefore, he prefers to talk about "interlegality", since state and non-state actors have often applied a mixture of norms emanating from different fields. A very relevant example here is the large number of street vendors in Bogotá who work outside the law, but in practice are ruled by other, informal norms. The Peruvian economist Hernando De Soto coined the term "extra-legality" to underline that, despite being outside the law, the activities of the informal economy in Latin America should not be defined or marked as illegal (De Soto 1989).

In short, the Colombian system is characterized by a pluralism of norms and systems of social control. Multiple forms of social control exist in Colombia. Sometimes these norms are based on state law, sometimes they violate or stand in direct conflict with law, and other times they are just outside or alongside the law. Nonetheless, the Colombian legal system is weak in terms of democratic representation and the use of the rule of law.

The Colombian Paradox: A Hope that Rests on Legal Institutions

Despite the frequent authoritarian use of law and its inefficiencies, a mentality of non-compliance to rules and the existence of plural and often competing social control, the Colombian legal and political system is not entirely authoritarian. According to Gutierrez (2000), there exists legalism and

constitutionalism alongside praxes of illegality and violence. This is a paradoxical situation, because despite a precarious rule of law, there are elements of modernity in the Colombian legal system (Uprimny, Rodríguez, and García-Villegas 2003). According to Serrano and Baier (2015, 53) in Bogotá, “despite believing that the law is not for all, is not necessarily just and that its institutions cannot be trusted, it is used as a social mechanism to create order.” Furthermore, a separation of powers and organs of control have managed to hold the state accountable on different occasions, such as the trials against public officials by independent judicial bodies, something that can be defined as “law in absence of democracy” (García-Villegas 2014).

One institution that stands out is the Constitutional Court created in 1991, which marks an important point in the history of Colombia because it increased the control of the judiciary over the executive and the legislative branches of government (Uprimny 2006). While there are other institutions that have shown signs of being un-corrupted and that exercise control over the government, I will use the example of the Constitutional Court to illustrate the hopes that people associate with the legal system.

In Colombia, the Constitution is not only a formal text, but it also represents the foundation of an institution that permeates the country’s entire legal culture (Uprimny 2006). The Constitution includes a comprehensive bill of fundamental rights that are supposed to guide the entire legal system. This bill of rights is supported by two legal actions, first the “action of constitutionality” and, second, the “*acción de tutela*.” The action of constitutionality is equivalent to the figure of judicial review and allows the Constitutional Court to evaluate whether a law made by Congress upholds the principles and rights that are contained in the Constitution (García-Villegas and Uprimny 2004).

Some examples of legal reviews that have made an impact include the recognition of same sex unions and the protection of their rights (see Decisions T-101-98, T-716-11, C-577-11).²¹ Until the Constitutional Court had made a decision, the recognition of equal rights for same sex couples had been neglected in the Congress, possibly due to the political connotations that this debate has in a catholic country like Colombia where more than half of the population considers that same sex relations are not justified (WVS 2015). Other examples

²¹ The Decisions of the Constitutional Court of Colombia include tutela “T” decisions and constitutionality “C” decisions. A number follows the letter to identify the decision, and the second number corresponds to the years. For instance, Decision T-101-98 is tutela action number 101 from 1998.

of publicly controversial decisions include the sentence of unconstitutionality for the criminalization of the possession and use of personal doses of narcotic drugs (Decisions C-221-94, C-491-12), and the unconstitutionality of the Colombian treaty with the Catholic Church of Rome (Decisions C-027-93). While human rights activists have criticized some decisions by the Constitutional Court because the court did not always follow a progressive trend (García-Villegas 2001), the Constitutional Court is in general seen as a non-corrupt institution.

The second action that has marked the Colombian legal culture in the last twenty years is the "*acción de tutela*." The *tutela* action, a writ for the protection of constitutional rights, is a legal suit that can be used by all citizens of Colombia when the action or omission of a public actor has violated their fundamental rights (Cepeda-Espinosa 2004). It is the equivalent of the "*amparo* action" that exists in Spain and in other Latin American countries. The petition is simple and can be presented in a written or oral form to any judge in the country; it is not necessary to have a lawyer or legal knowledge to present this action. It is only necessary to explain the facts that constitute the violation of a fundamental right to a judge. While the legal system in Colombia is quite slow, the *tutela* action has to be resolved by the judge within ten days (Art. 86 of the 1991 Constitution). Additionally, the failure of public authorities to follow the judgement can be punished with imprisonment for the government officials for a maximum period of six months and the payment of a pecuniary sanction (Art. 52 Decree 2591, from 1991 Constitution).

Citizens can bring constitutional actions, such as the *acción de tutela* to the court, and regular judges use the principles of the constitution in their interpretations of the law, which is constantly evaluated by the court to determine abidance to the Constitution (Fajardo-Arturo 2008). Indeed, over the last twenty years, the Constitutional Court of Colombia has made remarkable decisions to protect civil, political, social and economic rights. Consequently, the court is becoming one of the central actors in the political debate (García-Villegas and Uprimny Yepes 2004). The regulation of street businesses has also been discussed in the Constitutional Court, and therefore, it is important to understand how this particular court operates within the legal system of Colombia, also because it fills a potentially important role in determining the legality of street vendors.

An important example of the practical importance of the *tutela* action for ordinary citizens in Colombia is the increasing use of this action to claim the protection of social rights, particularly the right to access health care. There has been an increase in the use of *tutela* actions, from 8,060 in 1992 to 133,273 in

2010, which illustrates the importance of this action in terms of access to justice, but also the continued failure of the state to protect the rights of its citizens through ordinary administrative means (García-Villegas 2014). An empirical study (Saffon and Villegas 2011) of the decisions of the Constitutional Court between 1992 and 2006 illustrates that most cases of *tutela* (55%) concern the protection of social rights in contrast with civil and political rights (44%). Of the total number of *tutela* actions regarding the protection of social rights the majority (66%) were granted, changing the lives of thousands of Colombians that were able to access medical care, state subsidies, or social payments (Ibid.). In a country with a very slow and ineffective legal system, the *tutela* action stands out as an important legal mechanism for ordinary citizens. In this sense, a representative poll from 2013 showed that 83.7% of Colombians are aware of *tutela* action and most of them have a favourable perception of this action (CCB, Min Justicia, and WB 2013).

In conclusion, despite the shortcomings of the Colombian legal system in terms of democracy and rule of law, there are some reasons to be hopeful about the possibility to achieve a more representative and liberal legal system. Having made a general description of Colombian legal culture, I will now describe the legal regulations that concern street businesses in Bogotá. My intention with this description is to build and present a point of reference for the subsequent analysis of the differences between formal legal controls, as they are prescribed by the law, and social control as it occurs in everyday life.

Regulation of Street Businesses: Historical Perspective

Street businesses have existed in Bogotá since its foundation in 1538 by Spanish conquistador Gonzalo Jiménez de Quesada. The main square, Plaza de Bolívar, was used for centuries as a place for commercial exchange, where people traded different products or services (Carbonell 2013). The Colonial plazas and squares of the 16th century were often used at least one day a week to sell fruits and vegetables, and many were open for commercial activities throughout the week (Carbonell 2013). The city's many squares were also used as nodes of transportation, and people often waited around the plazas to carry passengers or merchandise, either using mules or their own human backs (Ibid.). The use of public space for commercial exchange was seen as a common sense practice and one of the main roles of the city (Ibid.). However, following the expansion of

Bogotá, the central market of the Plaza de Bolívar was re-located to other nearby squares. Since then, different regulations have been written with the goal to delimit the use of space for commercial exchange in the city of Bogotá (Simanca 2007).

In this section, I present the political and historical framework of the regulation of street vendors and the laws that were applicable at the time of my fieldwork (2012-2014). Nevertheless, a short presentation of the history of the regulation of street vendors in Bogotá before the time of my fieldwork is essential in order to understand the current situation. Since the rickshaws represent a more recent phenomenon, most of the historical analysis I present is based on previous studies on street vendors. However, the current legal framework includes both vendors and rickshaw drivers.

Licenses and Prohibitions (1932-1988)

Between 1932 and 1988 street vendors in the city of Bogotá were regulated through licenses. While the requirements changed over the years, in general vendors were not allowed to sell without a permit from the local government and often had to comply with sanitary standards. The first local regulation on street vending dates from 1932 when the city council established the requirement to have a license and a certificate of hygiene to be allowed to sell goods and services in public spaces (Simanca 2007).²² However, the regulation of street vending in the city tightened in the 1950s due to the period of *La Violencia* during which thousands of rural citizens moved to Bogotá. The unprecedented rise in population led to a shortage of employment opportunities, which in turn led to a drastic increase in the number of people working as street vendors. In order to manage the situation during that period, the mayors of Bogotá saw the need to establish control (Simanca 2007).

In 1950 the mayor signed Decree 76, which required all vendors to renew their licenses. However, in order to receive the license, vendors had to be members of an association or union, they also had to get a hygienic certificate every six months, and they had to pay for an identification card (Simanca 2007). The later Decree 573 of 1957 was the first to explicitly prohibit street vendors in some strategic zones in the city centre. Subsequently, Decree 227 of 1964

²² In Accord 37 of August 26, 1932, the city established several measures to regulate street vendors and retail sells.

established the differences between: stationary vendors, vendors that sell from a permanent structure such as a kiosk, and mobile vendors who carry the merchandise with them. According to this regulation, mobile vendors could make use of a box 60 cm by 40 cm to carry their products. Nevertheless, under no circumstances were they allowed to sell their goods in one specific point for a longer period of time, but instead had to move continuously (Simanca 2007). Furthermore, it was prohibited to prepare and sell fresh food in public spaces, including fried pork and slices of fruit. During those years the government of Bogotá built markets and food kiosks in different areas of the city and rented them out to vendors. Nonetheless, the administration of these vending units was problematic from the onset. There were many irregular contracts between the vendors and the government, vendors were often late in paying the rental fees and the city government had difficulties to collect unpaid fees (Simanca 2007). At the same time, the number of irregular vendors in the city was increasing and the enforcement of the possession of licenses was out of control (Ibid.).

The proliferation of street vending in Bogotá and the constant complaints about a lack of control pressed the city's mayors to create a special office for vending policies. In 1972, the city council created in Accord 25 the *Fondo de Ventas Populares* (Fund for Popular Sales). The aim of the fund was to lead the formalization of informal commerce in the city. This fund was in charge of the administration of approximately 770 kiosks and markets, as well as the registry of all informal vendors in the city. In order to be registered, vendors had to be affiliated to a union or an association of vendors and subsequently had to pay twenty pesos (COP\$20) for an identification card. The office in charge of vending policies was understaffed and had difficulties to tackle the workload it was confronted with. It soon became obvious that having a registry of licenses for all vendors in the city was nearly impossible. The collection of fees and rents from the kiosks and stalls alone consumed most of the time. In the early 1980s, there were discussions within the city government to close the office since it had not accomplished control over the continuous proliferation of street vendors in Bogotá (Simanca 2007). During 1985, there were many debates about what to do, and the employees of the office argued that they operated with a small budget, and that their office building was in poor condition, without access to water or electricity. Moreover, the office staff argued that exercising control over the city's street vendors would require major investments. The staff also had difficulties to enforce the collection of rents from the kiosks and markets. Many vendors often argued that they should be exempt from paying due to the poor conditions of their stalls and kiosks, some of which were abandoned or had broken roofs and doors (Simanca 2007).

During those years, in particular the 1980s, the city government passed different norms to regulate street businesses, which often created confusion about the times and procedures for getting a vending license. According to Donovan, the permits and licenses were often given to vendors who had friends in politics and authorities, or through bribes (2002). Through the years, political leaders gave various permits to a few individuals arbitrarily, and the city had no control or accurate registry over the number of permits issued. According to Nancy Nelson, vendors had to find a “political uncle” or a friend of a friend that could help them get the vending permit they needed (Nelson 1992). Vendors’ unions often played an important role during city council elections, and some of them managed to negotiate special permits and licenses for their members (Donovan 2008, 35). However, most of the vendors did not have a permit or license; this was a privilege for only a few. According to the census in 1985, there were 15,084 vendors in the city and only one third (32%) of them had a permit or license for their business (Simanca 2007).

The War on Street Vendors (1989-2003)

Urban scholar Michael Donovan (2008) has described the policies on street vendors between 1988 and 2003 as a war over space in order to crack down on the activities of street vendors in the city, and to recover state control. In the 1990s, the policies towards street vendors changed from a model based on political connections to a model that prioritized the recovery of public space for the citizens of Bogotá. In this new model, all street vendors were considered illegal regardless of their licenses or permits. Some of the most important changes in street vending policies occurred between 1995 and 2003, following the elections of two mayors from non-traditional parties. The first was Antanas Mockus, the former rector of the National University of Colombia, who became mayor with the help of one of the least expensive political campaigns in the city’s history, and without connections to the main political parties in the country (Montezuma 2003). He was elected twice for the periods between 1995-1996 and 2000-2003. One of his main interests was to defend public space, which in his opinion was “sacred.”

Mockus is considered one of the mayors who changed the history of Bogotá from chaos and lack of order to a more organized and clean city. However, Mockus was not popular among street vendors. During his term, police evictions of street vendors were frequent. In a study of the policies implemented during these years in Bogotá, Parra criticized Mockus’ ideology of “citizenship

culture” as a form of dispossession of citizenship for already disadvantaged groups of society. By forcing street vendors to become good citizens by evicting and prohibiting their economic activities and means of gaining their livelihoods, the city government was effectively taking away their rights as citizens and imposing unbearable duties on them (Parra 2009).

However, the most aggressive plan to recover public space was implemented by Mayor Peñalosa between 1998 and 2000. In one of the most tragic evictions of the time, 3,000 police officers, bulldozers and a helicopter were used to expel 400 vendors in the area known as *San Victorino* in 1999 (Donovan 2002). Mayor Peñalosa had a dream of transforming Bogotá to compete with other European cities. His main efforts were dedicated to the improvement of the city infrastructure and the construction of a rapid bus transport system called *Transmilenio*. Furthermore, he also built parks, cycling paths, and public libraries. Mayor Peñalosa also created the Administrative Department for the Defence of Public Space (DADEP) to coordinate the recovery and defence of public space, which remains an important authority in Bogotá to this day. The perception of what is public space and who gets to use it is contradictory in many ways. A great illustration is the space that is appropriated by private cars, formal businesses and construction sites. According to official statistics, street vendors are responsible for less than 10% of public space ”invasions”, while the principal ”invaders” of sidewalks are private vehicles (Hunt 2009).

Peñalosa’s main policy towards street vending included forced re-locations. During his term as mayor of Bogotá, he built different retail sections in the city to accommodate a large number of street vendors. His policy of relocation was partly the result of more than 1,016 *tutela* actions started by the street vendors that were affected by the policies of recovery of public space. Based on these *tutela* actions, the Constitutional Court of Colombia decided in 1999 that Mayor Peñalosa must offer relocation programs prior to evictions (SU-360-99). However, according to an audit made by the city’s comptroller office, many of the spaces of those relocation programs were empty after relocation (Contraloría Distrital 2013). Since there was not enough space to relocate all city vendors, the program focused on the recovery of strategic areas, and the police forced thousands of vendors away from their common areas. However, after police controls were relaxed and became less frequent, old and new vendors re-occupied the streets, and most relocation programs were rejected by the vendors and unsuccessful because the assigned areas lacked customers (Donovan 2008).

During the second term of Mayor Mockus, he put great effort into passing a new Police Code through the city council. The Accord 79 of 2003 was intended

to further control street vendors. The approval of the police code was the catalyst for the largest demonstrations in the history of the vendors' social movement, crowding the city's main square with about 25,000 vendors on the 19th of July 2003. "We ask Mayor Mockus to let us work, we need to provide for our children, and we have the right to work", said Eduardo Guzman, one of the leaders, during the demonstration.²³ At the end of the day the Mayor agreed to create a committee to discuss policies for street vendors with the participation of their leaders. This is how the "Committee of Street Vendors of Bogotá" was born. While it was during the administration of Mockus that vendors agreed on the creation of this committee, the implementation was only possible a year later, under the newly elected Mayor Luis Eduardo Garzón.

Social Dialogue: The Mayors from the Left (2004 to 2015)

The process of creating the Committee of Street Vendors of Bogotá took some time. Only a year after the demonstration, in May 2004, more than 12,000 vendors elected their representatives for the committee (Gilbert and Garcés 2008, 218).²⁴ The transparency of the process created an important space for dialogue and participation (Castañeda and Garcia 2007). In addition, the committee received one vote on the board of the office in charge of street vendors' policies (i.e., the Fund for Popular Sales).²⁵

The committee for street vendors is an important representative body that gives a voice to street vendors and can influence regulations that affect street vendors. While the social movement of street vendors is relatively weak and most vendors are not part of an organization, the committee has so far held three elections since 2004. Furthermore, the various associations of street vendors formed a national association of informal workers called "the General Union of Independent and Informal Workers" (in Spanish: *La Unión General de Trabajadores Independientes e Informales - UGTI*). UGTI was created in 2009 and has about 25,000 members. It is a member of Streetnet international, a member based organization of street vendors from around the world (Information based on Interview with the leader of UGTI, 2012).

²³ Taken from the Newspaper "El Tiempo" July 19, 2003.
<http://www.eltiempo.com/archivo/documento/MAM-972683>

²⁴ In 2007, the city again held elections for street vendor representatives; this time more than twice the vendors participated.

²⁵ *Decreto Distrital* 099 of 2011

The vendors committee was elected during the term of former labour union leader Luis Eduardo Garzón, who was elected as Mayor of Bogotá (2004-2007) under the slogan “Bogotá without indifference.” He was elected with the support of many social movements and had promised to focus his efforts in poverty reduction and the promotion of social inclusion. Garzón included the “formalization of the work of people or organizations in a position of vulnerability with emphasis on street vendors”²⁶ in the city development plan for 2004-2006. Nonetheless, despite these positive ambitions, the forceful eviction of street vendors continued under Garzón. In May 2005, he ordered 1,800 policemen to remove 1,300 vendors from a major vending area in the centre of Bogotá (Hunt 2009).

Under Garzon, Bogotá started a new phase of street vending governance, continued by mayors Samuel Moreno (2008-2011) and Gustavo Petro (2012-2015). Although there continued to be evictions during these years, they were less frequent, and the policy assumed a more tolerant stand. However, since 2005, the mayors of Bogotá recognize the vulnerabilities of street vendors, but continue to justify evictions using the battle against organized crime and mafia structures, which are assumed to use street vending as a source of income .

The changing views and policies towards street vendors bear resemblance to the game of “hide and seek.” Vendors continuously have to run away when the police arrive and return soon after the police have left. In order to control all public space from vendors, it would be necessary to have one police officer in each corner, which is simply not feasible. Until now, vendors have always found ways to move around, adapt to changing circumstances and regulations and ultimately survive, not only in Colombia, but in many places around the world (Crossa 2009). Control over public space varies also within the city and often control is higher in strategic places such as tourist locations in contrast with less affluent neighbourhoods (Konzen 2013).

²⁶ City Development Plan, approved by the city council in *Acuerdo* 119, 3rd of June 2004. In Spanish, *Plan de Desarrollo de Bogotá* 2004-2008.

The Legal Framework of Street Vendors

The Colombian legal system is based on written law, in contrast to common law, and it follows the Napoleonic civil code tradition. Therefore, the main source for the judges is written law. Doctrines and legal precedents are used as secondary sources of interpretation.²⁷ In addition, Colombia is also a decentralized state divided into 32 departments and 1,003 municipalities, whose governments also have regulatory capacity and the power to make laws. However, those regional and local laws must be in accordance with the Constitution and other higher ranked norms.

Following the Constitution, which is the supreme norm, there are national, regional and local laws. At the national level, the congress makes laws (*leyes*), the president decrees (*Decretos Presidenciales*) and the ministries make *resolutions* to interpret and implement the law. At the regional level, the assemblies represent the legislative power and the laws they produce are called *ordenanzas*. At the municipal level, the legislative power is the city council and the laws they enact are called *acuerdos* (or accords). In turn, the executive powers at the regional and local levels also produce norms called *decrees*. In brief, the Colombian legal system is organized like a pyramid where the supreme norm is the Constitution and therefore lower norms should not go against higher norms. Similarly, the norms of the legislative power have a higher rank than the norms produced by the executive power.

Although the main laws regulating street businesses in Colombia are of local origin, due to the use of *tutela* actions, the Constitutional Court has made important decisions to determine the way in which the government must uphold the fundamental rights of the vendors. In the following pages, I present these laws in detail.

²⁷Article 230 of the Constitution of 1991: "The judges, in their decisions, are subject only to the rule of law. Equity, law, general principles of law and doctrine are auxiliary criteria of judicial activity."

Fighting for Rights in the Constitutional Court

In Colombia, most of the legal norms regulating street vending are of local origin. The current situation of the regulation of street vendors is marked by restrictions and an unclear legal status of street vendors (Donovan 2002). Within regulation at the city level, the decisions of the Constitutional Court stand out as an effort to limit the action of city governments to evict and confiscate the goods of street businesses. On one hand, there is a lack of protection from law, but on the other hand and the courts often decide that the municipal governments must provide alternative work or areas for re-location prior to evictions of street vendors. In this section, I present the most influential decisions of the Constitutional Court and the most important local norms regulating the work of street vendors and rickshaw drivers in more detail.

Street vendors in Colombia have used *tutela* actions to claim their rights since the establishment of the Constitution of 1991. On multiple occasions, the court has ruled on the conflict of rights between the vendors' right to work and the collective rights to public space and movement. While the jurisprudence has changed over the years, the main line of argumentation has attempted to balance the collective right to public space with the right of the street vendors to work and earn a livelihood. To harmonize those rights, the Constitutional Court has ordered the municipal governments to provide re-location or alternative work prior to evictions. While the case of rickshaw drivers is more recent within the jurisprudence of the court, beginning with the first decision from 2013, the court's decision also considered the need to protect the drivers' right to work.

From a legal perspective, the main problem of the jurisprudence of the Constitutional Court in regard to street vendors is whether the right to public space prevails over the right of the street vendors to work. The two articles of the Constitution that are frequently analysed by the court when deciding on the rights of street vendors are Article 25 on the right to work and Article 82 concerning public space. These two constitutional articles state the following:

Art. 25 Work is a right and a social obligation and has, in all its forms, special protection from the state. Everyone has the right to decent and fair working conditions.

Art. 82 It is the responsibility of the State to ensure the protection of the integrity of public space and its assignment to common use, which prevails over individual interest. (National Constitution of 1991)

The first time the court made a decision in the case of street vendors was in 1992 when the court examined 172 *tutela* actions brought forward by street vendors in the city of Ibagué (approximately 200km south-west of Bogotá) against a municipal decree prohibiting street vending in the city centre (T-225/92). The court made an interpretation of Art. 82 and Art. 25 and ruled that in Colombia the collective interest has priority over the interest of particular individuals. Therefore, the government in this case was allowed to regulate the use of public space against the constitutional rights of street vendors to work. However, the Court argued that the right to work is also important, and in order to balance the coexistence of these two constitutional rights the state needed to provide re-locations for the vendors.

The court's decisions have changed over the years. One of the first changes in the jurisprudence concerned the conditions that a vendor must meet in order to receive re-location prior to eviction. In 1992, only vendors that had licenses or permits were provided with re-location alternatives. The reasoning of the court was based on the principle of *confianza legítima* (legitimate expectations). In Decision T-225/92, the court argued that when the state has issued permits to vendors to work in public space, they have a legitimate expectation to be able to conduct their businesses and therefore the right to be re-located prior to evictions.

Having a license as a condition to be re-located prior to evictions only protected the rights of a few vendors, since the majority conducted their businesses without any kind of legal permit. In 1996 the court changed this criterion in Decision T-438-96 and argued that street vendors that have occupied public space for a long time cannot be evicted, but it does not specify how many years constitute a long time. The court contended that Colombia is a state of rule of law and the omission of the state to act in due time has created a *de facto* right for the vendors to use the public space. The court made this decision based on the principle of acting in "good faith." With this decision by the Constitutional Court, the protection of street vendors' rights was extended to vendors that have occupied a certain place for a longer period of time.

The precedent concerning the need to provide re-locations was subsequently developed in other decisions, often with reference to the socio-economic situation of mostly poor street vendors and the survival needs of many families in Colombia. A relevant example for the city of Bogotá was Decision T-772 of 2003, based on a *tutela* case concerning a vendor who experienced the confiscations of his goods and was badly treated by the police, and ultimately sent to prison. In this case, the court argued that since Colombia was a state

with a “social rule of law”, there was a compromise by the state to support individuals to enjoy their freedom mainly when it concerns the need for a basic income for survival. In the argumentation, the court considered the poverty that many people in Bogotá live in, the social and political conditions of the country, and the increased number of internally displaced people arriving in Bogotá in order to escape the armed conflict in the rural areas. In this case the court ruled,

You cannot pretend that, in a context of poverty that afflicts the capital of Colombia ... and in the absence of opportunities in the formal sector, thousands of people must use the roads, squares and public parks to sell goods of various kinds, in order to meet their own basic needs and those of their families.
(Decision T772-03)

However, the court maintained that evictions are possible, but insisted that the government should have policies to provide alternative means of work for the people that depend on this kind of economic activities for their subsistence. This decision is important for the analysis of the cases presented in my thesis. The leaders of the vendors often cite this decision (T772-03) when talking about their rights, particularly when arguing about the need to receive support from the government. For street vendors, another interesting development of the precedent is the distinction between mobile vendors, semi-stationary vendors and stationary vendors. In this regard, the court considered that the vendors who carry the products they sell with them are not limiting the collective right to public space. In this regard, the court stated:

... [T]he street vendors carrying on their body the goods they sell, do not represent prima facie restriction on the right of citizens to enjoy wide public space. (T-772-03 of 2003)

From 2003 until 2015 the court has continued to rule in line with the protection of the right to re-locations for the vendors. The court also added that vendors are in a situation of vulnerability due to the conditions of poverty and unemployment in Colombia. Thus, it emphasized the state’s responsibility to protect certain groups. In this regard, Decision T-386 of 2013 maintained the need to protect vulnerable groups, including internally displaced people, elderly people, women, ethnic minorities and indigenous groups, children and people with disabilities. In the words of the court:

...[P]eople engaged in informal trade cannot be deprived of their livelihood, without the authorities offering them additional mechanisms through which they can meet their needs effectively to uphold their fundamental rights such as life, dignity, the subsistence minimum, equality, and work, among others. (T-386 of 2013)

One of the most recent decisions on street vendors, T-146 of 2014, concerned the eviction of a vendor of lottery tickets who was wheelchair bound. The court reiterated the previous decisions that vendors who are mobile and carry their products with them do not invade public space and should not be evicted. In this case the court stated:

Since in this case the vendors is in a wheelchair and sells his merchandise (lottery and scapulars) without occupying public space, he is not an obstacle in himself to the movement of people or vehicles beyond his physical, personal presence. (T-146 of 2014)

In summary, street vendors in Colombia can use the *tutela* action to protect her right to work in times of evictions or confiscations. However, according to the court, the right to work is contrasted with the right to public space, which has prevailed in precedents under the consideration that it is a collective right. In this regard, the right to work is upheld not by allowing vendors to remain in public spaces, but instead by obliging the government to provide alternative means of work or re-location alternatives prior to evictions. While the right to re-locations was initially reserved to vendors with a license, the court later widened this criterion to include vendors that have used a certain space for a long time. Moreover, the court added the need to protect vulnerable groups. Finally, the court ruled that mobile vendors, those who carry the products they sell on their bodies, could not be evicted under the argument of public space use, because they do not represent an obstacle to other citizens.

While the jurisprudence concerning street vendors is rather extensive, until 2015 there had been only one decision by the Constitutional Court on rickshaw drivers. In decision T-442 of 2013, the court reviewed a *tutela* claim by different associations of rickshaw drivers against the government of the City of Bogotá and the police for violating their right to work. While the court rejected the main claim of the *tutela* action concerning an order to the police to cease the confiscations of their vehicles, the court made a ruling stating that the city government must regulate the activity of rickshaws. In this sense, the court stated that the Ministry of Transportation must decide whether rickshaws can be

used to transport passengers, and the city government must regulate the operation of their businesses.

In Decision T-442/13, the court also used the principle of "legitimate expectations" and told the city government to consider this principle and the needs of rickshaw drivers when deciding on the regulation of this business. To this effect, the court stated:

...the *bicitaxismo* [rickshaw] is an activity that has been exercised for more than ten years in the city, which has generated among its practitioners a sense of acting with the consent of the government and, therefore, the state is obliged to take measures to mitigate the impact on fundamental rights, especially the right to work and the subsistence minimum. (T-442/13 of 2013)

This decision only requests the government to regulate the economic activity of the rickshaws, but does not recognize or assign any specific rights to them. According to the court, the *tutela* action in this case was not based in the specific violation and instead was used by the plaintiffs as a way to prevent future evictions and confiscations of their vehicles.

While the decisions of the Constitutional Court are important in the vendors' and the rickshaw drivers' struggle for the right to work, the right of citizens to public space has continuously been prioritized. In this sense, the court still allows evictions, but it has ordered that prior to evictions, vendors and rickshaws drivers should be given alternative means of work, or the opportunity to relocate their businesses. However, in practice the concrete application of this mandate depends on new *tutela* actions filed by the street vendors and rickshaw drivers claiming their right to work. In this regard, the arguments and rulings of the court can be used for new cases. Nevertheless, people still need to bring their cases before a judge (Uprimny 2006).

Evictions and Confiscations

In this section I describe the more contemporary regulation of street commerce and specifically the legal norms that were valid during the years I conducted fieldwork in Bogotá (2011-2014). From a legal perspective, cities in Colombia can regulate street vending through "*acuerdos*" approved by the city council, or decrees approved by the city mayor. *Acuerdos* have a higher normative rank and provide a more stable regulation, since the municipal legislator approves them. Decrees on the other hand are more volatile, since the mayors can easily reform

them. In Bogotá, *Acuerdo* 79 of 2003, which established the Police Code of the City, represents the main legal norm that regulates street vending. This is a general code regulating different behaviour that affects the co-existence of citizens. Street vending is only dealt with in a few articles.

Among the most important, *Acuerdo* 79 of 2003 prohibits street vending, based on the argument that it is a wrongful conduct affecting the preservation and use of public space. Article 70 of the Police Code of the City establishes that behaviour that is favourable for the preservation of public space requires citizens to:

Not promote, encourage or facilitate directly or through a third party squatting of public space by mobile or stationary vendors. (Art. 70 *Acuerdo* 79 of 2003)

Subsequently, Article 80 considers that it is a wrongful occupation of public space carried out by mobile or stationary vendors, except in cases where there is the proper permit issued by the competent authority (Art. 80 of *Acuerdo* 79 of 2003)

The main sanction for conducting street vending is the removal of the vendor and the confiscation of her goods. However, the police also has the power to verbally request vendors to remove their businesses from public spaces, and in case of refusals to cooperate, the police can send the vendor to a transitory detention centre called the Unit of Permanent Justice (UPJ) for up to 24 hours. In the case of evictions, Article 181 gives the police the capacity to recover public space through a process of immediate restitution. However, this process must follow Decision T-772 of 2003 by the Constitutional Court concerning the need to inform the vendors in advance and to provide them with the possibility of re-location. The details of the process of evictions are prescribed in Decree 098 of 2004. This decree contains the following legal steps when a local mayor wants to recover a specific area in public space:

The local mayor issues the administrative act declaring the need to recover certain public spaces.

This act must be announced to the vendors within 15 working days through leaflets, and the local government must collect the following information from the vendors: the location where their activity takes place, the full name of the vendor, identity card number and home address. This register must be signed by the vendor and is then sent to the Institute for the Social Economy (IPES) to determine the kind of re-location or alternatives that can be offered.

Then, informal vendors covered by these measures have a period of one month to select one of the economic programs offered through the IPES.

After this time, the local mayor will order the police to enforce the recovery of public space within 15 days.

The day of the eviction, the local mayor and a delegate of the Public Ministry will write the minutes of the diligence.

The police can also confiscate the goods of the vendors and, in that case, must follow the terms of *Acuerdo* 79 of 2003 (Decree 098 of 2004).

Article 178 of *Acuerdo* 79 of 2003 regulates the confiscations of the vendors' goods in the following terms:

Perishable legal goods must be returned to their owners or possessors within 24 hours of retention.

Durable legal goods must be returned to their owners or holders within 10 days of retention.

The legal regulation of public space in Bogotá varies between "recovered spaces" and common public space. While the procedure presented above is followed to evacuate vendors from common areas, once those areas are cleared they become "recovered spaces." According to Article 12 of Decree 098 of 2004, the police are allowed to remove the vendors occupying recovered places and to confiscate their goods without the previous process or any kind of administrative act.

Transitional Zones

The Police Code establishes the prohibition of vending unless there is a permit. In Bogotá, the city created transitional zones in Decree 419 signed by the mayor of Bogotá in 2006 as part of a general plan to regulate the use of public space. This Decree defines the 'transitional zones' as places where vending is allowed until the government can offer economic alternatives to street vendors. The Decree establishes in Art 19:

Transition Zones of Authorized Use: As one phase of the process leading towards the recovery or renovation of public spaces affected by the proliferation of informal sales, and until we can offer economic alternatives to the people developing this type of activities, the Mayor or the competent authority can establish transition zones of authorized uses. (Decree 419 of 2006).

While the Decree also talked about the need to “conciliate the right to work with the right to public space”, the object of the vending zones reflects a great interest in the recovery of public space. Moreover, from a social control perspective, the vending zones illustrate an interesting way of regulation because they were not based on individual licenses but on a permit given to an association of vendors. The specific permit for each zone was decided by the local mayors of the twenty districts of Bogotá, through a resolution. This permit operates like a contract that contains the specific rules in the transitional zones including the rights and duties of each party, the time frame for the zone, and the specific location. According to Decree 419 the basic rules inside the vending zones are the following:

1. Vendors cannot place objects outside the tents that can create obstacles for pedestrian circulation.
2. The vendors must exhibit their products only inside the tents.
3. Minors are not allowed to work in the vending zones.
4. Vendors should not dump solid waste in the areas around the vending zones
5. Vendors should take care of the public space that is temporarily assigned.
6. The time limit of the vending zones is one year, but that can be extended to one more year.

The Decree did not specify anything about the payment of taxes or the registration in the chamber of commerce for the individual businesses. In practice neither the government nor the vendors talked about taxes, they only referred to the regulation of public space. Thus formalization in Bogotá was mainly understood as a way to enforce public space laws, not the entire legal system controlling businesses, which includes among others tax law, civil law and labour law.

Rickshaws: Waiting for Legal Regulation

While there was not a specific norm regulating rickshaws in Colombia or in Bogotá until 2014, the evictions and confiscations of rickshaws were based on the regulation of the transportation of passengers, which does not include the

possibility to use rickshaws. Law 769 of 2002 regulates the transportation of passengers, and according to this norm rickshaws are not defined as vehicles that can be used for this purpose. In Art. 2, this law defines public service vehicles as “approved motor vehicles designed to carry passengers, cargo or both by charging a fee, postage, freight or passage.” This was the main norm and it was used by the police to confiscate the rickshaws.²⁸

The sanctions for driving non-motorized or animal-pulled vehicles are contained in law 1383 of 2010, specifically Art. 134. According to this norm, the drivers of unauthorized vehicles will be sanctioned with a fine of four minimal wages, and additionally, the vehicle will be immobilized for a certain period of time.²⁹ However, in Decision C-981 of 2010, the Constitutional Court solved a lawsuit of unconstitutionality against this norm and ordered the City of Bogotá to regulate the transportation of passengers in this kind of vehicle. The court argued that to regulate the use of different vehicles of transportation in detail does not lie in the competence of the national legislator, and that instead, this is something that should be decided at the local level.

In the case of Bogotá, since 2011 the city council has discussed five potential *acuerdos* (local laws or accords), but none of them have so far been approved.³⁰ According to the local government, the regulation of public transportation of passengers is an issue that must be solved first by the ministry of transportation, and until then, the main action continues to be evictions and confiscations (T-442-13).

²⁸Following Decision T-442 of 2013 by the Constitutional Court, the Minister of Transportation initiated a process to draft a norm regulating rickshaws. By the end of 2015, this norm had not yet been approved, but the ministry approved of a technical norm that specifies the requirements of the design of rickshaws to be safe.²⁸ This norm is called *Norma Técnica de Calidad ICONTEC 5286* from 2015. The approval of this norm was the first step in the process of regulation, but the ministry has to generate a resolution accepting the use of rickshaw, and thereafter, the City of Bogotá must regulate the licenses.

²⁹According to Law 1383 de 2010, the vehicle will be immobilized for the first time for a period of five days, for the second time twenty days and forty days for the third time.

³⁰The City Council of Bogotá has discussed until 2015 the following *acuerdos*: 260 of 2012, 24 of 2013, 122 of 2013, 180 of 2013, and 261 of 2013.

Contradictions in the Regulation of Street Business

I started this chapter showing the contrasts and paradoxes of the Colombian legal and political system and the weaknesses of Colombian rule of law. This paradox includes the cases of the regulation of street businesses and the multiple contradictions of rights, laws, and practices. On the one hand, street vendors have a constitutional right to work, although they must comply with public space regulations. They are exposed to local laws that allow evictions, while at the same time they can use *tutela* actions to protect their right to work. There are strict regulations concerning the use of evictions, but in practice it is uncertain to what extent these legal norms are followed in the normal course of police work.

Tutela actions only protect individual rights, and therefore, governments only protect the rights of people that use this judicial action. This creates a paradox, because while according to the precedent the court would decide in favour of some protection for people engaged in street businesses, in practice local mayors can wait until they receive the judge's order. This creates a situation in which one must show a *tutela* action in order to receive protection of one's rights.

Looking at legal norms that regulate street vending and rickshaw drivers, it is possible to see how legal control "ought to" be exercised by the police. However, it is necessary to contrast these written laws with the everyday practices of the police and the local government. Therefore, this description of the legal framework will be a point of reference for the analysis of the ways in which law was experienced by the vendors and rickshaw drivers in their everyday work, as well as, my observations in the field.

5. The Norm of *Acreditar*

Most street vendors in Bogotá work in violation of the local law that prohibits the use of public space by mobile or stationary vendors.³¹ However, they do not operate without regulation; rather, different practices of social control influence the way they work. In this section, I explore one kind of social control, i.e., informal control, based on the norm³² of “*acreditar*”, which can be translated to English as: to get an informal right to use a space spot in the streets. The norm of *acreditar* is enforced through informal control, as the decentralized and spontaneous ways in which a social group enforces a norm.³³ This means that informal control is often working without a hierarchical organization steering it or imposing it.

Street vendors in Bogotá often explained that in order to get a good spot on the street where they can work, they have to go through the process of getting the spot accredited. They often use the word “*acreditar*” to refer to an informal process of allocating the different locations on the streets. To become “accredited”, vendors have to repeatedly return and use a spot for a period of time until the people around recognize them. This process provides them with the legitimacy to be able to claim the spot. *Acreditar* can therefore be defined as a social norm that secures access to space among street vendors.

According to Ellickson, “Norms [meaning social norms] are harder to verify because their enforcement is highly decentralized and no particular individuals have special authority to proclaim norms” (1991, 130). Nevertheless, it is possible to argue about certain norms and what they mean through the

³¹ The prohibition of street vending is found in Art. 80 of *Acuerdo* 79 of 2003. For more details, see the legal framework of street vending presented in Chapter 4 of this thesis.

³² Unlike legal norms, which are adopted by the political system, social norms are built upon social interaction in a more spontaneous way (Hydén and Svensson 2008).

³³ Ellickson defines informal social control as “the system of social control that arises out of the operation of decentralized social forces” (1991, 131). Other definitions of informal control were introduced in the theoretical chapter of this thesis.

observation of patterns of social control. The fact that many of the street vendors I interviewed explained that they were obliged to respect the spots used by accredited vendors is an indication of a norm. However, the most observable way to identify this norm is that street vendors regularly punish newcomers who infringe on or even occupy their spots with spontaneous reprimands, verbal aggression, gossip, and the threat of violence.

In this chapter, I present excerpts from my field notes that illustrate how the process of *acreditar* works and the way informal practices of social control shape this process.

Accrediting a Spot

The process of *acreditar* starts when a new vendor begins selling on the streets. Vendors told me that in order to start work as a street vendor, they have to go out there and just start selling wherever they can or are allowed to by other vendors. However, finding a spot where you can sell takes time and effort and is not easy. Another aspect you need to consider is the kind of products or services you want to sell, because vending, like *mots* businesses, requires you to sell something that is demanded by your customers. The first thing vendors do is to try out different places until they find a good spot where they are allowed to stay and where they find many costumers. Then they have to return to the same place every day to get the spot accredited in order for others to recognize them. The story of Cali in Santa Librada, illustrates a common way to get accredited for a business spot, or, in his words, “*acreditar el puesto*.” Cali sold *cholados*, an iced drink which main ingredient is *lulo*, a typical fruit native to the Andes that is also known as *naranjilla*, or little orange. This drink is made out of crushed ice and small pieces of *lulo* and other exotic fruits. Cali, the *cholado* vendor, worked in a street intersection near the vending zone in Santa Librada. The following excerpt is taken from the field notes I took the day I met Cali. It illustrates how he had managed to set up his business and got accredited on this spot.

Today, I spoke to the man selling *cholados*. He is often busy with costumers and he seems to have a good vending site, very close to the vending zone. Next to the *cholados* vendor, there is a man selling pirate copies of music CDs, a man selling *chaza* and a woman selling socks. The name of the *cholado* seller is Cali. I have seen him selling before, always on the same corner. Today, I spoke to him about

his work. I asked him how he had started his business there. Cali explained that when he arrived there two years ago, he had talked to the man selling CDs as well as the *chaza* seller. He had asked them if he could stay there and they had replied, "*Mijo vaya y acredite su puesto*", meaning, "Go ahead and get your spot accredited." Since that spot was vacant, they told him that if he came every day he could get accredited for that spot. Cali explained that one has to come every day to get "accredited" for a spot. Cali explained that now people in the area, including the police, had started to recognize him. (field note based on a short interview from August 20th 2012).

The previous excerpt illustrates different aspects of the *acreditar* process. First, it shows that in order to get accredited for a spot, vendors ideally must look for places that are "not taken" by other vendors who sell the same product or service. There is an unspoken rule about the need to respect the spots of other vendors already working in the streets. This practice is similar to the informal norm of "first come first serve" and shows that people tend to respect the spots where regular vendors have displayed acts of use based on informal usufructuary rights for a period of time.

Avoiding Competition

Street vendors often try to set up their businesses in busy places such as bus stops, close to shopping centers, supermarkets, schools, churches, government offices, in public parks, and on public squares. However, it is very likely that there will be vendors already located on these lucrative spots, and one will have to negotiate access with accredited vendors in order to be allowed in these spots. Different strategies can be used to start up a business in a good spot. You can set up a business by parking your pushcart, setting up a table or spreading out a blanket on the floor and start selling. Sometimes, people around you will not bother about your presence, and you can conduct your business in peace. However, if you pose a source of competition, it is very likely that other vendors will ask you to move and that you will need to walk around until you find a free spot. One example of a business in which there is a lot of competition for good spots is the *chaza* business. A *chaza* is a wooden structure that looks like a box on four wheels from which a person sells candies and cigarettes. Vendors using this structure are often called, *vendedor de chaza*. The *chaza* is easy to move around, and the products they sell are usually in high demand. However, one must be in the right spot and not have too much competition in order to

succeed. The following excerpt from an interview with Raul, one of the *chaza* vendors near the Santa Fé mall, illustrates how *chaza* owners find good spots.

I asked Raul about his business and when he had started to work in the vicinity of the Santa Fé mall. He explained that he had first moved around until he found a good spot. "I started to walk around near Portal del Norte, but there were already few *chaza* man there, so I couldn't stay there", he said. I asked why he had not parked his *chaza* next to them. He replied, "It's obvious that you can't park your cart next to another *chaza*, because that person is going to be upset. I mean, there's no point in causing that kind of competition." Raul had continued to move around for a while. He tried different places until he found this corner. He was the only *chaza* vendor there. (Interview from December 17th 2013).

Many vendors explained that in order to start selling you simply have to go to the streets and start selling. "There is money to be earned in the streets, and you have to go out there", Raul told me. He said that it was important to try out different places and see whether a place was good in terms of customers, and if the police and other vendors would let them work in peace. The following excerpt is from a visit to the Santa Fé mall and illustrates how a new vendor (Pilar) had set up her business next to an already established vendor (Raul).

Today I visited Raul, and I saw that there were other two vendors on that corner, a woman selling popsicles from the Bon Ice Company and a woman selling gloves and scarves. The name of the woman selling popsicles was Pilar. I asked Pilar how she had managed to set up her business there. She explained that when she first arrived, the only vendor on this corner was Raul. She said: "I just parked my cart a bit away from him and started to sell." I asked whether she had received Raul's approval. Pilar said, "I didn't ask him if it was ok, and he didn't say anything. This was a vacant spot. Plus, I sell ice cream and he sells *chaza*, so he can't say anything. I mean, as long as I don't park my pushcart in his spot, he doesn't have the right to come and say anything" (field note based on observations and a short interview from January 11th 2014).

According to Pilar, when looking for a business spot you have to respect already established vendors' spots, park yourself some distance away and not pose competition by selling the same products. Indeed, many street vendors claimed that no one owns the streets and that anyone in need should be able to start up a

small business.³⁴ However, I found that this is not how the reality works and the excerpts and stories I present show that avoiding competition is a way to avoid problems and conflicts with already established vendors. Thus, the norm of *acreditar* worked to control newcomers from setting up their businesses where someone was already selling a similar product.

Enforcement of the Acreditar Norm

While people's stories of *acreditar* show that this is a common way of working in the streets, according to Ellickson (1991, 130) the best way to illustrate the existence of a norm is to show patterns of regular enforcement. Thus, the question is, what are the consequences of taking a spot that someone else has used on a regular basis.

Vendors reacted in different ways to violations of the *acreditar* norm. Often vendors approached newcomers and told them that they had to leave, through a warning. If the new vendor agreed to leave the place, then the problem was solved and compliance with the norm was achieved. If the new vendor refused to leave, accredited vendors could use verbal abuse (bad-mouthing) to punish them. Vendors also used gossip to spread rumors about new vendors who disrespected the *acreditar* norm, giving them a bad reputation. Vendors who refused to leave were subjected to a bad working environment. Finally, this social control could also escalate into the threat of physical violence and the actual use of violence. In this section, I consider some of the practices of the sanctions and in general practices of social control that emerged during my fieldwork.

Warnings

During my conversations with street vendors, they often explained that when they had first started to work in the streets, they had to move around from place to place until they had found a good spot that was not taken by someone else. I also observed how many vendors moved from one place to another. I saw some

³⁴The survey I conducted among formalized street vendors also illustrates this point. The survey asked vendors working in the vendor zones about their opinion on non-formalized vendors. The majority (88%) answered that everyone had the right to work in the streets.

vendors walking in the same neighborhoods day after day, others I only saw once. The following story is based on the conversations I had with Marta, a woman selling *empanadas* at the rickshaw stop in Quintas. Her story illustrates how other vendors exert control so that newcomers do not take their spots through simply calling attention to the existing norm. I used my notes and excerpts from informal conversations to reconstruct her story.

It was the end of October when Marta decided she needed to find something to do to earn some money before Christmas. She had been a housewife since she got married, but her husband had lost his job a year earlier, and the family was in serious need of money. They were already three months behind on the rent. While her husband had managed to get some pick-up jobs, it was never enough to pay for all the bills at home. Marta's sister had lent her money to pay for the electricity bill twice, but this time they were going to cut all the other utilities unless they could come up with the money on time.

Marta had seen many people selling coffee and *empanadas* in the streets and she thought she could do the same. Preparing the coffee and the empanadas was not so difficult. But selling was going to be a bigger challenge. Marta was a quiet woman and she had never sold anything before. She thought she could sell them in the neighborhood center where a lot of people constantly pass by. Marta's husband was a bit worried about her, because he had heard in the news that street vendors were not allowed. But she had seen vendors everywhere, and they seemed to be doing ok. She knew she could get in trouble with the police, but she had to take the risk. Perhaps, if she explained her needs to the police, they would feel compassion, she thought.

Marta filled up some thermoses with coffee. She filled a basket with empanadas and got a chair to sit on. She was feeling sick to her stomach about working on the streets and was afraid she would not sell anything, but she felt she had to try. On her first day, Marta sat with her basket outside a supermarket called Carrefour, near Portal de las Americas. She opened the basket of empanadas to attract her customers with the smell. However, no more than ten minutes had passed when another woman came up to her and told her to move from her spot. She was selling empanadas and she told Marta that this was her spot. The supermarket security guard confirmed this to Marta, and she had no other choice but to move. The woman told her, "Look, there isn't room for the two of us here. You have to go somewhere else and find your own spot."

Frustrated, Marta moved to the end of the street. But five other vendors were already selling various types of food there. They also told Marta that this was

their spot and that she had to leave. She moved to the other side of the street to a corner that was free. She was alone there, and not many people passed by. The best spot was near the entrance of the supermarket, but the woman there would not let her come near. It was already getting dark, and Marta had sold only a few empanadas. She began to worry that she would have to return home with her food, so she started to walk around offering her empanadas to people working in the stores. That night Marta came home at eight in the evening after she sold everything.

The next day Marta went to a school and tried to sell there as the students were leaving the school premises. But at the school entrance, there was another woman selling empanadas, and she had told Marta that there was no point in both of them selling in the same spot. Marta agreed and realized that she had to move. She recommended Marta go to another school ten blocks away where there were not many vendors. Marta left with her basket, but by the time she arrived at the other school, the students had already left. Much like the previous day, she started walking around offering her empanadas to people working in stores.

Marta started to sell her empanadas moving from one place to another. It was a tough job, but she was able to sell more when she walked around, and she was also left in peace by other vendors. After some days moving from place to place, Marta decided to set up her chair and sell her empanadas outside the school the other women had recommended when the school day was over and children were leaving to go home. She also started to sell to the rickshaw drivers in the neighborhood of Quintas, early in the mornings. Drivers started to buy empanadas from Marta, and now she had established her spot in Quintas outside the school. (Story based on observations and informal conversations with Marta at the rickshaw stop at Quintas, conducted on June 11, 15 and 17 of 2013).

Marta's story illustrates how vendors enforce the *acreditar* norm, often through simply warning. Marta accepted the warning of other vendors and moved away until she found an empty spot. Street vendors often move around until they find a place where they themselves can become accredited. Another interesting point that can be extracted from this story is the role of third party enforcers, in this case the security guard at the supermarket. His approval of the first vendor was an act of social recognition of the *acreditar* norm and reinforced the vendor's request for Marta to leave.

A "warning" can be a first step in the process of social control. However, if Marta had refused to leave, the reactions could have escalated to harsher and even violent forms of punishment.

In this case, a warning was a conciliatory type of social control. It offers the opportunity of a peaceful solution in complying with the existing norm. In addition, the warning is a less severe form of control, in contrast with verbal abuse. The social control of the *acreditar* norm often started with conciliatory forms and depending on the response, the person acting as controller could opt for more punitive forms of social control, such as gossip or physical violence. Informal controls to enforce the *acreditar* norm illustrate what Ellickson calls “escalating steps” (1991, 214) - that is, forms of control that increase depending on the results they generate.

Verbal Abuse: *Se Agarran a Boca*

Many vendors reported having verbal confrontations with others due to envy and competition. Often they use the phrase “se agarran a boca”, meaning they fight with their mouths, to refer to verbal confrontations. Accredited vendors often told newcomers to move on, and verbal abuse would occur when a new vendor refused to leave. Thus, verbal abuse was often a second step in this process of informal control. The following excerpt illustrates how Gaby (the new vendor) relocated after Pilar (the accredited vendor) had shouted at her that this was her place.

I have seen Gaby and Pilar before but I didn’t know they had had a fight. Today, I talked to Gaby and spent some time with her during the afternoon. She complained that she had to move to the middle strip of the road because the other vendor didn’t like that she was selling more and had started insulting her. “She started to shout at me and I had no other choice but to leave. I don’t like to fight with other vendors”, said Gaby. (Field note based on observations and a short interview from January 11th 2014).

In the middle strip of the road, the new vendor (Gaby) was more exposed to traffic accidents and pollution, because cars passed on both sides. However, she had been forced to park her ice cream cart in that dangerous spot in order to remain within some distance from the accredited vendor and avoid a conflict. Vendors often talked about being insulted by others due to envy and competition. Many preferred to move on while others fought back. Verbal abuse (bad-mouthing) is a common form of social control among street vendors trying to defend their spots. The group of vendors that had arrived first in the spot often insulted vendors that refused to move away. Verbal confrontations created a poor working environment and affected the well-being of many street vendors who experienced mistreatment from other vendors.

The Use of Gossip

I had often heard rumors from both new and accredited vendors about unfair competition, envy and poor co-existence. New vendors often argued that they were mistreated by already established vendors who abused their right of *acreditar*. While many new vendors acknowledged the *acreditar* norm, they complained that there was enough space for everyone and that the established vendors were envious. The case of Gabo, one of the vendors near the Santa Fé mall illustrates how gossip affected coexistence among ice cream vendors in this area.

I have heard on different occasions that Gabo was upset with another ice cream vendor. However, I haven't seen this woman until today when Gabo exploded furiously and said he was tired of telling this woman that there was not enough space for more ice cream vendors. While Gabo's spot was next to the stairs of the pedestrian bridge, the old lady he was referring to was in the street intersection a few meters away from the other vendors. He referred to this woman as *la viejita peleona*, meaning "The feisty old lady." I had heard how Gabo talked to some other vendors about this woman, so I decided to ask him about her.

"Hi, how is business today?", I asked. Gabo answered that it was bad as usual. "How come?", I asked. Gabo replied, "You know, the problem with this job is the competition, there are too many ice cream vendors everywhere." Gabo said that people did not like him because he would not let others take his spot. He said he did not like to get in fights with other vendors, but that the old lady selling ice cream from the Rico Ice Cream Company was frustrating him. Gabo continued complaining about another other ice cream vendor. I asked him what the problem with this particular woman was. He answered that he had told her that there were too many vendors in this area and that she had to go and sell somewhere else, but she had started shouting as if he was hurting her. "As harmless as she seems, she's a feisty old lady. Fighting against that kind of people is difficult", said Gabo. (field note based on observations and a short interview from December 18th 2013).

Gossip is common among street vendors. During my fieldwork I heard gossip about corrupt leaders, vendors that took other vendors' spots, and the vendors' personal lives. Gossip created a poor working environment for many, and I often heard complaints about the difficulties of working in the streets because of bad co-existence (*mala convivencia*). However, one thing about gossip is that there are often different sides to the story. Therefore, I talked to Soledad, the woman

that Gabo had tried tell that she had to leave and look for another place to sell her ice cream. She was 67 years old. The following excerpt illustrates Soledad's side of the story.

I've seen that the woman Gabo complains about works mostly in the mornings, but she does not come every day. Today, she came around nine in the morning and left at two in the afternoon. I decided I had to talk to her and hear her story. Her name was Soledad. She started to talk about Rico (the company she worked for) and said that their ice cream was both of better quality and cheaper than Crem Helado's ice cream. I bought an ice cream from her. I told her about my research and we started to talk about her job. Then she started to talk about the problems she was having with the man (Gabo) selling Crem Helado ice cream. She complained that some people thought they owned the streets, but she insisted that nobody owns the streets. "The truth is that when the police come we all have to leave. No one is allowed to stay", she said. Then she explained that one of the Crem Helado vendors had told her she had to move away, because that was his spot.

Soledad talked about her spot, *su puesto*. She said that unlike the man from Crem Helado (Gabo) who was an envious and bad person, she was nice and had allowed another Rico vendor to take her spot in the afternoons when she was not there. And yes, I indeed have seen another woman from the same company selling there in the afternoons. (field note based on observations and a short interview from January 7th, 2014).

The story of Soledad's refusal to leave illustrates that the *acreditar* norm is not always respected. Many people reported difficulties in preventing other vendors from setting up their businesses next to them. In a sense, Soledad interpreted the *acreditar* norm as "having a place to sell things", and since she was a few meters away from the other vendor she believed she was not violating any norm. However, because of her refusal to leave, vendors talked badly about her, and she felt that she was not welcome in the area. However, her main concern was selling and earning a living. The gossip among the vendors did not affect her reputation among customers who cared mostly about the quality of her ice cream. Scholars studying gossip have considered the consequences that negative talk can have on a person's well-being. According to Merry, "The impact of gossip and scandal is greater in more bounded social systems" (1984, 296). While gossip generates a bad working environment, vendors often needed to provide food for their families, and the bad working environment caused by negative gossip was not as bad as not being able to put bread on the table. In

addition, the social systems of their customers were different to the quite loose social system of the street vendors, so it was possible to balance out the negative outcomes of gossip. As one of the vendors told me, “I don’t care about the others here. I only care about selling.”

The Threat of Violence

Verbal warnings could come with a threat of a more severe response in case of failures to redress the violation of a norm. Ellickson explains that a “warning to the deviant” often points out that a future violation may trigger a harsher response (1991, 212). Continuing with the example of Soledad, the ice cream vendor, she experienced anxiety and fear due to threats from the aggrieved vendor. The following excerpt from my field notes illustrates this point:

Soledad explained that when she had refused to leave, Gabo had threatened her. “He shouted at me and told me I better leave or he would take care of me”, said Soledad. She asked me what I thought he meant by, “Take care of... Can take care of mean kill me?”, she wondered. (Interview from January 7th, 2014).

Much like Soledad, other vendors complained of the fear of being hurt by other street vendors. In some places, such as the Santa Fé mall, I could feel a tension among many vendors, and people talked about having to watch their backs and being afraid of other vendors.

Another example occurred on the other side of the highway, in front of the Santa Fé mall. The following excerpt is from a conversation with Adriana who was accompanying her husband while he sold ice cream:

I have heard rumors about conflicts among the vendors selling at this bus stop, but talking to them was always hard due to them jumping on and off of the buses where they offered their products. Today, as I was sitting at this bus stop, I started to talk to a women pushing an ice cream cart. I asked if she was a vendor and she replied that she was only helping her husband. She was sitting on a corner a short distance from the bus stop while her husband jumped on buses to sell ice cream. Her name was Adriana. We started to talk, and Adriana explained that the peanut vendor had been at the bus stop the longest and that he had been very upset when her husband had started to sell on the buses. “He told my husband he had to leave, but the owner of the ice cream agency sent him to this spot, so he can’t leave”, Adriana explained. However, she was worried that someone could hurt her husband or steal his ice cream while he was boarding

buses, and for that reason she had started to accompany him to work in the late afternoons. She said, “I feel bad about my husband’s situation and that he has to work so hard. Look at him, he could get run over by a bus anytime, people around here are mean to him and he’s always worried that he could get hurt.” Adriana complained that on the streets, people do not really help each other and are on their own. She felt you could not trust anyone in the streets, because people only care about themselves and about selling more than you. She said, “You can only trust your family, and that’s why I’m here helping my husband.”

We continued talking about life. Adriana asked me about my life in Sweden and whether life was better here. I told them that I thought in Sweden the government takes better care of people, but that it was not perfect. We talked about our dreams. Adriana said her dream was to open a store one day. She wants to find a place where she can sell things without being insulted by others, without exposing her life, without being afraid of someone hurting her. Working in the streets is tough, and she felt that people should try to put themselves in the shoes of others, because everyone needs to work. (field note based on observations and a short interview from January 25th 2014).

The threat of physical violence in the future was often used to intimidate newcomers. The excerpts from the interviews with Adriana and Soledad illustrate that many vendors live in fear of being hurt by their colleagues. While no one knows whether a threat will turn into actual violence, it creates stress and anxiety among street vendors. In this case, both Soledad and Adriana’s husband defied the threat of violence and stayed in their spots. Soledad moved a few meters away, while Adriana’s husband asked his wife to provide company and watch over the ice cream cart while he is jumping on different buses in order to sell more. Not all cases were like this. In many places there was also solidarity among many vendors and drivers. Nevertheless, conflicts over the use of space and competition for customers were at the heart of their everyday work.

Physical Violence

Sometimes the fights over business spots included physical violence. The type of violence that affects people in street businesses on an everyday basis is not always police or crime related, but can also be initiated by other vendors. The vendors I talked to reported that sometimes there were fights over busy spots. While I did not observe a physical fight, there was much gossip and talk about recent fights.

In this section I illustrate the way in which physical violence is used to punish intrusions and disrespect of the *acreditar* norm.

Nico's case illustrates how the relationship between formalized and non-formalized vendors is not always a harmonious one, and sometimes there were fights among them.

Nico sold a package of juice and cookies, which he called *refrigerios*, meaning school snack. He would set up his table near the vending zone of Santa Librada around four in the afternoon and leave at seven in the evening. Today I talked to him and asked him about his work. He explained that he sold his refrigerios in different spots; in the mornings he would sell near a government office, at noon outside a school, and in the afternoon he worked in the neighborhood of Santa Librada, near the formalized vending zone. The vending zone was located in front of a supermarket and near one of the main bus stops in the neighborhood, so it was a good spot for any business. He had not known about the vending zones, so he had simply set up his table where he thought it seemed to be a good spot. He said that when he had started to work there, the vendor from the tent in front of him had approached him and told him he had to leave because that was a vending zone. The man that approached Nico was the leader of the association of vendors. Nico explained that the man had told him to leave and that he had answered that he was not doing anything wrong. Then they had started to argue and the man had kicked Nico's table over and knocked his goods onto the ground. He had to defend himself, so he fought back, and in the end the man left him in peace. He threatened to send the police, but Nico said he was not afraid of the police, because if the police come they have to move all the vendors around there away. Nico said, "They think they're better than me because they have tents [referring to the vendors in the vending zone], but nobody owns the right to the streets." (field note based on observations and a short interview from January 12, 2014).

The story of Nico shows that vendors can refuse other vendors' claims to certain spaces in the city. In this case, the vendors in the vending zone had their rights protected by the "legal permit" given by the government. However, according to vendors like Nico, they also had the right to the space and they contested the rights of formalized vendors.

Street vendors sometimes use violent self-help to defend their spots. However, when using violence, there is always a risk of meeting someone that could have a knife or that could fight back and hurt you. Many preferred to avoid conflicts. Yet, violence was an option for those that felt strong enough to fight. Only

people that had the physical power or the weapons to hurt others could in practice use violent self-help. Many women used verbal abuse instead, while knife fights were common mostly among men. Thus, not everyone had the same opportunities and power to exercise social control in the streets.

Hybrid Forms of Social Control

One of the reasons that some vendors and rickshaw drivers preferred to avoid street fights was that it could raise the attention of the police. Police intervention in a street conflict was bad for everyone, because once the police had arrived, all the vendors had to leave. The following excerpt is from an anecdote of one occasion when the police had come because two women were arguing. The anecdote was told by Cali, the man selling *cholado* drinks in Santa Librada.

Cali has told me that when he first arrived his spot was vacant, and he accredited it by coming every day. So, today I asked him, "What would happen if you come tomorrow and someone else is selling on this corner?" Cali answered, "Well, I would have to tell him, 'Hi. You have to move somewhere else, because this is my spot.'" I asked him what would happen if the person did not want to move. He said that in that case he would have to resort to force. "That's never happened to me, because people usually move on. I mean, I care about my spot, but there are lots of free spots here." However, he remembered a case of a woman selling ice cream who had got into a fight with another woman who had arrived with an ice cart and parked next to her. So, the first woman had started to cause problems for the second woman. First she had asked the second woman to leave and told her this was "her zone." Then the second woman had reported this to the police who had asked the first woman, "So, you want this women to leave this spot?" "Yes", she replied. The police then told her that she would have to leave too, because nobody owns the street.

"So what happened?", I asked. Cali answered that the first woman had been forced to stop causing problems and stayed quiet. The second woman had stayed there too. "Did you interfere or try to help in that conflict?", I asked. Cali said, "No, you can't become a *sapo* [a frog, Colombian slang for a person that interferes with other people's business]. You have to mind your own business." I also asked Cali if he would have done things differently had he been in the first woman's position. Cali was clear that he would not have called the police because that was bad for everyone. He explained that all this had happened because of

envy, because people worry about not selling anything. But he believed that if you had a good product you would not have to worry about other people. (field notes based on observations and interview from August 21th 2012).

The perception that police officers could come and remove everyone in the case of street fights discouraged many vendors from the use of physical violence as a means of social control. Thus, this example illustrates how informal and formal controls interact with each other.

Resistance

The following excerpt is from the notes I took after talking to Edwin, a vendor near Portal del Norte. It illustrates a form of resistance.

Edwin sells cell phone accessories such as chargers, headphones, and phone covers for all kinds of brands. He works in the vending zone near Portal del Norte. Edwin gets the goods he sells at a wholesale store that buys large containers of products from China and distributes them to retailers in the city, including street vendors such as Edwin. According to Edwin, the goods he sells are not pirate merchandise; instead, they were generic brands and therefore cheaper than known brands. Edwin is a small but strong man of about 34 years old. He was not the most welcoming person in the area, but at the end of my visit we talked for some time. Edwin told me that he had sold books in the city center for about five years, but following a large police raid, he was sent to prison accused of selling pirate goods. After that he had stopped working with pirate goods. At the same place where he used to buy books, a man had told him about cell phone accessories and claimed it was a legal business.

I asked Edwin how he had started to sell here in Portal del Norte. He explained that he simply arrived with his goods and started to sell. At first no one had said anything, but after a few days, a man selling from a *chaza* had told him he had to leave, telling Edwin that there were too many vendors there. Edwin replied that he could move a little bit, but he insisted that Edwin had to leave. "I don't like people with that attitude telling others what to do, so I showed him my knife and he stopped bothering me", said Edwin.

He explained that in the streets you have to be ready to defend yourself and defend your spot, because people can always come and start a fight. "I don't

think anyone can come and tell others they have to move”, said Edwin. He felt that no one owns the streets, and that people did not realize the needs one might have at home. “If you’re in the streets fighting to make a living, there’s a reason for it”, he said.

Later, we talked about new vendors arriving in the area and how he felt about them. Edwin said that as long as they did not take his spot he did not care. However, he would not appreciate another vendor selling phone accessories, and in that case he would tell the person to move to another street. Edwin is a tough man and he always carries a knife with him, because he thinks the streets are a hard place to survive. “In the streets, you never know what kind of people you’re dealing with, they might think you make good money, and they could rob you once you’re alone”, said Edwin. He felt he needed to carry a weapon for self-defense, and he knew that he had to be alert at all times. (Interview from August 20th 2012).

Edwin’s story highlights that competition for a good spot is one of the main and daily struggles for the vendors. There are often tensions between people selling similar products or providing the same service. It shows that individuals that have the capacity, both physically and mentally, as well as the confidence to fight back are able to resist social control. While Edwin was able to resist because he was a “tough man” and dared to use a knife, people talked badly about him and he was not the most appreciated person in this place. Thus, a person could respond to social control with violence, but then also has to accept to live in a bad working environment nonetheless, because other vendors will mistrust this person.

Resistance Through Quiet Encroachment

While direct confrontation is not always possible, vendors can resist social control through quiet encroachment. Many vendors that are told to leave move a few meters away and then wait until social control relaxes enough for them to slowly return to and occupy the spot. The same happens when the police arrive and tell all the vendors to leave: they simply move to another street and then slowly return. New vendors ought to stay some distance away from accredited vendors, but there is enough space on the street to accommodate many of them. Often, people in street businesses do not have the time and resources to go around kicking others out, and therefore, vendors can accredit a spot next to

others. The following excerpt from an encounter with Chucho illustrates how quiet encroachment works.

Chucho sells a traditional drink called *forcha* next to one of the tents in the vending zone of Kennedy. *Forcha* is a kind of punch that is sold on the streets of Colombia. It is stored in oak barrels used to ferment the drink. My first question to Chucho when I met him was how he had managed to work next to the tents without being a formalized vendor. Chucho explained that he had started selling *forcha* to the people working in the tents. He used to park his pushcart a few meters away from the vending zone until he met Perla, the owner of one of the tents. They would often talk a bit and he would park his *forcha* cart next to her tent while they chatted. In the end, Perla told Chucho that he could stay there if he wanted. Other vendors in the zone did not complain about Chucho, because he maintained good relations with them all. He said he did not like getting in fights, and he was on good terms with the other vendors. He was the only one selling *forcha*, so he was not a threat to the vendors in the tents. He also gave free gifts of his drink to the vendors in the zone and even offered me a free glass. (Interview from August 8th 2012).



Figure 3 Non-formalized vendor in the Transitional Zone
Source: Photograph from author's fieldwork 2012.

I often observed how new vendors started a few meters away from more established vendors and slowly moved towards them after some days or weeks had passed. It was a process of “having a feel for it” in the sense that you would feel out the atmosphere and decide whether it was ok to move towards busy spots. Many vendors reported that they had received an informal permit from another, previous vendor. Nevertheless, accredited vendors could decide if there were too many vendors, and new vendors were not allowed.

Chucho’s case illustrates how street vendors would set up their businesses further down the street and slowly move to the busiest spots. Because the streets are open, with patience and by coming everyday, one could gain access to a spot next to another vendor, through the same process of *acreditar*. Thus quiet encroachment, as explained by Bayat (1997), was also possible in order to challenge the *acreditar* norm.

Social Capital Allows you to Avoid Control

Other vendors had a friend or family member that had helped them get a good spot. The following excerpt is from an interview with one of the vendors near Portal del Norte. She was around 30 years old and had two kids. Thanks to her cousin who was also a vendor near Portal del Norte, she was able to get a good spot.

Today, I talked to different vendors near Portal del Norte. Vendors near the Santa Fé mall have told me that Portal is more difficult because there are too many vendors there. I spend today walking around Portal del Norte and observing the interactions of the vendors. Finally, I talked to Nancy, a vendor of hats and caps. I asked her about the first time she started to work at Portal del Norte. She said, that she had not had to ask anyone for permission, neither was she kicked out. Her cousin, who vended next to her, had helped Nancy to set up her business.

Nancy explained that in the beginning she was a bit nervous, because her cousin had explained that they had to be ready to run away if the police came. But with the company and help of her cousin she had felt safe. She told me that when her husband died, her cousin had told her, “Nancy, you can’t stay here in your room crying all day, you have to go out to the streets and find a way to bring home food for your kids.” He lent her the money to buy hats in the city center in a large store where he also buys the sun glasses he sells. “People here don’t say

anything about me, because I'm here with my cousin, and he already had this spot", said Nancy. (field note based on observations and a short interview from January 15th 2014).

Having a friend or a family member that was already established as a street vendor was an advantage for a new vendor in the streets. These people act like gate openers or mentors, and can help you find a place with good customers, where the police were not harsh, and where other vendors would let you settle in peace. Apart from that, teaming up has also a range of practical reasons, such as toilet breaks during which they could watch the pushcart. This example shows that social capital and not only social control is present in the streets. While some vendors are working close to friends or family members, in some cases this can lead to the appropriation of a certain area by one group of vendors who then exert control charging fees to new vendors to sell there and using the threat of violence to exercise control.

Acreditar and Well-being

Many street vendors in Bogotá cooperate to access and distribute the use of spots in the city, through the *acreditar* norm. Whether this is due to a fear of getting into fights with others or because they feel it is fair (according to their beliefs), most of the vendors that I met respect this norm. It seems as if there is a common belief that when a person has already claimed a spot, new vendors selling the same goods have to move somewhere else. Sometimes, newcomers would refuse to leave and argue that *acreditar* means moving away "just a bit", and they often use quiet encroachment to gradually move towards busy spots.

From the perspective of individual well-being, the *acreditar* norm provides a sense of security and belonging. Having some kind of expectations for their informal right to a spot allows many vendors to work under better conditions. However, some vendors started selling their spots or would charge newcomers to sell near them. This form of cooperation can enable well-being when it allows people to work with less security, but it has created more fear and tough working conditions for newcomers. In-depth knowledge about the way informal control operates is therefore useful to understand the working lives of street vendors.

6. Organizational Control: The Study of Rickshaws

The standard rickshaw (*bicitaxi*) used in Bogotá is a human powered, three-wheeled vehicle, that is powered by a driver that sits in the front. While rickshaws are commonly found in many cities in the world, they are a relatively new phenomenon in Bogotá. Estimates indicate that the proliferation of rickshaws began after the year 2000 when Transmilenio, the city's new rapid bus system, started operations (CID 2013). Before Transmilenio a system of privately run buses and minibuses provided transportation in the city. However, when the new public transportation system, started operations the main routes did not cover many neighborhoods.

Much like street vendors, rickshaws operate outside the law and therefore experience police harassment and confiscations. However, most rickshaw drivers in Bogotá operate through associations that coordinate and control their work.³⁵ These associations illustrate a form of organizational control. Organizations can be defined as “collectivities oriented to the pursuit of relatively specific goals and exhibit relatively highly formalized social structures” (Scott 2003, 27). They often include individuals issuing orders and being obeyed (Eldridge and Crombie 1974, 27). Thus, it is possible to say that they often rely on formal controls to influence their members. Organizational control is often based in the power to sanction is attached to positions within the organization (Scott 2003, 311). However, organizations also rely on informal control.

In this chapter I will explore organizational control through the study of two rickshaw associations. A study of social control within these associations illustrates the existence of a hybrid-system of control that includes hierarchical control, given to the coordinators, contracts between the owner and the driver and informal control, spread among the drivers.

³⁵ An estimated 82 per cent of rickshaw drivers are members of associations that controlled their places of work (CID 2013).

Rickshaw Stops and Routes

The word *Portal* stands for the main stations of the Transmilenio rapid bus system. In Bogotá, *Portales* are often located on the outskirts of the city and operate as bus route terminals. Since two of the vending zones in the borough of Kennedy were located near Portal de las Americas, I had visited this station and used the rickshaws in my previous fieldwork in 2012. However, in 2013, I visited Portal de las Americas with an interest to explore the work of rickshaw drivers. One of the first things I realized during my visits to Portal was that rickshaws operated on different routes and had designated stops. Two associations control the route at Portal de las Americas, to make their names anonymous; I will call them the “first association” and “second association”. The following excerpts illustrate how this route operates.

Today was my first day at Portal de las Americas. I arrived around 10 a.m., after I had spent two hours on buses from my residence in the north of the city. As at all the Transmilenio portals here, there were also smaller green feeder buses (*alimentadores*). These feeder buses bring passengers from distant neighborhoods to the first stop of the Transmilenio lines. However, if you need a ride to the surrounding areas or the areas that the feeder buses do not pass, the fastest and even more affordable option is to take one of the rickshaws that are parked just outside the station.

As I exited the station, a rickshaw driver greeted me and asked me if I needed a ride. I told him I was a university student interested in the working conditions of rickshaw drivers and I asked him if I could have a short interview with him. He replied that he had to work and did not have time for an interview, but instead he could let me ride in his rickshaw during the slow hours of the day so we could talk while he was working. He told me to get on while we wait for another passenger. No more than a minute had passed when another woman arrived and asked the driver for a ride to the neighborhood of Quintas. He told her to get on and started pedaling towards the south of the station. The name of my driver was Luis and he was 21 years old.

I asked Luis about his job as a rickshaw driver. The first thing he said was, “There isn’t any other job where I can make the money I make here”, and he explained that he makes more than minimum wage. He said that if he works all day, from the early mornings to the late evenings, maybe a total of 14 hours a day, he could make about 70,000 pesos a day (31 USD). But most of the time he

made around 45,000 (20 USD). From that, he has to pay 13,000 pesos (5.7 USD) in rent for the rickshaw, and can keep the rest of the money. He usually makes 700,000 pesos a month (310 USD), which is more than minimum wage (260 USD in 2013). Also, this job has the advantage of having flexible working hours; you are your own boss, and you can combine your job with other obligations. It is hard work because you have to pedal all day, and you need to be in good shape. But this job is ok for now, said Luis, and he mentioned that one day he would like to become a bus driver, like his father. (field notes based on informal interviews and participant observations from June 7th 2013).

Like Luis, most rickshaw drivers at Portal de las Americas reported that they earned more than minimum wage. In a sense it is a profitable business for both the owners that receive the rental fee for the rickshaw as well as for the drivers that have the chance to earn more than in other jobs. I continued riding the rickshaw, and I also talked with Luis' customers. The following excerpt illustrates how the customers perceived the rickshaws and how the routes work.

I introduced myself to the woman next to me and told her about my research. She seemed not to mind my presence and said it was ok for me to be there. I asked her whether she uses *bicitaxis* frequently. She said, "It's the easiest way to get around in this barrio." She commented that the buses were often crowded and you had to wait for them, while the rickshaws were always available. The ride from Portal to her destination in the neighborhood of Quintas took about five minutes. We dropped our passenger off at her destination and continued towards the rickshaw stop in that neighborhood.

This time, a woman in her 50s climbed aboard. I asked her what she thought about the rickshaws. The first thing she said was that they provided "door to door" transportation.

Every time we arrived at Portal de las Americas, we dropped our passenger off at the entrance of the bus station and then travelled to a pedestrian bridge to park behind other drivers. The same happened in the neighborhood of Quintas, the main destination for our passengers. Once there, we dropped off the passengers wherever they wanted, and then we continued towards a corner stop where other drivers were waiting. There we parked our vehicle behind the last rickshaw in the line and waited for our turn. (field notes based on informal interviews and participant observations from June 7th 2013).

There are many rickshaw routes in the city of Bogotá. The name of the associations controlling the routes is often placed on the drivers' vests or in the

back of the rickshaw. As I became aware of the existence of this route, I suddenly started to see routes all over the city. Through my visits to Portal I realized that routes existed in the sense that only of the associations of rickshaws could pick up passengers at the designated stops.

In order to illustrate how the route operates in more detail, I use the following two drawings. They depict the location of the rickshaw routes at Portal de las Americas. The first figure is a drawing I made during my fieldwork, based on my observations. It shows the places where rickshaw drivers park their vehicles to wait for passengers. It also shows the route they take towards the neighborhood of Quintas, located on the west side of the station. The second figure is a map I drew using Google maps to more accurately illustrate the geographical location of Portal de las Americas, and the location of the two stops in the neighborhood of Quintas. In this map is also possible to see two other rickshaw routes, one located on the east side of Portal and the other located near a supermarket called Carrefour. The map also shows the location of one of the vending zones denoted by the acronym VZ.

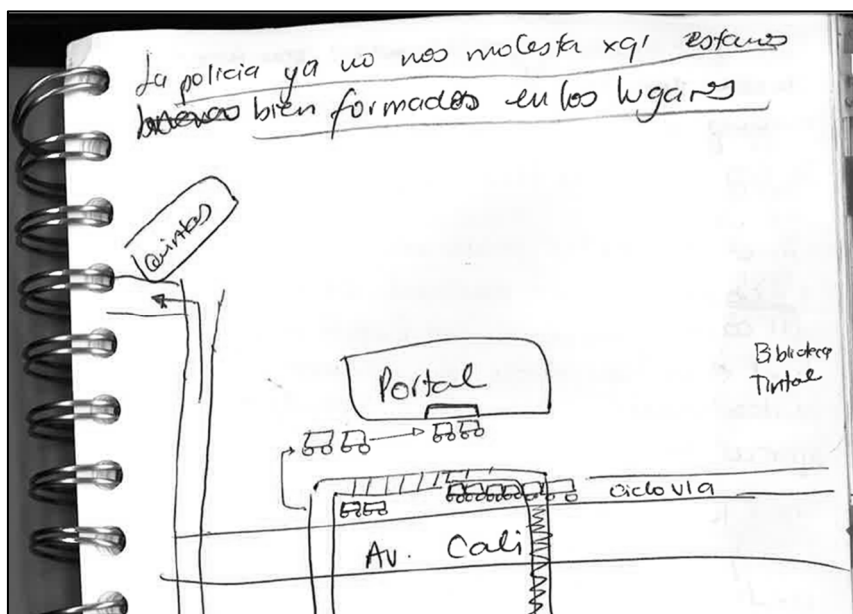


Figure 1 Drawing of the rickshaw stop at Portal de las Americas
Source: Author's field work diary 2013.

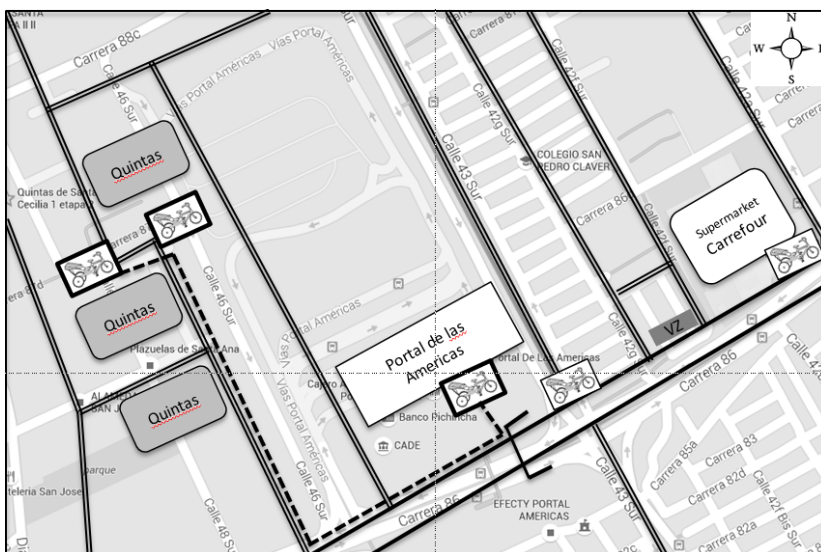


Figure 2 Map of the Portal de las Americas bus station and the neighborhood of Quintas.
Source: Adapted from Google maps made by the author based on previous drawings.

Acreditar la Ruta

Rickshaw drivers also use the word *acreditar* to explain the process of earning the informal privilege to use a certain route. Miguel, the leader of the association of rickshaw drivers at Portal las Americas told me once: “*Esta ruta esta acreditada*”, meaning, “this route is accredited”. It goes so far that even the people living in the neighborhood recognize the drivers and that pirate rickshaws (those outside the association) are not allowed to pick up passengers at the stops of the accredited association. When I asked rickshaw drivers why they had to pay the *cupos* (a form of membership fee in the association), many answered that this was like a payment to the drivers who originally started the route. Luis, one of the drivers, explained “*Los que acreditan la ruta merecen un reconocimiento*”, meaning that those who got the route accredited deserve some recognition. According to Miguel, the *cupo* is a normal payment, because the first drivers had to work for a long time to create a route and to get accredited in the community.

During my time at Portal de las Americas, drivers explained that they belonged to two different associations. I could recognize who worked for each association from their initials on the blue vests they wore and the registration plate on the

back of their rickshaw. The following excerpt from an interview with Miguel, the leader of the first association, illustrates how they started this route.

“So Miguel, how does the route work?” I asked. Miguel explained that in the beginning there were only three drivers. They saw the opportunity to provide transportation to people in the neighborhood of Quintas, and they started to pick up passengers every day in the same spots. In time, Miguel and his colleagues had consolidated the route and people started to use their services on a regular basis. Miguel said, “*Esta ruta esta acreditada y por eso tenemos muchos pasajeros*”, meaning, “This route is accredited and this is why we have so many passengers” (interview from June 24th 2013).

The route of Portal de las Americas was established for a period of about seven years when I interviewed Miguel in 2013. It had started with a few drivers that got together and decided to work in the same spots. People in the neighborhood now recognize them and trust their services.

Another example comes from a route that was only three months old and was in the process of becoming accredited. I became aware of this route because their main stop was only a few meters away from the bus stop of Portal de las Americas, but they covered a different neighborhood than the association Miguel works for. The route was smaller and there were only five drivers on it. The following field note excerpt illustrates how drivers were in the process of accrediting this route.

I have seen that there is another association that controls the pickup spot on the northern side of Portal de las Americas. Over there, drivers wear different vests and they don't go to the Portal entrance to pick up their customers. This route is smaller and has only a few drivers. They take passengers traveling to a different neighborhood, and their spot is located at the far end of the station. Today, I talked to one of the drivers and asked him about this route. His name is Jaime and he is one of the founders of the route. He explained that they got tired of fighting with people from the associations in the area and had decided to start a new route. He had spoken to two other rickshaw drivers, and together they had started their own route starting at the Portal de las Americas. He said, “*Estamos acreditando la ruta*”, meaning, “We are getting the route accredited.” However, this was a small association, and during busy hours all the drivers had passengers, and the rickshaw stop remained empty only a few times. According to Jaime, they were still having problems with pirate drivers that took advantage when they were absent from the stop transporting passengers. (field note based on observations and a short interview from June 27th 2013).

The establishment of accredited routes became a necessity for the drivers in order to coordinate their work and to improve their collective well-being. Accredited routes have the advantage of creating a customer base that starts to trust their services, and thereby reduces unnecessary time and effort of driving around in search of customers. Thus, for drivers it means more income and less energy spent, which is a substantial benefit for them.

Association Roles and Responsibilities

Organizations are composed of individuals that make contributions to the organization and perform different roles (W. R. Scott 2003, 21).³⁶ The rickshaw associations at Portal de las Americas spoke about at least three different roles: the drivers, the owners, and the coordinators. Drivers rent the vehicle from members of the association, but they have no vote in the association's decisions. Instead, the owners elect the board of the associations and the coordinator of the route. Norms of expected behavior, as well as social control practices, varied among the members of the associations. In this section I will present the relationship between owners and drivers. I will explain the role of the coordinator in a separate section.

Owners of Rickshaws and the Rental Agreement

The rickshaw association at Portal is composed of various individuals who own a vehicle and a share in the association. The shares in the associations are called "*cupos*." A survey conducted in the city of Bogotá in 2003 indicated that almost half of the drivers owned their vehicle, while 46 % rented their rickshaw from another person. At Portal de las Americas I met both owners and drivers that rented their vehicle from a member of one of the associations. At first, it is difficult to identify whether a driver rents the vehicle or owns it. They all wear the same vests and perform the same public transportation service. However, after talking to the drivers and spending some time in the field, it was possible to observe the relationship between owners and drivers and their different roles.

³⁶ The roles of participants in an organization generate expectations of behaviour (W. R. Scott 2003, 19).

One of the owners I met was Julian. He was thirty-two years old and owned one of the rickshaws in the first association . The following excerpt illustrates how he became a member of the association.

Today Julian let me share a ride in his rickshaw. He explained that he had bought his vehicle from a local manufacturer. It cost 1.5 million pesos (485 USD). Then he had to buy the *cupo* from the association. “That was more expensive than the rickshaw”, Julian explained. He paid 1.7 million pesos (880 USD) for one *cupo* in the first association . Before he had become an owner, he had rented the vehicle from a man who belonged to the association, but he was tired of paying “la cuota” [the daily rental fee] and therefore he had saved enough money to buy his own rickshaw.

Later, Julian took me to the factory where he had bought the rickshaw. This place was a garage in the borough of Bosa. Julian introduced me to the owner. When he had first started his business, he had only built and repaired bicycles, but he started to manufacture rickshaws after they had become popular in the neighborhood. During our visit, he was building a rickshaw for a street vendor. He said he builds four rickshaws a month since there was high demand. We left after he gave me his business card. (field notes based on informal interviews and participant observations from June 11th 2013).

There are drivers who own their vehicle, like Julian. There are also owners of one or more vehicles that rent them out. There are also associations where one person owns all the vehicles and controls the drivers. In this kind of association, drivers pay a rental fee and get to keep the rest of the money. In other associations the owner gets all the money and pays the drivers a small salary.

According to Miguel, they do not run a monopoly of rickshaws, and one owner can have a maximum of three rickshaws. But he knows of other routes where one person controls everything. José owned three vehicles in this association. He rented them to drivers such as Luis. The following excerpt illustrates one way of entering the rickshaw business.

Finally, we arrived at the association’s improvised office, which was a simple desk in José’s house. José owns three of the rickshaws. Unlike Miguel, José doesn’t drive a rickshaw, but works as a tailor. José explained that he learnt about the rickshaw business from one of his neighbors who had founded the Portal route. He offered to buy him a rickshaw and that is how he entered the business. While we were talking, a young boy arrived with his CV to give to Don José and asked when he could start working. José explained to me about a woman who owned

one of the rickshaws and was looking to hire a driver. José usually helps the owners to find “good” drivers, basically young men that are known in the neighborhood and have good references. José administers other rickshaws and collects the daily fees from the drivers. He did not say if he gets a commission from the owners. (field notes based on interviews and participant observations from June 21st 2013).

Gregorio is a 43 year old rickshaw driver who works for one of the associations. He has been working here for one year, and he also owns his rickshaw. He had paid 3 million pesos to Ms. Patricia which included the “*cupo*” (share of the association) and the rickshaw itself. Patricia was one of the vendors in the area. Gregorio had to pay 20,000 pesos (9 USD) every month to Patricia, the president of the association. “Her brother is the treasurer and they appointed me as secretary. But then, these people kicked me out. They don’t really work like an association, they only care about us paying the 20,000 a month, that’s all.” From that, she gets half of the money, and the other half goes to the salary of the coordinator. He said, “I don’t agree with the way this association works. This is not an association, they’re only here for the money, they don’t care about us.” He has to pay the first week of each month. He said, “The coordinator provides security, and he also helps to keep the area clear of thieves and pirate rickshaws.” I asked him what would happen if he did not pay the association fee (20,000 pesos a month). He answered simply, “They wouldn’t let me work”, referring to the coordinator and his family. (field notes based on interview from June 24, 2013).

In the context of the associations, owners are “shareholders” and the “*cupos*” represent the shares. Owners have the responsibility to attend the association’s meetings and pay the monthly association fee. If the owner does not pay, the coordinator could use violent self-help to prevent the driver from using the route, similarly to how he would deal with pirate drivers. If the police confiscate the vehicle, it is the owner’s responsibility to pay the fine.

Rickshaw Drivers

You can own a rickshaw and drive it, or you can rent the vehicle. My informants use the word “drivers” to designate those that rent the vehicle.³⁷ At Portal de las

³⁷ Estimates from a survey conducted at the city level indicate that there are between 3,000 and 8,000 rickshawdrivers that transport passengers mostly between bus stations and residential

Americas there were 70 owners and drivers, of whom only two were women who rented their vehicle. When I asked Miguel, the coordinator of the first association, about the exact number of drivers and owners, he avoided answering the question. In my field notes I recorded meeting 20 drivers and 10 owners.

Drivers and owners often use a verbal agreement for the rental of the vehicle. The following excerpt illustrates how rental agreements work.

Luis rents his rickshaw from a man that has a “*cupo*” in one of the associations. He explained that he pays 13,000 pesos per day (7 USD) for the “*cuota*” (the rent). The rest of the money he makes goes to him. He has to pay this *cuota* from Monday to Saturday; Sundays are free, so he can decide if he wants to work or rest. If he works on Sundays, the money he makes is his. In the same way, if he falls sick or cannot work on one of the weekdays, he still has to pay the daily *quota*. Luis said it was a good deal, because he did not have to worry about reparations or police confiscations. If the police take his rickshaw, it is the owner’s loss, not his. Luis explained that he has to return the rickshaw every night at the owner’s house. In this way, the owner makes sure that he pays the quota and takes care of the vehicle. I asked Luis if he knew of any drivers that had stolen the vehicle. He said stealing a rickshaw was not very common, because owners only trust drivers that they know. However, he remembered one man who was a drug abuser and had disappeared with the rickshaw. The owner tried to recover it, but the man had disappeared and his family did not know where he was. In this case, the owner lost out. “That’s why they only trust drivers that they know”, said Luis. (Field notes based on participant observation and informal conversations from June 7th 2013).

Miguel, the leader, told me I had to take a bus to Bosa Libertad and, once there, I should ask a rickshaw driver to take me to the community center room in the neighborhood of Potreritos. At the same stop where the bus had dropped me off, there was a line of rickshaws on the side road waiting to pick up passengers. I told my rickshaw driver I was going to Potreritos. After driving along an unpaved road for about 10 minutes we entered the neighborhood of Potreritos, which in Spanish means small pastures, and in this case is a place where rurality meets urbanity. Here, you find small farms with chickens and cows, shacks made out of

neighborhoods (CID 2013).³⁷ The great majority of the drivers are men (93.5 %). More than half (56 %) of the drivers are between 27 and 59 years old.³⁷ The education level of the rickshaw drivers is relatively higher than the average street vendors, but only 26.8 % have finished high school. Most rickshaw drivers work on the outskirts of the city, the great majority in the low-income boroughs of Kennedy (51.4 %) and Bosa (21.3 %) (Ibid.).

green tarpaulin and other improvised housing for the urban poor. I left my rickshaw after paying only 700 pesos (22 cents USD) for a ride that would have cost double near Portal de las Americas, and almost triple in the north of Bogotá. My rickshaw driver explained, “People earn less in this area, so rickshaw rides are cheaper.” Probably the rent of the rickshaw and the quota were also cheaper, I thought. (field notes based on interviews and participant observations from June 21st 2013).

The rental agreement is a contract between drivers and owners. However, the drivers’ organization regulates some details in the agreement. To rent a vehicle, the owner must inform the coordinator of the association. Drivers must bring their CV and a copy of their criminal record to the coordinator. While owners and drivers agreed on the rental agreement, the value of the daily “quota” [rent] was informally decided among the owners, and they all charged the same. Rentals varied from association to association.

To enforce the rental agreement and make sure that drivers did not steal the rickshaw, many owners required the drivers to return the vehicle every evening. In this way they could make sure that the drivers paid the rent every day. However, trust was necessary because a driver could run away with the rickshaw at any time. Moreover, drivers that had gained the owners’ trust could park the vehicles at their own residence. Thus, informal control plays a big role in the enforcement of the rental agreement. However, owners could also get the help from the coordinator to recover a vehicle or to sanction a driver for not paying the daily quota.

The Good and the Bad Association

Not all the associations work collectively for the benefit of their members, as they argued, and some are only interested in earning money from the rickshaw business. This made me wonder to what extent the Ministry of Transportation’s accusations about mafias controlling rickshaws were true. The president of one of the first associations, José, said that they were the “good guys” and that the second association was a group of vandals. The following excerpt illustrates this point.

José knows there are rumors about mafias controlling the rickshaw business and he brings this subject into the conversation. He said, “They’re organized in associations to make the work easier, but they’re not mafias, like the government

thinks.” He showed me the legal documents of the associations that are registered at the Chamber of Commerce as non-profit organizations. He told me that the association was founded six years ago because transportation in this area was inadequate, and most of the residential neighborhoods are located about 2 kilometers from the bus station. He explained, “We provide a good service to the community, we pick them up at their doorstep and leave them at the bus station, and the price is very convenient.” People can sit and relax, unlike on the crowded buses. He added that they were also good for the city because they do not generate pollution like the buses or the taxis. (field notes based on interviews and participant observations from June 21st 2013).

Through Miguel, I came in contact with Eduardo, one of the officials drafting a norm to regulate rickshaws at the national level. He explained that the Ministry had created a working group for rickshaw regulation after more than 1,000 rickshaw drivers had blocked the entrance to the Ministry during a demonstration in 2013. Although there were demonstrations in 2009 and 2012, in 2013 the Constitutional Court ordered the Ministry to regulate this issue.

Eduardo said that there isn’t a place in the city where drivers can pick up passengers in their rickshaw without having to pay the people controlling the different routes. They say they’re rickshaw associations, pretending to be good guys representing the poor drivers, but according to Eduardo only a few people control the business and get most of the profits. “Some of these people own up to 800 vehicles and control entire neighborhoods” said Eduardo. He explained that the associations are not interested in the formalization of rickshaw services, but in keeping their monopolies. Although they call themselves associations, they’re just there to defend the interests of a few owners, while the majority of the drivers are unprotected. “This has become a business for the police officers in the districts of Kennedy and Bosa” said Eduardo. (Phone interview From February 7, 2014)

For a passenger like me, it seemed that the two rickshaw associations share this route and work in harmony. They charge the same fares, wear similar uniforms, and have a joint queue system to pick up passengers from the bus station. There are no open fights between the rickshaw drivers of either association, they drink coffee together and have short conversations while they wait for their turn to pick up passengers. However, Miguel and José’s stories show that there is great tension between the leaders of these organizations, and some of the street vendors around the area explained that both the street vending and rickshaw businesses are controlled by one family. Whether a group of rickshaw owners gets together to operate a route and coordinate their behavior, or whether they

use violence to collect money, can define the difference between an association and a mafia organization.

Informal Control and Control by the Coordinator

As I have explained above, one way to study norms is to show regular forms of sanctioning non-compliance. In this section I will consider some of the practices of social control used among rickshaw drivers, specifically informal control among drivers and specialized control from the route coordinator.

Cupos: Semi-formal Licenses for Rickshaws

Drivers use the word “*cupo*” to refer to shares in the association. It is a membership fee that new owners must pay in order to gain access to an accredited route. I use the term semi-formal, because although they are not legal, they are not entirely informal in the sense that they are regulated by the associations of rickshaw owners. The drivers explained that *cupos* are paid to the people that originally established a route. The following excerpt illustrates how *cupos* work.

Today I am riding in Miguel’s rickshaw, the coordinator of one of the associations. He took me in his rickshaw to the association’s office via an unpaved road. On the way, Miguel showed me his house in the distance, where he lives with his wife and three kids. Miguel’s wife takes care of the kids, especially her youngest son who is only ten months old. During the ride, I asked Miguel about the *cupos*. Miguel said that in the beginning, there were only six rickshaw owners that started the association. They worked in the neighborhood of Quintas bringing passengers to Portal de las Americas. According to him, it took a long time for them to get the route accredited in the community. It took a lot of work to defend the route from pirate drivers that wanted to steal their customers. However, in time, the route had become accredited and drivers in the neighborhood began to respect their stops. Gradually, they started to sell *cupos* to people that wanted to own a rickshaw on this route.

We are now at the office of the association. Here I met José, the vice-president. He owns three rickshaws. José said that the rickshaw business is like the taxi business, where some people own the taxis and lend them to other drivers on

commission. He mentioned that his brother is a taxi driver, and they wanted to operate like a taxi company. (field notes based on informal interviews and participant observations from June 21st 2013).

According to the drivers I met, the price of the *cupos* varies from route to route, and they were relatively expensive at Portal de las Americas since that was a good route. For instance, the price of the *cupo* at Portal was 1.7 million (880 USD), while the route located on the side road was only 700,000 pesos (226 USD). In the excerpt, José, the vice-president of the association, mentioned that they wanted to operate like a taxi company. Taxis in Bogotá also use *cupos*, which are based on licenses provided by the government. However, taxis are legal while rickshaws are not. While rickshaw drivers generally have to either pay or establish a route elsewhere, in some cases they fought against the associations. In fact, the second association, had been formed by a group of drivers that had rebelled against Miguel's association, and had used violence to invade the route with their own vehicles. However, drivers explained that resisting an association was not easy and that the case of the second association was unique. Nevertheless, both associations agreed on a maximum number of 35 *cupos* for each of them, because the drivers complained about not earning enough.

For Eduardo at the Ministry of Transportation, the creation of *cupos* was abusive, and the government needed to create a system that was fair.

Eduardo said, "We have to stop all the mafias controlling the rickshaws in Bogotá. Those people exploit the drivers" (Telephone interview from February 7, 2014).

In Bogotá, the government and the rickshaw owners have very different opinions about the role of the associations. From the government's perspective, the rental fees (quota) and *cupos* charged by the associations were exploitative. To be part of an association, it is necessary to buy a *cupo*, which is the equivalent of a company share. Buying the *cupo* guarantees access to the stops controlled by that association. Additionally, members of the association have to pay a monthly fee, attend the meetings of the association and follow certain rules. But how does the association enforce the *cupos*?

Coordinators as “Control Specialists”

The rickshaw associations at Portal de las Americas have two coordinators. One works in Quintas during the rush hours in the morning, and the other works in Portal during the evenings. The members of the associations elect the coordinator. The person elected to the job of coordinator receives a salary from the association. Smaller routes can operate without a coordinator by using other forms of control. However, a route that is controlled by a coordinator can establish more formal control to prevent pirate drivers from picking up passengers at their stop. The following excerpt illustrates how coordinators work.

Today, I arrived at six in the morning at the rickshaw stop in Quintas. I must confess that I have postponed this visit for a while, because I have to leave my residence at four in the morning in order to be here at six. Miguel, the associations' coordinator, told me that if I wanted to see how the route works I had to come early. I am sitting on the sidewalk at one of the stops in Quintas. There is not enough time to talk to the drivers or the customers because they are busy. People here seem to be energized. While it is early, the sun is already in the sky, children are on their way to school, the local bakery is open and I can hear the sound of the city in the background. I am glad to see doña Marta selling tinto and empanadas to keep me company and get something to eat. Life starts early for most people in the city.

Miguel, the coordinator is here. He said, “So you managed to get here early.” He does not ride his rickshaw, he only greets the customers and sends the drivers off. His vest is blue like the other drivers, but “Coordinator” is printed on the back. The drivers that I can see wear their vests and helmet. I hear him shout, “Hey man, we need more drivers here, tell the guys at the other stop to move faster.” Many customers do not say anything, they just jump onto the rickshaw and the drivers start pedaling towards Portal. Most people here seemed to know how the route works.

While I observed Miguel, the coordinator of the route, I did not see any pirate drivers using the route. His job consisted mostly of making sure that the traffic on the route flowed well. However, Miguel said, “*La ruta no se puede dejar sin coordinador porque se vienen otros a piratear*”, meaning that it was not possible to leave the route without a coordinator because other pirate drivers would arrive and invade it. He explained that prior to having associations, there were constant

fight, and some drivers had been injured. Since the establishment of the associations, everyone now worked in peace.

Later that day, Miguel showed me a metallic stick he carries. In case of problems with pirate drivers, he said he would slash the tires. (field notes based on observations from June 25th 2013).

The previous excerpt illustrates the role of the coordinator in preventing pirate drivers from picking up passengers at the stops belonging to the association. From my observations and the conversations with Miguel, I could see that his role implied a kind of preventive control. He carried a vest bearing the coordinator sign, and he monitored operations during the rush hours. This could prevent pirate drivers from visiting this stop. However, he also carried a weapon to defend the route and the punishment for pirate drivers was to cut their tires.

Conflict Resolution

Coordinators of the rickshaw route often act as mediators in case of conflicts among drivers, as well as in conflicts between the owner and the drivers.

According to Miguel, he always tries to solve conflicts among drivers by talking to them. He believed it was necessary to work together and to have a good co-existence. While minor problems were solved through Miguel's mediation, in the case of major problems the ultimate sanction was to expel the driver from the association. Miguel said, "It all starts when they insult each other, then they start fighting and then knives appear." Miguel said he always tried to mediate to prevent violence. He tried to explain the fighting among the drivers. In the case of drivers fighting among themselves, the owner would have to rent the vehicle to a different driver. In the case of an owner involved in a fight, they could only expel him in extreme cases, but Miguel reported that until now they had not had any such cases. On various occasions, I heard Miguel telling the drivers to wear their helmet or clean their vehicle. They said that since the associations had been established, things had become easier because they knew they had a place on the route (field notes based on observations from June 25th 2013).

Drivers at Portal de las Americas talked about a conflict between the two associations. They described it as a conflict among a group of drivers that did not want to pay the *cupos* and had decided to bring their own rickshaws to the

route by force. The following excerpt illustrates the conflict and what happened afterwards.

José owns three rickshaws in one of the associations. Today, while we were talking, he explained why there are two associations on one route. He said that was because some drivers had seen that this was a good business. They had then decided to enter the route by force. They had threatened to use violence against the members of the first association if they did not let them work. He had not wanted to use the same kind of violence, so he had called the police. He said his brother was a police officer and he had put him in contact with the police officers in that zone. The police came and tried to help them to kick them out, but in the end, those drivers had managed to remain there. They had the help of the family of street vendors in Portal and they were difficult to fight. They control the street vending business in the area and had noticed that rickshaws were good business, so they had moved their vehicles there (field notes based on interviews and participant observations from June 21st 2013).

The family of vendors claiming the monopoly of Portal acted as owners of the route, they did not seem to work like a member based association; instead the President and coordinator were from the same family. While José complained about this family, he owned three rickshaws and he did not drive himself.

Contract Between the Drivers and the Owners

There is often an informal verbal contract between the drivers and the owners. Drivers often said that they had to pay the rental fee every day because owners knew that if they fell behind on the quota (the rent), it would be difficult for them to stay debt free and clean. Vehicle reparations or fines in case of confiscation are the owners' responsibility. The drivers said that if they did not pay the rent, the coordinator would take them off the route, and the owner would take back the rickshaw by force. But what happens when a driver steals a rickshaw? The following story illustrates how owners try to recover their vehicles, through self-help.

Gregorio owns three rickshaws in one of the associations. He rents them to drivers such as Luis. He remembers that one of his drivers had stolen a rickshaw. He was the son of one of his neighbors. He had talked to Gregorio and asked him for a job. However, the young man had only

worked half the day before leaving. Gregorio went to his house and talked to the young man's mother, but no one had given him any information about him. He took a bicycle and started to look for him. "I know people buy second hand rickshaws all the time in Bosa, so I checked different routes until I found the rickshaw. I called the police to report the crime. They came, but the man that had stolen the rickshaw had bought fake papers from a rickshaw factory, so the police could not do anything (field notes based on interview from June 24, 2013).

Julian said that if he did not pay, the owner would get a new driver. He would ask the coordinator to take the vehicle and the driver would not be allowed on the route again (field notes based on interview from June 27, 2013).

The papers Gregorio was referring to were the receipt of the sale. Gregorio said he could not do anything more to recover his rickshaw, but that if he saw the man who had stolen it, he would probably hit him. Since then, Gregorio only rents to people he trusts, but there is always a risk involved. However, the fact that the police came to mediate in this conflict also shows how formal and informal controls are interrelated.

Informal Control to Exclude Pirate Drivers

At Portal de las Americas, drivers of other routes, or "pirate drivers", often arrived to drop off their passengers. However, according to my informants, pirate drivers were not allowed to pick up passengers at Portal, and they had to leave with an empty rickshaw. The following excerpt from my field notes during a ride with Luis illustrates how drivers respected other routes.

We took a passenger to a neighborhood on the east side of Portal de las Americas. As we drove back to the rickshaw stop, we passed a supermarket called Carrefour. A person waved at Luis, but he just continued pedaling. He told me that he was not allowed to pick up passengers near this supermarket because it belonged to a different route. I saw that they wore different vests and belonged to other associations.

Luis only picked up passengers in the neighborhood of Quintas or at Portal. Sometimes customers needed to go to another place and Luis would take them

there. However, Luis always returned to the stops at Portal and Quintas (field notes based on informal interviews and participant observations from June 7th 2013).

Most drivers at Portal de las Americas said they did not like to *piratear*, (to work as pirates). They said that they had their own route, and if they picked up passengers on other routes they could get in trouble.

Slashing the tires as a form of control

Rickshaw drivers had agreed to the practice of slashing the tires of “pirate” drivers who picked up passengers from the stops of a route that was established. This form of control was common and it was often exercised by a group of drivers that witness the violation. However, before arriving at this form of self-help, drivers had used less severe forms of control. First they would “give a warning” and tell the pirate driver that he was not allowed to pick up customers at an accredited stop. If the driver returned to the same stop, other drivers would block his way and ask the passengers to leave. Then, if the pirate driver were a repeating offender, they would slash his tires with a knife. The following excerpts correspond to various field notes concerning *piratear*.

Today, it is very slow at Portal. Since hearing about pirate drivers, I have been looking to find them, but I haven’t been able to see how they work. I asked a group of drivers that were waiting in line at Portal about pirate drivers. They smiled and one of them said, “Pirates don’t come here because they know that they will get in trouble.” (field note based on informal conversations from June 12, 2013).

Gregorio pointed out one driver who was dropping off passengers at Portal. He said, “Look at that guy over there, he’s a pirate.” I can see that they did not have problems with pirate drivers that drop passengers off there, but that they may not leave with new passengers, otherwise they would block their way and get their passengers to get off. According to him, the associations are a good thing, because they help drivers defend their territory from pirate rickshaws (field note based on observations and one informal interview from June 12th 2013).

Today, I also talked with Julian about the *cupos* [shares in the association] and the monthly fee. Julian explained that the *cupo* is expensive, but he preferred to pay it than to work as a pirate driver. He chose this over the constant driving

around on the search for customers. He also believed that it is better to pay the *cupo*, because that way he did not have to fear the drivers from the different associations, who might slash his tires if they see him picking up passengers on their routs. Then Julian explained that prior to the creation of the associations, they had often fought over passengers, and sometimes hit each other so that many drivers even got injured. He said, “*No faltaba el que le sacaba a uno el cuchillo*”, meaning there was always someone that could pull a knife on you. (field note based on participant observations and conversation from June 10th 2013).

I asked Luis, “So, what would you do if a driver from another association comes here and picks up customers?” Luis responded, “We’ll block his way and get the passengers to leave.” Luis explained that before the associations there had been a lot of fights over customers. He said that most drivers carried a knife for self-defense and that they used it to slash the tires of pirate rickshaws. Later the same day, Luis mentioned that they are all pirates before the police (field note based on informal interviews and participant observations from June 7th, 2013).

Rickshaw drivers organize their businesses through associations. They collectively enforce a rule that excludes non-members of the organizations (called pirates) from using their stops. Julian preferred to work within the associations. That way he avoided conflicts with other drivers. However, as Luis mentioned, they are all “pirate” in the sense that they do not have a license from the government.

The Queuing System

Rickshaw drivers have different queuing systems. The first queuing system is at Portal de las Americas. When drivers arrive at Portal, they drop the passengers off at the entrance of the station, but are not allowed to pick up passengers, and instead have to go to the back of the line under the pedestrian bridge. The following excerpt from my field notes indicates how the queuing system works.

Luis drove along the sidewalk in front of the bus station and continued pedaling until he entered the side street. There was not much traffic there. He drove along this desolated road for two blocks until he entered the residential neighborhood of Quintas. This neighborhood is composed of some gated communities and a few stores. The neighborhood is very quiet during the day since most of the residents are at work, but there are some people walking around. We dropped

our first passenger off at her house, and Luis continued pedaling until he reached the pick-up stop at the end of the road. There, we had to wait for our turn to drive back to the bus station.

Luis continued driving people around, and he returned to the bus station at Portal de las Americas each time. He parked his rickshaw in the queue under the pedestrian bridge that connects the station with the street called Avenue Cali. He had to wait some distance away for his turn to pick up passengers at the entrance of the bus station to avoid congestion. “We don’t fight over customers”, said Luis, while talking proudly about the rickshaw associations. We did not have to wait more than ten minutes in line before it was our turn again (field note based on informal interviews and participant observations from June 7th, 2013).

In a conversation with Miguel about the queuing system at Portal, he explained that the police had told them they had to avoid congestion at the bus station entrance if they wanted to be there. The following excerpt from a conversation with Miguel illustrates this point.

Miguel said, “We used to park all the rickshaws outside the entrance, but the manager of Portal got upset. He called the police lots of times.” So, Miguel had talked to the manager who had told him that they could park the rickshaws under the pedestrian bridge. Miguel also said, “The police don’t bother, because we are careful to stick to the designated spots”. He meant that since they had started parking their vehicles under the bridge, the police had stopped harassing them. However, Miguel was referring to the regular police and not the road patrol, which was the one picking up rickshaw vehicles. (field notes based on observations and interviews from June 24, 2013)

The following photograph shows how rickshaw drivers line up next to the pedestrian bridge, avoiding congestion at Portal de las Americas. In this photograph it is also possible to see the driver’s vest and helmet he carries under his seat.



Figure 6 Rickshaw Stop at Portal de las Americas
Source: Photograph taken by the author in 2013

The queuing system was enforced with the help of the coordinator, but was also self-enforced by the drivers. I often heard drivers asking who was last in the line and they would line up behind them without issue. However, if a driver failed to comply with the queuing system, other drivers could simply give notice about their error or complain to the coordinator.

Established Fares, Uniforms and Working Hours

Rickshaw drivers at Portal de las Americas have standard fares, uniforms and working hours. The associations have agreed on the fares. They print a list of the fares to different neighborhoods and place it in the back of each rickshaw. Customers know what they have to pay, because they can see the list. In practice, most customers simply pay the fee and leave. The following excerpt from my fieldwork illustrates this point.

Drivers at Portal de las Americas wear a blue best with the name of the association on the back. Some of them wear a helmet, but not all [see photograph above]. Some have radios playing music. They said they do not have a fixed schedule, but working hours are between 4:30 a.m. and 11:00 pm. However, not all drivers arrive at 4:30 and not all stay until 11. Many take a lunch break around noon. Some only work in the mornings, others prefer the evenings. But the more hours you work, the more you earn (field notes based on observations from June 2013).

The normal fee for a ride between Portal and Quintas is 1,000 pesos (30 cents USD). However, they can negotiate a ride to other neighborhoods between two to three kilometers away. While the rickshaw has room for two passengers, drivers sometimes take three or four, should a family want to share a ride together. (field notes based on observations and interviews from June 2013).

This time our client needed to get to the neighborhood of Alondra. Luis said that was not a problem and took a different route to the one I was used to. This was a longer ride, so the tariff was higher, but the passenger paid without problem. We dropped our passenger off there, and Luis drove back to Portal de las Americas (field notes based on participant observations from June 7th 2013).

The previous excerpts illustrate the regulation of fares, uniforms and working hours. For instance, the standard fares were commonly enforced and I often saw customers paying without even asking. The use of a price list placed at the back of the rickshaw allowed customers to exercise informal control over the drivers. In this sense, the associations use the price list as a way to signal a norm, but the enforcement is decentralized to the customers, who can apply informal control. Similar hybrid-systems of control have been explored in the literature on self-regulation where the law provides a focal point (the list of prices), although the enforcement is decentralized (McAdams 2000).

Resistance

As a pirate driver it was possible to fight back and to defy control. The following excerpt from the conversations I had with Yeison illustrates this point.

Today I met Yeison at Portal de las Americas. He is about 25 years old. I have seen him working at the Portal before, but we have never talked. Today, Yeison approached me and said, "Well, you should talk to me, because I am one of the founders of the second association." This was the other association, and I had previously tried to talk to their coordinator, but had been denied. I asked Yeison to tell me about how the association had started. He explained that he used to work in the first association (Miguel's association) as a driver, and had wanted to buy his own rickshaw. He knew of a rickshaw factory in the neighborhood and had saved enough money to buy his own rickshaw, which only cost 1.5 million pesos (750 USD). Then he had spoken to the leaders of the association, but they had told him that he also had to buy a *cupo* for another 1.5 million pesos (750

USD). He felt that was too much money and did not want to pay. So he had spoken to the son of the street vendors' family in Portal, and they had decided to bring their own rickshaws and get onto the route.

I have heard about this family of street vendors that don't let any other vendors come near the entrance of Portal. However, now Yeison told me this family was also involved in the rickshaw business. Yeison knew the people from the vending family, and he thought they could fight against the other drivers. "People here don't mess with that family because they know how to fight", said Yeison. With the support of this family, the people from the first association could not do much. In the beginning, the drivers from the other association started slashing their tires and pulling off their passengers. There was a lot of fighting, but the family in Portal helped them. In the end, they made an agreement to work in peace, because the constant fights were attracting the attention of the police. (Interview from June 22, 2013).

Although Yeison had fought back against the association that controlled the route since he did not want to pay the *cupo*, he had himself started to sell *cupos* to new drivers, because he saw a chance to earn some money. Drivers that had bought the *cupo* from Yeison said they cost the same as the *cupos* of the other association. However, most drivers at the Portal Americas accepted the *cupos*, since the risk of getting the tires slashed as pirates was too high. Additionally, many preferred to work on routes, because that helped them to create a stable customer base and thereby they avoid unnecessary pedaling and wasting time. Still, some owners in the second association complained about Yeison and the family of vendors and said they were only interested in the money.

Formal Within the Informal

There is a blurred line between formality and informality. While rickshaws are informal in the sense that they lack a license from the government, they are registered at the Chamber of Commerce, have written rules, and many pay an accident insurance.³⁸

³⁸ Some of the owners at Portal de las Americas showed me the sticker of a liability insurance they had bought from an insurance company.

While my focus is on how social control operates in the drivers’ everyday lives, in this section I will present some of the association’s formal rules. These formal rules are contained in a document called *Acta de Compromiso 01*, which translates to “Act of Commitment 01.” According to this document, the standard sanction is to lose one day on the route. It is an economic sanction in the sense that a driver is not allowed to work on the route and therefore suffers from a decrease in income. The hardest punishment is reserved for drug consumption, and the ensuing sanction entails expulsion of the driver from the route. A less severe punishment is used for drivers who cut ahead of the line and consists of sending the driver five places back in the queue. I got a copy of this act from one of the drivers. The following table summarizes some of these rules and sanctions.

Table 1 Written Rules of the Associations
Source: Author’s translation and summary of the original document of the association

Norm	Description	Sanction
Vests	It is mandatory to use the association’s vest	2 days off the route
Helmet	It is mandatory to use a helmet	1 day off the route
Customer Service	Drivers must provide good customer service	2 days off the route
Urinating	Urinating in public is banned	1 day off the route
Traffic Norms	It is mandatory to respect traffic norms (stop lights, not driving against the traffic)	1 day off the route
Alcohol	Prohibited to consume alcohol at work	3 days off the route
Drugs	It is prohibited to use drugs	Expulsion from the route
Clothing	The clothing code does not allow the use of shorts and sleeveless shirts	1 day off the route
Slander	Slander about the other drivers and coordinators is prohibited	2 days off the route
Pirateria	It is prohibited to pick up passengers at stops on other routes, Pirateria. Attention to complaints from coordinators of routes nearby.	2 days off the route
Queue	It is prohibited to jump the queue.	The violator will be sent five places back in the queue

This list of rules illustrates a set of formal norms, in the sense that they are written and enacted by the relevant authority. However, with regards to social control, what is interesting is to observe how organizations enforce these norms.

In the previous sections in this chapter, I mentioned the rules that I was able to identify from my observations and interviews. As explained by Ellickson, when studying social control, “What people do should be taken as more significant

than what they say” (1991, 129). Many of these written norms were regularly followed. For instance, the norms of using the vests, not urinating in public, customer service, alcohol, clothing, queuing, and *pirateria* were followed by most of the drivers.

In practice, I saw Miguel telling drivers to lower the volume of the music, or about the need to keep the rickshaw clean. However, I never saw a driver receive any of these formal sanctions. In this sense, organizational control also varies from what is written and what is enforced in practice.

Are Organized Street Businesses Mafias?

There were often discussions among government officials about mafias controlling public space. Lina, the official working at the Office of Formalization (IPES) reported that there were spots controlled by criminal groups that collected money from the street vendors. Similarly, at the Ministry of Transportation, there were rumors about mafias controlling the rickshaw routes and collecting unlawful fees. Let us take the case of *cupos* on the rickshaw routes. A *cupo* is a license that new rickshaw owners have to pay to the original drivers that had first accredited the route. While some drivers considered this a fair compensation for the work of the first drivers, others believed *cupos* were too expensive and considered them to be an abusive fee. According to Eduardo at the Ministry of Transportation, *cupos* exploit the drivers but also represent an unlawful appropriation of public space. For him, unscrupulous individuals were using the threat of violence against other drivers to benefit themselves.

So, to what extent can we draw a line between the self-regulation of the rickshaw associations and mafia systems of control? According to Peña, the government in Mexico City has accused street vendor organizations of being mafias (2000). However, in most cases these organizations help vendors to reduce risk and uncertainties in a normless market and provide an important service for the vendors (Peña 2000). In the cases of the rickshaw drivers I had observed, the associations allowed drivers to coordinate their work and to earn an income that was higher than minimum wage. However, the associations of rickshaws start charging high fees, monopolizing routes, imposing excessive costs on the drivers and using violence to enforce their rules, and in this sense their case becomes more similar to that of the mafia systems.

Organizations and the Well-Being of Drivers

Rickshaw drivers realized that slashing the tires of pirate drivers was a costly and violent solution and, instead, had created associations that allowed them to administer a better enforcement of accredited routes. Their organizations show another form of social control. The creation of routes had helped drivers to work more efficiently. Instead of pedaling around to pick up passengers, rickshaw drivers followed the norms of the associations and used designated stops where they picked up their passenger. Working without belonging to an association was not worth it, partly due to the violence this would incur from other drivers, but also because it required more physical effort. Therefore, associations (organizational control) enabled drivers to improve their personal safety, their physical well-being and their income. Other associations were based in the threat of violence to monopolize certain routes and they collected high fees from the drivers.

Note on the Formalization of Rickshaw Drivers

By the end of 2015, the law to formalize rickshaws had still not been enacted. The ministry had approved standards for rickshaw security and design, in a norm published on the 19th of December 2014. As had been feared by some of the rickshaw leaders, the safety standards had been raised and their vehicles would need major reparations in order to comply with the norm. The drivers expected the government to establish a formalization process to give the current owners time to meet the new requirements. However, the next step was the regulation of the rickshaw routes and services by the city of Bogotá. By the end of 2015, the city had not enacted this regulation. Rickshaws continued to operate under the associations, and the road patrol continued to confiscate their vehicles.

7. Big Brands and Small Vendors

Businesses with commercial premises outside on the streets (off-street stores) often complain about street vendors taking their customers and competing unfairly, since they do not pay taxes or rental fees. Nevertheless, when you visit the streets of Bogotá, you can find a great number of vendors selling products and wearing uniforms from well-established companies. Big companies distribute newspapers, ice cream, lottery tickets, cell phone cards, and energy drinks via street vendors. The distribution of products through street vendors in Bogotá often includes three parties, the big company that provides the products, a middle-man (the agency or franchise owner) who distributes the products to street vendors, and the vendors. In the case of ice cream vendors, there is no contract between them and the main company; instead, vendors frequently sign a consignment sales agreement with the intermediary agency. Under this contract, the agency is the main owner of the product, and the vendors only have to pay for a proportion of the sales. However, payment is only made when and if the items are sold.

Street vendors selling products for big companies are considered own-account workers and therefore do not have any employment based social security insurance. In many cases, the big company determines the areas where vendors are allowed to work, provides them with uniforms, and sets the prices that vendors may charge. During my fieldwork, I met ice cream vendors all over the city. I repeatedly watched how they moved from place to place with their ice cream carts. When analyzing my field notes, the case theme of ice cream companies became relevant as another form of organizational control. In this chapter, I present the field notes recorded near a shopping mall in the north of Bogotá, called Santa Fé. I met ten ice cream vendors from different companies in the vicinity of this mall, and I watched them during their working hours and had short conversations with them while they were working. Here, I want to illustrate the role of the large companies that control vendors through a third party, the agency or franchise owners.

Control by Big Companies

The ice cream vendors in theory were free to conduct their sales the way they wanted, however in practice they were subject to the surveillance and control of company agents. Ice cream companies in Bogotá provide uniforms and ice cream carts. The companies set the prices of the ice cream, and vendors are only allowed to sell their products. Yet, Article 70 of the Police Code (Acuerdo 079 of 2003) establishes that in order to protect public space, it is necessary to “Not promote, encourage or facilitate directly or through a third party squatting of public space by mobile or stationary vendors.” Still, many street vendors felt that police control was mainly directed at them and not toward the companies.

Among the street vendors near the Santa Fé mall, there is a group that stands out due to the bright colors and logotypes on their uniforms. They sell ice cream from different companies. Selling ice cream is probably one of the most common street businesses in Colombia, and you can find vendors everywhere, even in small municipalities. For a person in need of work, the ice cream business is attractive, because starting up does not require any capital, and vendors can make a profit from the very first day. The downside is that profits are low and they need to sell a large amount of ice cream in order to reach a survival income. The profit margin varies between 10 and 30 per cent, depending on company. The business operates through three groups: the main company that manufactures the ice cream, small delivery agencies or franchises in charge of distribution, and street vendors that sell the products outdoors. The delivery agencies and the street vendors must follow the main company's instructions with regards to quality, service and price. The company provides the delivery agencies with *tilin tilin* carts and uniforms for the vendors, and gives them training in how to manage the business. In turn, the delivery agencies recruit and control the street vendors. *Tilin tilin* is what people and businesses call the carts used by the ice cream vendors in Bogotá. These carts have small bells that announce when an ice cream vendor is coming and make the sound ti-lin, ti-lin, ti-lin.

Working as an Ice Cream Vendor

One of the advantages of selling products for big companies is that vendors do not need much capital to start up their businesses. They contact one of the agencies that distribute ice cream in the city, sign an agreement and can start

selling the next day. However, ice cream vendors often complain about the low profits in this kind of business and the stiff competition. The following excerpt illustrates a typical day at work for an ice cream vendor.

Rosa arrives every day before nine in the morning at her vending spot by the pedestrian bridge near the Santa Fé mall. I can see she is an ice cream vendor by her uniform and the ice cream cart she pushes, which belongs to an international corporation called Crem Helado. Rosa greets me and offers me an ice cream. “Good morning Madam, would you like to refresh your day with a delicious cone? I have all flavors, strawberry, chocolate and vanilla.” We start to talk about her work as an ice cream vendor. She explained that getting a job as an ice cream vendor was relatively easy. You bring your CV, a copy of your criminal record, a copy of your identity card and two references from someone who can verify you are a good person. She explained that El patron [meaning the boss] at the Crem Helado agency pays you a home visit to make sure that you live at the address you have provided in your CV. Then, if everything is ok, you get an ice cream cart and can start selling the next day. “That’s the good thing about ice cream, you can start receiving money from your very first day”, she explained. She gets about 18 per cent of the sales from the Cream Helado company, and makes an average of 20,000 pesos a day (9 USD) (field notes based on observations and informal conversations from December 17, 2013).

Yanira sells popsicles from a company called Bon Ice. She prefers to sell popsicles because they can melt and refreeze without the product being ruined. When selling ice cream, the products would sometimes melt and she would have to pay for them. The downside of selling popsicles is that they are very cheap and the profits are marginal. She said she earned about 20% of the sales. One popsicle costs between 200 and 300 pesos (8 to 13 cents USD). She said she often made 15,000 pesos a day (6.6 USD). However, on a rainy day she can go home with less than 5,000 pesos (2.2 USD). For that reason, she was often behind on paying her bills (field notes based on observations and informal conversations from December 19, 2013).

To earn 15,000 pesos a day, Yanira has to sell about 250 popsicles. While she was frequently busy, this was a large sum for her, and she had to work hard to make a basic income. Still, if she worked six days a week, she would make about 360,000 pesos (160 USD) in a month. This was less than minimum wage, equivalent to 260 USD in 2013. In this context, it is not surprising that ice cream vendors often complained about the low profits in their business. They made less than half of the rickshaw drivers at Portal de las Americas. Many were

elderly people that did not have a pension or people that could not get any other job.

The documents that an ice cream vendor has to provide the agency with in order to be entrusted with an ice cream cart are similar to those the drivers must provide to be entrusted with a rickshaw. In both cases, the agency or the association has to obtain information about the vendor's or drivers' residence in case the person went missing with the cart. Both vendors and ice cream vendors explained that if they failed to return the cart, the owner would come to their house and try to get it back. This illustrates a form of self-help in social control.

Independent Workers

Some of the ice cream vendors I met complained about their work conditions and explained that they could not get any social security protection, since the companies made it clear that they had nothing to do with them. Formally, they signed a contract of "consignment sales" which prevented vendors from trying to make the companies responsible, for instance, in cases of work related accidents. Perla's daily routine, a vendor working for another company called Rico, illustrates her relationship with the local agency.

Perla goes to the Rico agency to pick up the ice cream around eight in the morning, but she works flexible hours, so she can pick it up between eight and ten. The boss at the agency counts the cones and popsicles she gets and makes her sign a form. She loads the ice cream onto the tilin cart and heads to the streets to start her working day. Perla wears Rico's company uniform, and she is not allowed to take it off. She represents the company's image and needs to wear a clean uniform every day. She works until five, and then returns to the agency. The boss at the agency counts the remaining ice cream and calculates the difference between the remaining goods and the amount that Perla had received in the morning. Then, Perla pays for what she has sold. Perla's commission is between 20 to 30 % of the sales. Perla says she makes between 20,000 to 30,000 pesos a day (9 to 13 USD) (field notes based on observations and informal conversations from December 16, 2013).

Perla and I talked about what being an independent worker entails. She explained that being independent means that if she does not sell anything then she "can't bring home the potatoes." Perla used a reference to being able to

bring “*la papita a la casa*”, which in English means, “bring the potatoes home”, to show her dependence on her sales to be able to buy food.

El Patron at the Agency

Santiago works at one of the ice cream agencies near the Santa Fé mall. I visited Santiago and told him about my research. He has a contract with the main company to distribute ice cream through 30 street vendors. The company gives him the uniforms and the ice cream carts for the vendors. Much like the vendors, Santiago is also an independent worker. He receives a percentage of the sales from the vendors. The following excerpt is from an interview with him.

I asked Santiago to tell me about his business. He said, the company provides the ice cream on consignment, and he pays depending on the sales. It also provides the ice cream carts for the vendors as a free loan. He explained proudly that the company had agencies all over the country. His agency had the north zone in the borough of Suba, which covers all the neighborhoods on the west side of the north highway. However, when I asked about the vendors’ social security, he was reluctant to talk. He said, “Vendors should be glad that they have a job.” He explained that he employed single mothers, men without any education, basically people that could not get a job anywhere else. He exclaimed “If you’re good at selling, you can make more than minimum [wage]. At that moment he had three carts parked in his office, because the vendors that had been using them had resigned. The problem is that the vendors don’t get compromised; they worked one day and the next day Santiago had to call and ask if they were going to come to work or not (field notes based on observations and one interview from January 24, 2014).

Part of Santiago’s job is to make sure that his street vendors come to pick up the ice cream every day. The following excerpt illustrates how agencies ensure that vendors would not steal the ice cream cart.

I asked Perla what would happen if she decided one day to sell all the ice cream and run away with the cart. She said that there had been a woman that took the ice cream and worked for only a few days and then left. In that case, it was a big loss for the boss at the agency, explained Perla. He had to pay the company for the cart and the ice cream. For that reason, when Perla began working for him, the boss would only give her a small amount of ice cream, and gradually, as she gained his trust, he gave her more. She also said that if you run away with a cart,

they put you on a black list. Perla was often interrupted by customers. She is well skilled in her sales. Later, during a conversation, a man came up and asked Perla where the Rico Helado agency was. He was looking for a job. Perla had a card from her agency and gave it to the man, and she also asked him to mention her name so that she could get a small commission. She explained that the Rico company was expanding and that she gets a commission for every new vendor that she recommends (field notes based on observations and informal conversations from January 23, 2014).

Various companies in Colombia use agencies to distribute their products. Their profits are based on the vendors' sales, and therefore it is in their interest to have many vendors. However, the low profits and benefits vendors receive make this job unattractive. Many ice cream vendors explained that this was the only choice they had, but that they were looking for other jobs.

The Main Company

From reading newspaper articles and the information on the companies' websites, one can see the role street vendors have in their business models. At the website of the Bon Ice company, formally known as Quala, one can see how they present their distribution strategy of indirect employees. The website states they are "One of the top 25 job creating companies in Colombia. We create 3,800 direct jobs and 14,000 indirect jobs" (Quala 2016). The 14,000 jobs they refer to are likely to be represented by street vendors. The company reported annual sales for more than 15,000 million pesos (6,6 million USD), from which they paid taxes to the state (El Tiempo 2002). Similarly, other ice cream companies talk proudly in the media about their job creating role in Colombia. The president of Rico Helado, a company that began business in Colombia in 2012, says they have created more than 7,000 indirect jobs in one year (El Tiempo 2014).



Figure 3 Distribution line of Crem Helado called “carritos tilines”

Source: Photograph take by the author 2013

Despite the open use of street vendors, the Police Code of Bogotá prohibits the distribution of products on the streets via street vendors. Although the big companies do not engage directly with the vendors, it is possible to argue that they are part of their business model. After all, ice cream companies are the owners of the carts used by the vendors in their daily work.

Street Vendors Needed

“Street vendors needed. Men and women of all ages with some sales experience, preferably street vending, that want to *camellar* [meaning work like camels], should send their CVs to the following address.”

Alexandra, who works at the Office of Formalization (IPES) showed me this advertisement while complaining about the gravity of the situation concerning big companies that benefit from exploiting street work.

I met Alexandra on one of my visits to the Office of Formalization (IPES). She showed me the above add on an Internet site. She explained that she had got the

link from one of the vendors in her programs. The vendor worked in one of the kiosks and complained about a man who hired women to sell freshly pressed orange juice near his kiosk. Apparently, the man brought the pushcarts with the oranges every morning, and the women received a percentage of the sales. When I checked the Internet I could find plenty of adverts for street vendors to distribute and sell products in the streets of Bogotá. According to Alexandra, that was why they needed to control public space. It was one thing that many people needed work, and another when small and big companies started using street vendors. (field notes based on observations and informal conversations from January 22, 2014)

It is very smart for a new company to use street vendors, because they get to place their products on busy corners and get all the publicity for free. It is a cheap marketing. But it is nothing new. Large businesses have used street vendors and public space for many years such as newspapers, lotteries, or phone companies.

The Legal Regulation of Ice cream Vendors

Article 70 of the Police Code establishes that in order to protect public space it is necessary to “Not promote, encourage or facilitate directly or through a third party squatting of public space by mobile or stationary vendors.” Accordingly, businesses such as Rosa’s ice cream businesses are not allowed. However, on my last visit to Santa Fe mall in 2014, all the ice cream vendors were still working in their spots. According to the vendors, they continued to face police harassment and confiscations. When I asked the government officials of the city working with the regulation of street vendors, they often criticized large companies for using street vendors as part of their business model. The following excerpt from an interview with Carlos from the Office of Public Space illustrates some of the issues of regulating public space in relation to big companies.

Carlos considered the issue of ice cream sellers to be complicated. He believes that there are big companies behind these vendors, and that there existed a labor exploitation relationship. However, the city doesn’t have a special policy in this regard, but in his opinion there should be a labor policy. He felt that the government looked away when big companies fail to comply with the law. (Interview from January 20, 2014)

The use of street vendors as a business model has expanded exponentially in Colombia. For instance, in 1978, Bromley exposed how a local ice cream company in the city of Cali used 60 vendors to sell their products in the streets (1978, 1166). While there are no reliable statistics showing an increase in street vendors distributing products for big companies, the numbers the companies reported concerning indirect employees could indicate that these businesses are expanding.

The use of street vendors by large companies to distribute their products is a global phenomenon. Cross argues that all over the world, large corporations have deliberately used street vendors to distribute their products to compete in the market and avoid large overheads and labor costs (2000, 39–40). In Cross' model of entrepreneurship vs. exploitation, he defines people that have a single supplier and a single client as disguised workers. He gives the example of the garment industry where the materials are supplied by the same agent that later buys the final product. Ice cream vendors are defined in this model as semi-dependent workers that depend on a single supplier and multiple clients (Cross 1997, 42–43).

Managers of these companies often pride themselves on creating jobs for vulnerable groups such as single women, elderly people and people with disabilities. However, most of these jobs are informal and therefore without basic social protection. In India, the government has a long history of using welfare boards to force companies to contribute a basic percentage to welfare schemes for so called independent workers, such as home based workers. For instance, Agarwala explained that in the tobacco rolling industry, the main tobacco companies and the cigarette (*bidi*) rollers have to contribute to state funded welfare boards (2006). These boards help workers get access to welfare benefits. However, these welfare boards place workers below the minimal benefits of formally employed people. While it is possible to argue that the state needs to enforce a labor contract, looking into alternative ways of providing welfare for this group of workers could be a possibility.

Control from Security Guards of Private Malls

Big companies not only exploit the use of public space directly, through street vendors, but can also establish free vending areas when they have the means to place guards outside their premises. The case of the Santa Fé mall illustrates this point.

Santa Fé is a major commercial mall in the city of Bogotá. It is an impressive building with more than 500 shops, 2,300 parking spaces, a large cinema, and a sizeable food court. Surrounding the mall are many apartment buildings, some houses in gated communities and some light industries. However, there are no street vendors around the Santa Fé mall. Indeed, the mall administration has placed guards outside, making sure that neither vendors, homeless people, or any other unwanted persons can get close. These guards have intimidating dogs that make sure you feel there is no space for disorder around the stunning mall. However, just after the street crossing you find a pedestrian bridge that spans the north highway of Bogotá and connects to the Transmilenio bus station. Down by the bridge, street vendors are welcoming and friendly, and ready to sell their products to the numerous by-passers.

There I met Perla. She sells ice cream one block from the Mall. She explains that when she first came here, she thought it would be a good idea to walk by the mall and try to sell to the people on their way there. First she parked her ice cream cart near the northern entrance of the mall, but after a minute a guard came and told me her that she had to move away. He said vendors were not allowed around the mall and asked her to move. She moved to the other side of the street. (field notes based on observations and informal conversations from December 16, 2013).

The control over the use of space is often a battlefield between street vendors and the owner of larger supermarkets, or malls, among others. The case of the Santa fé mall is particular since it is a relatively new mall and the guards have managed to keep it free from vendors. Many other malls and commercial areas are often crowded with vendors, but the tension between them and the bigger businesses is often present. Still sometimes vendors developed good relations with the owners of the off-street businesses and they can give them an informal permit to work in front of their stores.

Gated Communities

While some businesses place security guards outside their premises to ensure free vending zones, in other places there are not enough security guards to control them, and these zones become occupied by many vendors. In the case of gated communities, vendors often explained that the managers of these residential areas call the police to complain, while some of the residents would buy their products. The case of the gated community that Perla mentioned was unique, because the manager of the neighborhood was able to get the city mayor to sign a decree declaring that the area outside the gated community was a vendor free zone. The following excerpt from Perla story illustrates this point.

After Perla was asked to move away from the mall, she moved to the other side of the road. She had been selling there for about ten minutes, and this time the guard from the gated community there came over and showed her a sign that said "Vendors Not Allowed." He said she had to move away. She moved down the street to a bus intersection. She saw some vendors in that spot, so she thought she could work there too. But as soon as she started to sell near them she could see in their faces that they didn't want her to be there. That was her first day, and she spent almost all that day looking for a place to set up her cart. She ended up walking up and down the street. (field notes based on observations and informal conversations from December 16, 2013).

Across the pedestrian bridge on the other side of the Santa Fé mall, there is a big sign that says "Special Security Zone, Street Vendors Prohibited." Although some vendors walk around this area, most of them stay a few meters beyond the pedestrian bridge to avoid harassment from the security guards from the gated community of Marantá. This sign bears the city government logo, and according to some of the street vendors in the area, the manager of this gated community has done everything he could to kick out the street vendors from this area.

Lalo works in the bus stop few meters away from the gated community of Marantá. He explained that they were in a battlefield when they worked in front of Marantá. That's where the buses that go to the municipalities in the north of Bogotá stop, and many vendors used to work there. The people from the gated community complained all the time and sent their guards to move them away. There were lots of vendors, and together they could ignore the guards. The manager of this gated community also often sent the police whenever they could.

Finally, they got that decree that said that this is a vendor free zone. Lalo explained that there are rumours about the manager of the gated community having friends in politics and that is how they got this sign. Many people left because they were tired of dealing with those private guards, as well as with the police. Now they're re-establishing at this bus stop, but there isn't any proper sidewalk for passengers to stand on and wait, here. (field notes based on observations and informal conversations from December 16, 2013).

This improvised bus stop is the work place for about ten vendors who sell to the people waiting to catch the bus to the surrounding municipalities of Chia, Cajica, Zipaquirá, and Tunja, among other destinations. These buses come from Portal del Norte, which is one of the main bus stations of Transmilenio.

There are often three or four buses waiting to pick up the last passengers before leaving Bogotá. Buses only stop for a couple of minutes before they continue on their way since this is not a proper bus stop, and if they stay too long they could create major traffic congestion. Vendors at the bus stop sell mostly to the passengers waiting for the buses, and when the buses are not full the vendors get on and sell their goods while the bus is waiting. There are also two men working as *voceadores* whose job is to shout out the bus route. You hear them crying loudly, "*Chia! Chia! Chia!*", the name of one of the municipalities along the bus route. *Voceadores* help the passengers enter the bus, and the bus drivers often give them voluntary tips.

According to Bhowmik (2010) inspired by neoliberal ideologies, many public spaces have been privatized and, therefore, control has been placed in the hands of private guards. Big businesses complain about nuisance, congestion, and the unfair competition caused by street vendors, since they do not pay taxes, registration fees or off-street premises.

8. Daily Relations with the Police

Police encounters are common when working as a street vendor outside the law. Even though one may think that the police are not really doing much about street vending since such activities are so widely spread, most of the people I met in my fieldwork have experienced confiscations or police harassment.³⁹ In this sense, the police, as an agent of control, is not toothless, and impacts the lives of many vendors. However, as I will present in this chapter, police controls vary greatly from what the written laws prescribe. This chapter provides insights into how street vendors experience police controls on a daily basis.

Fear of the police is widely spread among people working as street vendors. However, police evictions and confiscations of goods are, according to some of the vendors, a matter of being “street smart” and following certain precautions. They often manage to escape, but if they are unlucky, they might be apprehended by the police. The police do not always use strong arm tactics. Often, police control varies between widespread tolerance, pushing around, “*levantamiento*” (meaning to lift up and confiscate their goods) and jail. Control also varies greatly between “conflict zones” such as the business district or the city center, and the city outskirts. Hence, through the lens of social control, I explore street vendors’ experiences of police control.⁴⁰

³⁹According to the survey I conducted in the transitional zones of vending, 56 % of the vendors experienced confiscation of their goods by the police before they entering the formalization program.

⁴⁰ Bromley states that “conflict-zones” are the central business district, various neighborhood and suburban commercial centers, the transportation terminals, the major sports and entertainment centers, and all major tourist attractions.” (Bromley 2000, 16)

Punitive and Territorial Control

During my fieldwork, I observed the daily relationship between the police and the street vendors and rickshaw drivers. Vendors and drivers often talked about their fear of being “lifted away” (*la police nos levanta*). I saw the police telling the vendors to move on, and I saw vendors running away because they thought the police were coming to lift them away. During the conversations I had with street vendors and rickshaw drivers, many of them related stories about police confiscations. The following text illustrates the story of a vendor, Pedro, who was evicted. I have written his story based on the jottings I took during conversations with him. While the details of his story are personal, they resemble the stories of other vendors that have shared similar experiences of evictions and confiscations.

The Drama of Police Confiscations

Pedro still remembers when he was sent to one of the detention centers (commonly known as UPJ), because he refused to let the police destroy his goods. He used to sell avocados from a wooden structure near the Rosary Square in the historical center of Bogotá. Surrounded by government offices, two universities, and other small businesses, Rosary Square is crowded during business hours. Moreover, the Transmilenio bus stop that serves the city center is located on the south side of the Square, and the high level of pedestrian traffic makes this a great location for any business. However, police officers often make their rounds in this area and force vendors away from the square. Still, at different times during the day, it is possible to find vendors transporting their products in pushcarts, in small wooden structures they hang from their chest, or in blankets that they can gather up from the floor in case the police come.

On the morning that Pedro’s avocados were confiscated a great turmoil had broken out. Some people were watching, others were arguing with the police, a man shouted from a distance “Let him work, he isn’t a criminal”, and others started recording the scene with their mobile phones. The police had thrown the avocados on the ground after Pedro had refused to let the officers lift his pushcart onto a police truck. However, things had become more agitated when one of the police officers had grabbed Pedro by the neck and forced him into the police truck. What had started as a police confiscation ended up in a confrontation between a group of police officers and Pedro. Initially, Pedro had

begged the police to let him leave with his avocados, but the sergeant had told Pedro that they were tired of telling him to leave. Other police officers started to throw the avocados onto the truck while Pedro began to get desperate at the sight of his *plante* (investment) going to loss. At that point, one of the police officers kicked the pushcart over and knocked all the avocados onto the ground. In an act of desperation, Pedro had grabbed onto his pushcart firmly. Pedro shouted, “Stop hitting me, I’m not doing anything wrong, why won’t you let me work?” People watching the scene shouted, “Leave him alone!”, but many kept their distance for fear of getting in trouble with the police. The sergeant ordered the other constables to take Pedro into the police truck and they all left soon after. For Pedro, resisting the police eviction was a lesson he would never forget, because he had to spend 24 hours in the UPJ (detention center). Today, Pedro sells avocados in the neighborhood of Santa Librada. Pedro complained that police officers think they are better than vendors because they wear uniforms, but they are just like them. “I don’t understand why the police won’t let people work”, said Pedro. (Story based on jottings from December 16, 2013)

It took six or seven police officers to evict Pedro and confiscate his goods. According to his description, there were other vendors in the square, but that day they managed to escape. I met Pedro during one of my visits to the vending zone in Santa Librada. He often parked his avocado cart near the bus stop, so we started to talk during one of my visits. When I asked him about his relationship with the police he told me this story. I met Pedro on many occasions and he seemed to be able to work in peace. He pushed his cart around and had not experienced any further confiscations. As for the other vendors near Rosary Square, new and old vendors continue to experience police harassment. However, Pedro feels it is not worth taking the risk, and he prefers to sell less in Santa Librada, but be able to work in peace.

The neighborhood of Santa Librada is located in the south east of the city. According to many vendors that previously worked in the city center, they have to sell at lower prices in this neighborhood, since people there have lower incomes than people who live in the north or work in the city center. People who had previously worked in the city center could compare their experiences of police control, and many agreed that police raids were less severe on the city outskirts. This illustrates how the severity of police control can vary in relation to space, something that has been pointed out by Konzen in a study of the regulation of tourist cities (2013, 273–275).

The Territoriality of Police Control

A recovered area is a section of public space, a sidewalk or a park, where the government has executed an administrative process of recovery.⁴¹ The Office of Public Space has an inventory of recovered areas and has the obligation to defend them from future invasion from vendors. Vendors that occupied recovered areas in Bogotá have to be more alert, because the police could come at any time and evict them without the need of an “Administrative Act.” The following excerpt illustrates how control operates in a recovered area.

Vendors outside the bus station at Portal del Norte were not part of the vending zone [a formalization program] and instead worked on their own. The atmosphere here was more stressful than in other places and they said that police crackdowns occurred regularly. Some of the vendors told me this was a “recovered” zone which is why the police often visited there. People watched their backs, and all of them used pushcarts or tricycles. One of the vendors explained that it is easier to escape or to move around on these tricycles. However, when the government also offered the vendors from Portal to become formalized in the vending zones, most of them refused to move to the zone and argued that the location was a bad business spot. (field notes based on observation and informal interviews from December 2013).

Observing and talking to vendors in “recovered areas”, I could see how police control varied from place to place. While in Pedro’s story, it was possible to see variations in control between the city center and the city outskirts, in this case the variation was in relation to a specific area. However, this variation in control was based on a City Decree that gives police officers the authority to evict and confiscate the goods of vendors in recovered areas without the expressed authorization of the government.⁴² Therefore, it is possible to argue that the law, as such authorizes the police to use “strategic control.” This Decree better reflects how the police operate on an everyday basis, i.e., how they control problematic areas or places of interest more strictly than others. Similarly to the findings in this research, the literature on the geography of social control has shown variations in police control in relation to geographical spaces (Fyfe 1991).

⁴¹ Article 12 of Decree 98 of 2004 signed by the Mayor of Bogotá defines recovered areas as public spaces which have been recovered as a result of administrative and judicial proceedings.

⁴² In the chapter of the legal framework of police evictions I describe how Decree 098 of 2004, allowed the police to remove the vendors occupying recovered places and to confiscate their goods without any kind of administrative act.

In his argument, Fyfe states that policing is a territorial activity which often varies according to zones (Fyfe 1991, 262, 265).

Pushing the Vendors Around: Giving Notice

While police confiscations still occur, most of the time the relationship with the police is not punitive, and other kinds of interactions occur. The following excerpts illustrate how police control through “pushing around” still remains a way for them to control public spaces, but it is less punitive than confiscations or evictions.

The day I met Diego, he was selling ice cream in front of the bus station at Portal de las Americas. There were some police officers talking to other vendors near Diego when I heard one of the officers say that vendors were not allowed to be there, and that they had to move on. I was worried that Diego could get into trouble with the police and asked him whether we should continue talking in another place. Diego said that it was ok and that once he was finished with the customer he was currently selling an ice cream to, we could move to another street.

Diego’s customer looked uncomfortable after a policeman had begun shouting at another vendor to leave the place, so she paid the ice cream quickly and left. But Diego seemed less anxious. Diego and I started to walk away slowly, but I could still hear the policeman’s voice. I wondered whether we should hurry up.

Diego told me I should not worry because those police officers only ask them to move on, and are not going to confiscate their goods. He said that they had got kicked out fifteen minutes ago and the police were somewhat irritated at them returning. “It seems like the police aren’t going to let us work today”, he complained. He explained that the only time they have to run away is when the police boss arrives. According to him, that sergeant was a very angry person, and the other day he had said that the next time he comes he would bring the truck.

We had not walked more than three meters when another customer asked for an ice cream. Diego opened the *tilin tilin* cart and showed her customer various options. The customer took her time deciding and finally chose one of the cones. While she was looking for her wallet, the police officer put his hand on Diego’s shoulder and said: “I told you to leave a long time ago, what are you still doing here?” Diego apologized, and once the woman had paid him for the ice cream, we walked away at a brisker pace.

I asked Diego why the vendors who sold *chaza* (snacks) near the entrance of the Portal were allowed to remain on the sidewalk without any problems. He explained that a woman there had once filed a *tutela* action after the police had destroyed her pushcart and goods, and since then, the police had left her alone. Now she works there and had brought her husband and son with her to work as street vendors. They monopolize the *chaza* and cell phone calls business there. We continued walking down the street, and Diego said he was going to work near the wholesale market called Corabastos. Diego explained that the police do not bother them much at Corabastos. The police officers near the market have real problems to take care of because that's a hot zone, explained Diego. (field notes based on observations and one informal interview from 27 June 2013).

The previous excerpts illustrate different aspects of how vendors experience police control. First, it shows that police control varies from simply giving notice to a more serious threat of eviction (bringing the truck). It also shows that vendors resist police control when they can by moving slowly to other neighborhoods only to return soon after the police have left. This is an example of subtle resistance, one of the weapons of the weak, as explained by James Scott (1985). Finally, there is also a difference between vendors that have won *tutela* actions in court and ordinary vendors. While the intention of *tutela* is to protect fundamental rights, in practice it has created better treatment for those that know how to use the law and have won their cases, and those who do not bring their claims to court (Uprimny 2006).

The Use of Mobility to Avoid Police Control

I met Diego the next day at the same sidewalk where the police had previously kicked out the vendors. This time Diego had only a cooling box with him instead of the ice cream cart. The following excerpt from this encounter illustrates how vendors use mobility as a way to avoid confiscations.

Diego said, "Hi Ana, how is the research going? You still looking for information on the vendors?" I saw Diego now had a cooling box hanging from his chest and he was not using the *tilin tilin* cart. So I asked him, where his *tilin tilin* cart was today. Diego explained that yesterday, after I had left, the police sergeant had returned. Diego had come back to sell the rest of the ice cream and had seen the sergeant talking to the vendors. So he had approached him to talk to him. The sergeant had said that the ice cream carts themselves were the actual problem and that the vendors were invading the public space. He told the vendors that if they

used smaller boxes they wouldn't have any problems. They had these cooling boxes at the agency, so today Diego was working from one of them. They were not ideal, because ice cream melts faster in them than in the carts, but at least he was allowed to remain there and sell his goods. He was considering to use the ice cream cart again tomorrow. (field notes based on observations and one informal interview from the 28 of June 2013).

Diego carried less ice cream in the cooling box, so he had to return two times to the agency to refill. He was bothered by the ten blocks he had to walk each time he ran out of ice cream, and carrying the box hurt his back, but at least he could keep his spot on the sidewalk near Portal de las Americas. Other vendors were using tricycles, similar to the rickshaws, to move around during their work. Mobility is a common strategy among street vendors to avoid police controls, which has been shown in previous studies (Meneses-Reyes 2013).

Establishing Order in the Streets

Sometimes, the police would ask vendors to keep behind a line to avoid congestions in certain spots. They did not tell the vendors to leave, just to move to another area in the same street. The following excerpts from my field notes illustrate this point.

Today is Saturday and I arrived at 11 in the morning at the vending zone in Santa Librada. I greeted Cali, and he said, "See? I told you about all the vendors on the weekends." Later in the afternoon I saw a police officer. I was sitting next to Cali and I heard the sergeant telling Cali, "All good, man." Cali showed me that they were all stationed behind a line. He said that some weekends ago the police had come and told the vendors to move and make space on the sidewalk. Cali was already standing behind the line. Cali said that the other vendors had complained and asked the police, "But why don't you move the cholados guy?", to which the police had replied, "Because he's behind the line, and he knows his place." The police said, "Everyone behind the line, or nobody works." Then everyone moved. (field note based on observations and one informal interview from August 25th 2012).

The previous excerpts illustrate how police control can also be informal. The actions of the police officers organizing the vendors can be interpreted as a way of manifesting their presence by exercising some kind of authority. Yet, this was not exactly a legal procedure, but rather an informal way to establish some kind

of order in the streets. It illustrates how the police also exercise informal control, another example of hybrid-systems of social control (Ellickson 1991, 254).

My informal interviews with Garcia, one of the police officers working near Portal de las Americas, illustrate another way in which informal police control operates. Garcia works at one of the police stations in the borough of Kennedy. Most of the time, he patrols the neighborhood on a motorcycle accompanied by another officer. With one of the highest crime rates in the city, the police station in Kennedy is constantly busy. I met Garcia twice at the police station, and we talked about his work in relation to street vendors. I also saw Garcia passing by Portal de las Americas on his motorcycle. The following excerpt is from the notes I took the first time I met Garcia at the police station. It illustrates how police control does not always involve punishment and can instead be informal.

Today I visited a police station located about 10 blocks away from Portal de las Americas. There, I met Garcia⁴³, a police officer. He said he was not authorized to give a formal interview but that he could talk to me informally and I could take notes. I told him I would not disclose his name.

Garcia explained that vendors are the last thing on his mind, except when the people working at the local Mayor's office call and ask for help to clear a sidewalk. He seemed annoyed by the vendors. He mentioned that the other day, the local mayor's office had called and asked for help to count the vendors in Portal Americas. The local government wanted to count the vendors in order to start a formalization process. They counted 17 vendors at the bus station at Portal Americas. The government had told those vendors that they were going to offer them a formalization program, but Garcia complained that since then they had not heard anything from the government. "I mean our job is to help the Mayor, but if they don't do anything, there isn't much we can do", he said. Then he told me that the week before, he had passed by Portal and checked on the vendors. He had counted 23 vendors in total and had told the new vendors they had to leave, but they had complained and replied that in that case all the vendors should have to leave, because it was unfair that some should have the right to stay while others did not.

Garcia was interrupted many times while we talked, and the phone at the station rang constantly, so I waited while he carried out his work, and then we continued talking. Garcia explained that they limit their work to the Mayor's

⁴³ The name Garcia does not correspond to the police officer I met. Like in the case of all the informants I met through my fieldwork I have changed the name to protect their identity.

Orders: “If the Mayor wants us to apprehend the vendors, they have to give us the order, and then we just follow their instructions.” He explained that when people call and complain about street vendors, they merely tell the vendors to move on, because they cannot confiscate their goods without a Mayor’s Order. Later in our conversation, Garcia reflected that, “Counting the vendors is a waste of our time. There are always new vendors arriving on the streets.” I thanked Garcia and left the police station. (field note based on an informal interview from January 23, 2014).

For Garcia, his work with the street vendors was mostly limited to moving the vendors away when he received complaints from more established businesses in the neighborhood, or to lift them away when the local mayor gave the order. The police officers in Bogotá meet with people engaged in street vending in a variety of settings, and their relation often lies beyond the duties of evictions and confiscations. While helping the government to count the vendors is part of the police’s duties, checking on them is an informal act. It is also informal to establish a difference between older vendors and new vendors.

Cooperating with the Police

Interactions between people engaged in street businesses and the police are sometimes related to security and the general crime situation in the streets. The following excerpt illustrates how the coordinator of the rickshaws at Portal de las Americas works together with the police to control that drivers do not carry weapons.

Today I talked to Miguel, the leader of one of the rickshaw associations. There were seven other rickshaw drivers waiting for their turn to take passengers to Portal. It was the slow hours of the day, so the drivers were chatting with each other. While I was talking with Miguel, a police officer on a motorcycle arrived, greeted Miguel and said that he was checking on the drivers. Miguel told the police officer to go ahead with his job and told me that they work together with the police to keep the neighborhood safe. The police patted down all the drivers except Miguel.

Miguel explained that they like to work together with the police, because they want to keep their customers safe. “This neighborhood is generally safe, but at night people from other places come here, and we’ve had cases of drivers and

their customers being robbed”, he said. This was not good for business and Miguel said that he was part of the neighborhood watch, and he cooperated with the police to keep the area safe. “The police come here to search the drivers and make sure they don’t have any drugs or weapons”, Miguel explained.

Later Miguel showed me a steel rod he keeps hidden in the rickshaw for self-defense.

Miguel said, “In our organization, we want to cooperate with the police.” He explained that the police had followed them during the *Virgen del Carmen* parade. Miguel showed me the photographs of the parade during which rickshaw drivers decorated the rickshaws and the priest blessed their rickshaws.

Drivers in Colombia often pray to Virgen del Carmen, a Catholic saint that represents the Virgin Mary. Devotion to this saint is an old Colombian tradition, and drivers often celebrate her day of honor in July. Miguel was pleased they could organize the parade, and he praised the police for their help and cooperation. While the police officers that Miguel mentioned were the ones that deal with common crime and security, the road patrol was the branch that confiscates rickshaw vehicles. (field note based on observations and one informal interview from June 25, 2013).

The previous excerpt illustrates how organizational control (by the rickshaw associations) and police control cooperate in a peculiar manner. The residents in the neighborhood were aware of this peculiar cooperation between the police and the illegal rickshaw drivers. This could be seen as a pragmatic way to operate, but it can also give the image of the police operating outside the law.

Everyday Tolerance

When you walk through the city of Bogotá, you can see police officers in many different places. However, when you ask vendors about their relation with the police, they explain that not all police officers are “to be feared.” Indeed, there is wide tolerance among police officers for street vendors and rickshaws, and they often seemed to ignore them.



Figure 8 Transmilenio bus station at Portal del Norte
Source: Photographed by the author, 2014

Some vendors reported that the police were friendly to them. The following excerpt illustrates the kind of solidarity that sometimes develops between the police and the vendors.

Perla tells me that she has no problems with the police. She explained that the other day, a policeman had told her that if it was up to him, he would not move them off the streets, but that this was his job. Perla says the policeman told her “Go away for a while, and then you can come back after I leave.” (Field notes based on informal conversation from December 16, 2013).

Rickshaw drivers also reported not being bothered by the police, and were only disturbed by the road patrol. While regular police officers sometimes come and check that drivers do not carry weapons, it is the road patrol that can “lift away” their vehicles. The following excerpt from field notes taken at Portal de las Americas illustrates the daily relations between rickshaw drivers and the police.

We arrived at the Portal Americas station. I saw a few police officers, but Luis, my rickshaw driver, did not seem to worry about them. We started talking about the legal status of rickshaw drivers in Bogotá and their relationship with the police. Luis said, “The *tombos* [policemen] aren’t the problem; the problems are with the road patrol.” He explained that when they arrive, drivers quickly spread the word “Police!”, so that most of them can hide. You have to be very unlucky to get caught, because it takes a while for the road patrol to lift up and move rickshaws, and while this is happening the rest have time to escape. (Field notes based observations and informal conversations from June 7th 2013).

There seemed to be a difference between the local police and the more specialized force that controls the traffic. While the local police seem to be friendly and “cooperate” with the vendors and the rickshaw drivers, other police units are harsher. The fact that local police had developed close relations with the “accredited” vendors and rickshaw associations can also be interpreted as favoring certain groups in the streets, and not necessarily the ones that seemed more vulnerable, such as the pirates or mobile vendors.

I took the following photograph at the vending zone located near Portal del Norte. The vendor with the blue umbrella is not part of the vending zones and does not have a license. When I asked about the police presence, he explained that this particular police officer was only concerned with the bus station at Transmilenio and does not have anything to do with the vendors.

Police Control and Well-Being

Police tolerance for street vendors can be interpreted as a pragmatic way to deal with this phenomenon, considering that the police are busy trying to control other crime. It can also be seen as acceptance of this survival activity. However, the unusual cooperative agreements between the police and the more organized groups of vendors and rickshaws are beyond the duty of the law and can signal different problems. Studies of street vendors in other cities show that police

officers are also part of the problem, and that many vendors have to pay bribes to the local police and government authorities (Bromley 2000, 9; Saha 2011).

Corruption scandals within the police force are often reported in the news in Colombia (Goldsmith 2000). The statistics from Transparency International show that 27 per cent of the respondents in Colombia had paid a bribe to the police in the last 12 months (TI 2013). Police corruption must be considered when studying this kind of control. When compared to other countries in Latin America, Colombia appears to be better than other cases. For instance, paying a bribe to the police was reported to amount to 61 per cent in Mexico, and 44 per cent in Peru. On the other hand, in countries such as Uruguay, only 4 per cent of the citizens reported paying bribes to the police (Ibid.).

While the analysis of corruption is important, it is necessary to keep in mind that police harassment and evictions affect many vendors. In the words of the leader of the street vendors⁴⁴, the main priority with regards to "decent work conditions" was ending police harassment. This illustrates the need to have a legal regulation that protects the rights of the vendors. Not a regulation that opens the doors for bribery and corruption.

⁴⁴ Interview from January 23, 2014.

9. Formalization in the Transitional Zones

Governments can regulate street vending that occurs within zones. A vending zone is a delimited space where vendors can conduct their small businesses. Vending zones are common in countries like India, where local governments have made an urban divide between “vending zones” and “no vending zones”, based on the national policy on street vendors (Srivastava et al. 2012). Although formalization can be understood in different ways, in the context of the vending zones, formalization means to “legalize” the vendors by giving them a legal permit.⁴⁵ However, the transitional zones in Bogotá differ from traditional regulation through “individual licenses” and, instead, they are regulated by a collective agreement between the government and various vendor associations. In this chapter, I will explore the way social control operates in the transitional zones. Particularly, how street vendors experience formal control exercised by the bureaucrats at the Office of Formalization, organizational control by the vendor associations and informal control. I will explore how formal and informal practices of control interac.

The Transitional Zones

The easiest way to identify a transitional zone is by the tents provided by the Office of Formalization (IPES) to the street vendors. These tents consist of four metallic poles topped with a pyramid roof and green tarpaulin covering. In 2012, I visited the 16 transitional zones in the city and conducted extended periods of fieldwork at two of these zones, one in the north near a bus station

⁴⁵ Note that there are different routes to formalization, as I explained in the introductory chapter of this thesis.

called Portal del Norte and one in the south-east of the city in the neighborhood of Santa Librada. The photograph below illustrate what the zones look like.



Figure 9 Transitional Zone in the neighborhood of Santa Librada, Bogotá
Source: Photographed by the Author, 2013

According to the regulations of the city of Bogotá, street vendors can be grouped into two categories: those who have a legal permit to operate, and those who do not. The law regulating street vendors states that conducting commercial activities in public spaces is a violation of public order, unless one has a license or a legal permit. Before 1989, the main formalization policy was to give individual licenses (See Chapter 4). From then until 2003, the main way to become "formal" had been to move into one of the relocation malls built by the government (Donovan 2008).⁴⁶ These relocation programs are regulated

⁴⁶ Since 2003, the government has changed its main policies on street vending and has implemented a wider variety of options for receiving legal permits besides the traditional relocation programs outside on the streets. According to a report by the Institute for Social Economy (IPES) from the 30th October 2012, there were approximately 1,370 street vendors

through individual licenses that operate like a contract between the Office of Formalization and each vendor. In contrast, the transitional zones operate through a collective agreement signed by the local mayor and the leader of a vendor association. In the agreement, the government establishes general rules, while in practice, the everyday enforcement of regulation is taken care of by the associations. In 2012, there were 458 vendors working in 16 transitional zones (IPES 2012).

The following excerpt from a visit to the local mayor's office of the borough of Suba, illustrates how the transitional zones operate.

As I sat outside the office of the government official at the Office of Formalization, I asked the other people sitting there if they were also waiting for the same person. One of them answered that they came from the local street vendors committee and were going to a meeting concerning the "transitional zones." Marisol, one of the leaders of the vendors, spoke out and explained that the zones were a kind of aid they received from the government (*son una ayuda*). She continued talking and explained that the good thing about the transitional zones was that they could work in peace without fear of the police. Marisol explained that after many years of being chased by the police, street vendors were finally able to formalize their small businesses. She was proud to be the leader of one of the vendor associations in the borough of Suba, and she was going to meet a government official who coordinated the transitional zones. Marisol said I could come to visit her in her transitional zone if I wanted, and she gave me her phone number. (Field notes based on observations from July 10, 2012)

The spontaneous encounter with Marisol inspired me to look further into this formalization program. I started visiting Marisol's vending zone, and after that, I visited other transitional zones in the city. It caught my attention that many of

working within the government's formalization programs in the streets (IPES 2012). There were 404 kiosk-vendors, 58 vendors working within the program *Puntos de Encuentro* (meeting points), and 458 working in transitional zones. The city also has seasonal fairs with an average of 450 vendors working each month, but these fairs are temporary and only provide legal status for a maximum of 45 days. There was also a group of 1,897 vendors who took part in re-location programs and renting stalls inside shopping malls. However, for the purpose of this research on the regulation of street businesses I did not include this group since they were no longer working in the streets. Additionally, empirical research has previously evaluated relocation programs. See, for instance, Donovan (2008) and Hunt (2009). With regards to the large number of street vendors in the city, about 100,000, formalization initiatives in 2012 covered less than 42 per cent of the total vendor population. Thus, the majority were working without a legal permit.

the transitional zones were located in strategic areas, near hospitals, bus stations, and commercial alleys. The idea of allowing the vendors to formalize in the streets was an alternative way of formalization, compared with the city's previous efforts to move the vendors into off-the-streets shopping malls. Marisol's comment that vendors could now work in peace without fear of the police made me reflect on the well-being of street vendors and whether formalization could be a tool to improve their lives. Her role as the leader of a vendor association and the meeting she was going to attend with the Office of Formalization also made me reflect on the role of the associations in this formalization initiative. To a certain extent, giving the administration of the transitional zones to their organizations was in line with International Labour Organization objectives concerning the need to strengthen informal workers' organizations (ILO 2008, 8). Through the lens of social control, I will explore the different experiences of various vendors inside the transitional zones in relation to their working conditions and well-being.

Experiences after Formalization

It is often argued that law can influence our behavior directly (through sanctions or rewards) or indirectly (by supporting social norms that trigger informal control) (Hydén 2011; R. E. Scott 2000). When I conducted fieldwork in the transitional zones, I was interested in understanding the vendors' experiences of formalization. I often asked what had happened after moving to the transitional zone. How had the process worked? And what had changed compared to their experiences before formalization?

Free from Fear of the Police

Most vendors in the transitional zones stated that one of the main changes after moving to the zones was that they could now work without fear of the police. As one of the vendors put it, "The police used to treat us like criminals, now I can work in peace" (See Appendix C). I started hearing about the importance of working without fear from the police. The following excerpt, from a visit to Marisol's vending zone in the north of the city illustrates this point.

Today, I talked to Consuelo the orange juice vendor about her experiences in the transitional zone. In her own words: "Now we've got a roof over our heads, and we don't have to run away every time the police feel like pushing us around." She said that after many years of running away from the police and working in the

sun and rain, she was now able to work in peace. Consuelo is 58 years old and had worked as a street vendor for fifteen years before moving to the transitional zone in 2008. (Field notes from an interview and observations from July 13, 2012).

The previous excerpt illustrates how formalization has allowed many vendors to work without fear of police harassment or evictions. The threat pertaining to the police was a “serious” one, and many had bad experiences of the police. In the chapter 7 on the police, I discuss how police control can hinder the vendors’ well-being. Thus, when formalization was respected by the police, it helped the vendors to be able to work without fear.

Waking up and Knowing You Have Somewhere to Work

Apart from freedom from police harassment, many vendors in the transitional zones talked about the importance of having a place to work. When working in the streets, vendors also fear being exposed to abuse and violence from their colleagues. Competition for good vending spaces and envy are sources of conflict for many street vendors, and the transitional zones provide a fixed workplace. The following excerpt is from my fieldwork in the vending zone in Santa Librada. It illustrates how vendors perceive formalization as a way to escape the informal control that vendors normally experience from their colleagues. I have referred to this kind of informal control in chapter 4 on *acreditar*.

Clara let me stayed often at her tent. She was a kind of gate opener. Today as we were having lunch, we talked about how her experience in the vending zone. I met Clara first in 2012 when I came to this vending zone for the first time. Now almost two years later, we talk again about the transitional zones. Clara is worried that the government may dismantle the zones one day. For her, the best thing about moving to the vending zone was that she could now work in peace without worrying about other vendors taking her spot. (Field note based on an informal interview from January 14, 2014).

Clara’s experiences illustrate that after moving into the tents she was able to work in a more peaceful state of mind, because she knew she had a specific working place. Having a space in the tent, where neither the police nor the other vendors could interfere with her work, contributed to reduced stress and anxiety in her daily working life. Many vendors that had moved to the transitional zones claimed their lives have improved, because now they could work in peace. In these zones, vendors were not left to fend for their spots, and in theory they had the support of the government and the vendors’ association. In practice, most

vendors did not have to seek help from the government to enforce their formal rights (as legalized vendors) against the threat of new vendors. The tents, which bear the logo of the government, signal the vendors' rights to new vendors in the tents. Moreover, each vending spot has clearly demarcated boundaries, which prevents disputes over the use of space with other vendors in the zones. Thus the tents also act as an artefact of control, but also help to prevent disputes over space.

A Roof That Protects from the Weather

The tents in the transitional zones also provide protection from harsh weather conditions. The following excerpt is from a visit to the vending zone located near the hospital of Tunjuelito. In that zone, vendors used to get wet in rainy days, and many praised the tents for improving their working conditions.

I arrived at the vending zone located in a park in front of the Hospital Tunjuelito. The vendors here work long hours since they serve visitors to the hospital. I met Alba, a 68 year old woman, in this vending zone. She said she had been skeptical to begin with. All these formalization processes had not seemed very convincing to her, and she had wondered what the catch was. At her age, she had seen too much to be naïve. Nevertheless, she had decided to move into the vending zone in Tunjuelito, and now she was pleased to have a roof over her head. Alba prefers to work in the tents where she is not exposed to the rain and the sun. Alba sells aromatic water, a type of sweet herbal and fruit tea that is very popular among people rushing to work during the cold mornings. She charges 500 pesos (25 cents USD) for a cup of tea, and she makes about 15,000 pesos (7USD) each day. Alba has sold tea and coffee in this area for about 15 years, but six years ago she was able to enter the formalization program and move to the tents.

Alba explained that before moving into the tents, she had to carry the coffee thermos and *aromatica* (tea) with her and stand in front of the hospital all day. She had to boil the drinks at home, and she could only sell as much as she could carry. Now, I could see that she prepares the drinks inside her tent. She also has a chair where she sits and rest when she does not have costumers. Alba's neighbor came and joined our conversation. We talked about our families and about the economy. Alba gave us free aromatic tea while we talked and watched the day pass. (Interview from August 13, 2012).

Most vendors that had moved to the transitional zones appreciated having a roof over their heads. Many explained that when they worked on the streets they were exposed to cold weather, heavy rain and the sun. Now, they were also able to sit and rest during their working hours, and many women mentioned that they could now ask their colleagues to watch their tents while they visited the toilet, something that had been more difficult prior to the tents.

The Transitional Zones as an Artefact of Social Control

So far, I have mentioned some of the main improvements following formalization. Being free from police control and also from the informal control of people around them has made it possible for many vendors to work in increased peace and without fear. While the tents protect the vendors in different ways, they also represent an artefact of state control. The following excerpt illustrates how according to some vendors, the tents were used to remove them from strategic areas. It illustrates the city's effort to regain control over the regulation of public space.

Today, I was supposed to visit the vending zone in the borough of Bosa. However, I could not find any of the tents. There were some itinerant vendors in the area, so I asked them about the government tents. They replied that the zone had moved to another street. I finally arrived at what I thought must be the vending zone. I could see the IPES tents. I asked for the leader of the vendors. There, I met Andres, the leader of one of the vending associations in the zone. He explained that the vending zone in Bosa had been dismantled after too many vendors had complained to the government about the zone's poor location. "Now we call them, *zona de traicion* (zone of betrayal), because the government said they wanted to support the vendors when, in reality, they wanted to get rid of us", Andres said.

He explained that on the day the vending zone had opened, the police had conducted a major raid and evicted all the vendors in the area and had threatened all of them that they would suffer the consequences of not having moved to the zone if they came back. The more than 50 vendors that had refused to become formalized moved to the neighboring areas and waited for the police to leave, and then gradually returned. Of the 70 vendors that had moved to the vending zone, many had abandoned the tents after a while and returned to working in the streets. Others used the tents only to store their goods and continued selling in

the streets. They were mad at Andres, the leader, because they felt betrayed by a government that had promised to help them, but had just left them in the tents like boats adrift. The government had told them that after moving into the tents they would be able to improve their businesses, but what had actually happened to many people was that their income had decreased, because the customers had not moved with them to the vending zone. (Field notes based on an interview from August 17, 2012).

The example of the vending zone in Bosa illustrates how formalization was sometimes experienced as a displacement, or a way to get rid of the vendors. While vendors in some of the zones had managed to continue their businesses and attract customers, some transitional zones had been dismantled soon after they were installed, since the vendors had left and returned to the streets. Their main reason was the decrease in sales and income. The following example of another vending zone located in the north of the city near the Santa Fé mall illustrates the use of formalization to remove vendors from strategic areas.

The vending zone on the east side of the north highway is located in an empty lot. Few people walk in this area since it is two blocks away from the main bus stop. One of the four vendors working in the tents tells me that he rents the tent from another vendor that works near the bus station at Portal. He doesn't know about the transitional zones. I talk to another vendor selling chorizos. She is the only vendor to remain here since the formalization process. She explains that they repeatedly told the government that this zone was too far removed from the customers waiting at the bus stop. Although the majority of the vendors had refused to move to the vending zone, the government had continued with the project, and 20 out of the 72 vendors on this sidewalk had agreed to move there. The vendors that had moved to the new zone returned to the streets soon after they realized that they were losing money. Eventually, the government had dismantled most of the tents. Of the remaining nine tents, four were still open and five were closed. (field notes based on an interview from August 10, 2012)

Today, I was looking for the vending zone in the neighborhood of Prado. I looked around, but I could not find the tents. I asked one of the vendors of chaza near a pedestrian bridge. His name was Felix. He said the vending zone in Prado had failed and the vendors had returned the tents to the government. "They were a waste of time and money", he said. He showed me that the tents were located far from the pedestrian bridge that connects the bus stop, and explained that they had lost most of their clients. Soon after they had received the tents, new vendors had started to arrive, and they were forced to go back to reclaim their spots. He

said they had not wanted the tents to begin with, but the government had insisted on the formalization program. (field notes from an interview and observations from August 7, 2012).

Felix felt that the transitional zones were a failure, because he had not benefited economically from moving there. He owned a *Chaza*, a wooden structure from which he sold candy, cigarettes, potato chips, soda drinks, water, cell phone calls, and other snacks. However, success in this line of business depends on being at the right location, and not being surrounded by tough competition. You can find *chazas* everywhere there is dense pedestrian traffic in Bogotá, such as outside churches, in city and market squares, supermarkets, large work places and offices, schools, and bus stops.⁴⁷

Vending zones are considered the cause of urban disintegration in places where zones were used to move the vendors out of the city center (Yatmo 2008; Lofland 1973). While some of the transitional zones in Bogotá were located in the same area that vendors conducted their businesses, others were placed far from their customers.

Training Vendors to Become Business People

One of the main characteristics of the transitional zones is their three year time limit. During that time period, vendors should have consolidated their businesses and entered into the formal economy. In order to learn how to become “real business people” (in the words of one of the vendors), they could enroll in a one year entrepreneurship training program to learn about accounting, marketing and how to become formal. Thus, formalization not only came with control in terms of space in the tents, but also with the idea that education was needed to guide the vendors in the “transition” process. The following excerpt is from the stories of Carla and Consuelo, two of the vendors from the zone located near Portal del Norte. They tell about their experiences and frustrations with the entrepreneurship training.

⁴⁷ Like the tents, they were an artefact created by a local decree that established that vendors could sell from wooden boxes of 60 cm x 40 cm that vendors could hang from their chests (Decreto 227 1964). Felix uses the same size but he has the chaza attached to four wheels that he can push around.

Consuelo is often busy between seven and ten in the morning. People stop to buy a quick breakfast that includes orange juice, empanadas and a coffee. Their customers don't stay long; they just buy what they need and continue to the bus station. After the rush hour, I talked to Carla and Consuelo about their experience with the formalization program. Consuelo began talking first and said that the woman from the government [IPES] had visited them and told them about the entrepreneurship program.

Consuelo said she was one of the few that had finished the classes, because most vendors had dropped out after a few lessons. People said that it was a waste of time, because they didn't like studying. But Consuelo, who had only made it to fifth grade, was happy to go to university to study. They had studied for one year and had received lessons in how to manage a real business, and at the end they had to present a business project. Carla and Consuelo had a business idea of starting a soya yogurt factory. The teacher had said it was one of the best projects in the class and had helped them to put together a budget and think about marketing. They spent their savings on making the first batch of soya yogurt, but when they started selling it they realized it wasn't going to be easy. People didn't dare to buy yogurt on the streets, and this was a new product that was unfamiliar to most of their regular clients. Eventually, they drank the yogurt themselves, because they couldn't sell it. They tried selling at small supermarkets, and were told they had to get a sanitary permit. They also had to sell the products on consignment, because supermarkets usually only pay after 30 days. So, Consuelo had gone back to selling orange juice and Carla to her coffee business. (field notes from an interview and observations from July 13, 2012).

Carla also complained about the training; she said that the university teachers were all elegant people that had no idea what it was like to work as a street vendor.

Carla explained that the teachers at the university where she had received her training had told her she had to keep an accounting book and write down how much coffee she sold every day, as well as how much money she spent on supplies. She did that for two days, but then lost track. She still doesn't see the point of writing down whether she sells 50 or 70 cups of coffee. (field notes from an interview and observations from July 13, 2012).

Lina who works at the Office of Formalization (IPES) is aware of the problems and complaints surrounding the training programs for street vendors.

Today I met Lina. She was busy as usual, but we managed to go for lunch. I asked Lina about the training for the vendors in the transitional zones. She said there were a lot of problems with the training program. There was one class that had started with 30 vendors, but only three had finished the entire program. Some of the vendors had dropped out without saying anything. Others had said they were losing money, since they couldn't work during those hours. Lina said she was disappointed, because the vendors only look at short term profits for their businesses. (field notes based on observations and informal interview from August 14, 2012).

While there were many complaints about the training provided as part of the formalization program in the transitional zones, many vendors believed the reason they could not find a proper job was their lack of education. Many hoped their children would get a university degree so that they could move further in life. In his analysis of Bogotá, Hunt describes the formalization process as a way to teach the vendors to overcome their “culture of informality.”

...the proliferation of state agencies, policies, and plans which define the problem of public space as one of its invasion by ambulant vendors, and the solution to this invasion as the relocation of vendors to spatially marginalized and state-regulated markets where they are taught to overcome their ‘culture of informality’ by participating in political and economic transactions in state-prescribed ways. (Hunt 2009, 331)

Hunt criticizes the use of state bureaucracy and formalization programs, because they depart from the assumption that street vendors are the result of a culture of informality rather than structural reasons such as poverty, internal migration, lack of education, and poorly paid jobs (Hunt 2009).

You Have to Be Organized To Be Formalized

Organizations are often seen as a way to make your voice heard and get representation for informal workers (Chen 2013; ILO 2008). However, some scholars have shown that street vendors often face difficulties to create long lasting organizations that represent their interests and help them to achieve

cooperation (Roever 2005b; Agadjanian 2002). While networks and family ties are important to access a place in the streets (Peña 2000; Crossa 2009), they can also exclude outsiders and impose excessive obligations on their members. Still, in the case of the transitional zones, since one of the requirements is to be member of an association, the law has created an incentive for vendors to organize.

All the vendors I met in the transitional zones were members of a vendors association.⁴⁸ The following excerpt is only an example of many answers I received saying that they had to be organized, otherwise they would not be allowed in the tents.

During a conversation with the leader of one of the vendors associations in the borough of Kennedy, I asked him how they had started their organization. He said that they had not been organized previously, but that they had started their association because it was necessary in order to apply for a transitional zone. They had to go to the Chamber of Commerce to register the association as a non-profit organization, and it had cost about 300,000 pesos (100 USD). He told me that he had lent the money to pay for the registration of the association, but it was actually a donation, because in the end, no one had paid him back. (field notes based on observations and informal interview from July 17, 2012).

The fact that all the vendors I met were members of an association does not mean that they were actively engaged in their organizations.⁴⁹ Many vendors registered with the association but did not work collectively after being assigned a place in the tents. I will explore how the vendor associations operate, their relations with the vendors and with the government, in more detail.

⁴⁸ From the survey I conducted in the transitional zones, all respondents reported being members of an association. Many looked at me strangely when I asked them whether they were part of an associations; some said, "We have to."

⁴⁹ According to the survey I conducted among 169 individuals from the transitional zones, only 21,5 % were members of an organization of vendors prior to moving into the tents. The rest (78,5 %) became members of an association in order to move to the tents. See more extended results of this survey in Appendix B.

Associations, Leaders and Control

One of the most interesting features of the transitional zones in Bogotá was that they were administered by the vendors associations. Although there were some governmental rules to be followed, such as not selling piracy goods or using child labor, the enforcement of these rules was left in the hands of the vendor associations. The government limited their role to finding a space, installing the tents and responding to complaints. While the local mayor had the responsibility to make periodic visits to make sure the transitional zones were operating according to the rules, in practice, unless there was a complaint, the zones were left alone. Instead, the associations were in charge of solving everyday problems. I conducted two months of fieldwork in the vending zone located in Santa Librada, one in 2012 and one in 2013. Based on my observations and informal conversations I will describe how the associations operate on an everyday basis.

In Santa Librada, two associations control the vending zone. They decide who has the right to get a tent, they organize the provision of security at night for the merchandise in the tents, they represent the vendors in meetings with the government and they solve conflicts that might arise in the vending zone. According to the leaders, both associations have been democratically established, have a board and a president. They were also formally registered at the Chamber of Commerce as non-profit organizations (the same status than some rickshaw associations). The following sections explore the role of the associations in the transitional zones.

Setting up a Vending Zone

The vending zone in Santa Librada was set up in August of 2009, and the Institute for Social Economy installed 110 tents on the sidewalk in front of a supermarket and in an empty plot on a corner further down the street. While there were different versions about how the vending zone had been initiated, the process had taken about three years of negotiations between the local mayor and the leaders of the vendors in the area. Some vendors said the government had started to count the vendors in the area and had told them to organize in order to get access to formalization programs, and thereby avoid police evictions. Other said it had been initiated by vendors who had claimed their rights and had negotiated access to the transitional zones. Other vendors mentioned that the police had told them that if they did not formalize, they were going to get

kicked out. After meetings and discussions, the vendors in the area had formed two associations and the transitional zone was established in 2009.

Today I met Ernesto, one of the leaders. We talked about the process of starting the vending zone. According to him, it all started because the police had told them they had to get a permit. Some of the vendors had gone to the office of the local mayor of Usme, and the government had said they had to get organized if they wanted to participate in formalization programs. The first step had been to form the organization and all the legal papers, and to get registered at the Chamber of Commerce. They drafted the statute and elect a board with a president and a treasurer. Then, the vendors in the association had to go to the “vendors’ house” [now called IPES] and get registered. It took about three years to complete the process of getting approval for the vending zone. Finally, on the 28th of August of 2009, the government had installed the tents. (field notes based on observations and informal interview from July 18, 2012).

Ernesto’s version illustrates that the threat of eviction had represented a warning of a more severe sanction if the vendors refused to move to the zones. Thus, police control had also played a role to incentivize vendors to formalize.

On the other hand, in order to be part of a vending zone, you had to be part of a vendors association, and be registered at the office for street vendors (IPES). The space for the vending zone had to be approved by the Office of Public Space of Bogotá (DADEP), and the local mayor was in charge of signing a resolution to create the vending zone. Sometimes the process of creating a vending zone was driven by the local government, and other times the process was pushed forward by the vendors associations.

The Role of the Government

The government had begun by counting the vendors in one area. In Santa Librada they had registered 160 vendors. Then, they had asked them to organize in associations. Vendors on this list were given priority for a spot in the tents. Determining who got which tent in the zones was internally decided by the associations. However, the first problem that the associations in Santa Librada encountered was how to distribute the spots inside the vending zone. While the government had promised tents for all their members, by the time the zone had been approved, the zone included only 110 tents. The police had counted at least 160 vendors, but new vendors were appearing all the time, and it was

difficult to determine who had the right to the tents. Vendors explained that problems began to surmount and some accused one of the leaders of favoring his friends when distributing the tents. At this point, some vendors had decided to revolt against the leader and complain to the government. The following excerpt illustrates how this conflict had been solved by the government.

Today, I was talking to Jorge, the leader of the other association. He came and talked to me while I was eating my lunch. He said I had to talk to him to get the real photograph of the transitional zones. Jorge said he had seen me talking to the people from the other association and that I needed to know the other side of the story. We talked in his tent. He told me that in the beginning there had only been one association. They had not trusted the leaders of the other association, and they did not like their attitude. Jorge said that the other association was all about getting money from the vendors, so he had complained to the government. First, they had to pay a monthly fee of 10,000 pesos (4.4 USD), then they had decided to create vests with the name of their association. The last thing was an association identity card which meant an additional expense.

Jorge talked to the government about the association; he thought the leaders were taking advantage of their position. The government official replied that the vendors could start a different association. So, he had talked to other vendors that were dissatisfied and they had created a new association. This had created co-existing problems with the leaders of the first association. There had been gossip about the leaders of both associations. However, the government had said that they had to work together and divide the tents by half. This was not well received by the leaders of the first association, who believed they had worked much harder to get the zone. (field notes based on observations and informal interview from January 9, 2014).

The previous excerpt illustrates the complexities involved in establishing democratic organizations to represent the vendors' interests and help them improve their working conditions. Complaints about lack of trust in the leaders were common in many of the transitional zones. There were few zones where most vendors trusted their leaders and where people worked together towards common goals. Indeed, one of the complaints from the new association was that the leaders in the other association wanted to meet too often and waste their time. They believed that the best association was one that would let them alone. Again, this illustrates the difficulties of achieving collective action and creating social capital among street vendors (Roever 2005b).

It also indicates that the state can interfere to control social organizations. In this case, dividing the tents between the two associations had allowed vendors to exercise more control over their leaders. However, this control was not direct in the sense that the government had not delved into details to investigate whether the accusations against the other leaders were correct. Still, by dividing the tents among the associations, the government had signaled no preference or alliance to any of the associations, and had provided opportunities for checks and balances.

From my visits to other transitional zones, I also perceived conflicts between the leaders and the vendors. The following excerpt is from Marisol's transitional zone and may illustrate how vendors sometimes fear their leaders.

Today, I visited Marisol's transitional zone, which is located down by a pedestrian bridge near the Portal del Norte bus station. As I walked down the stairs, I could see the tents Marisol had been talking about. I approached one of the vendors in the green tents and asked her about Marisol. She said that Marisol had not arrived yet, but that I could wait in her tent. I introduced myself and asked the vendor whether I could interview her about the transitional zones. She seemed uncomfortable and asked her tent neighbor if that was ok. Her neighbor also seemed uncomfortable and they said that the leader, Marisol, didn't like them talking to people from the government. They told me I should wait for Marisol. The vendor's name is Consuelo and she sells freshly pressed orange juice. Later, I met Marisol who worked for a while but left around five in the afternoon. Some vendors in the zone worked during the day and others during the evening. I stayed until late and talked to some of the evening vendors. One of them started talking badly about Marisol immediately, and said she was in big trouble with the government because she had given one of the tents to her son in law, and the rules are only one tent per family. (field notes based on observations from July 11, 2012).

This excerpt also shows the problems that street vendors have in trusting that their leaders do not abuse their position for personal advantage. Nevertheless, I also met leaders that also complained about having an unpaid job that only gave them problems. Therefore, establishing a strong social organization that could represent the vendors' interests was a challenge.

Payments of Fees

Vendors in the Santa Librada transitional zone have to pay two fees: association fees and security fees. The association fee is paid to the leader of the association and is used to pay for paper work, paying registration at the Chamber of Commerce and to compensate for the work of the leader. The security fee is paid directly by each vendor to the security guard. According to the leaders, getting the vendors to pay the association fee was a nightmare, while the same was not true for the security guard that collected the fee once a month. The following excerpt illustrates how these fees are collected.

The leader of the first association often complained that people were late in their payments to the association. While people complained that 10,000 pesos (4.4 USD) a month was too much, the leaders had had to pay for the registration of the association, and therefore they received some compensation for all the time they had spent in meetings with the government. “What is 10,000 pesos a month? Nothing. But the vendors complain that it’s too much”, Ernesto said. He explained that only half of the vendors paid the fee, so they had reduced the fee to 3,000 pesos (1.3 USD) for those working in the tents. Still, vendors outside the tents had had to pay 10,000 pesos if they wanted to become members of the association. Ernesto explained that while vendors were often late in their payments, it was a different story when it came to the transitional zone security guards. The vendors said they always paid the guards that take care of the tents. There are three guards and they collect 30,000 pesos (9USD) a month per tent. If a vendor does not pay, his tent will not be guarded, and the vendors said that the guards were very strict about collecting the money. Later, Ernesto explained he had been the president of the association since it had been established, and that he wanted to get appointed for life so that vendors would not have to elect him each year. I asked him what he meant by “for life.” He said, “Twenty years or so.” (field notes based on observations and informal interview from January 13, 2014).

Today, the two associations have agreed on a fee of 3,000 pesos a month (1 USD), a relatively low amount that most of the vendors I met reported that they paid. However, both leaders agreed that if a person refused to pay the fee, they could only apply minor sanctions. They depended on the government to evict vendors from the zone, and not paying the association fee was not cause for eviction. While they had sometimes reported vendors for not opening their tents and the government had evicted them from the program, there were no cases of eviction of a vendor for not having paid the fee. The only thing leaders could do

was to talk bad about those who did not pay, give verbal warnings and insults. Unlike the association fee, the three security guards who take care of the zone at night said they often got their money on time. Vendors fear losing their goods and pay the security fee on time. When I asked the vendors why they paid the security guard, they answered that it was cheaper than the storage they had paid for before. From the conversations with the vendors, I felt that some of them feared the guards might enter the tents and take their possessions.

I Prefer to Work on My Own and Not in Associations

There was a lot of gossip about the leaders in a couple of the transitional zones. Talk had it that the leaders of the associations were taking advantage of them and were collecting fees for their own benefit and enrichment.

A leader can, in theory, be anyone who has gained the trust of the other vendors and has been elected as their representative. In order to be allowed to register, the associations need to have a president or leader, a secretary and a treasurer. They must also pay a registration fee and have an internal regulation form. In theory, the president and the treasurer were legally responsible for the administration of the association's funds. In practice, there was a lack of trust in many leaders, and some vendors said they would prefer to work with individual licenses without the involvement of the associations. The following excerpt illustrates some of the problems vendors had with their leaders.

Julio still remembers how the leaders of an association of street vendors called *Cobuenosaires* some years ago had taken all the money from the collective savings of the vendors and left the neighborhood. While people had been really upset, the leaders had disappeared and no one had seen them since then. What happened in Cobuenosaires had been a major incident and was still remembered by vendors in the neighborhood of Santa Librada. This was the main reason why many vendors are wary of their own leaders. "No, I would prefer to work on my own without being part of an association", Julio said. "I don't want to have to pay anything to anyone, and I don't expect anything from anyone." (field notes based on observations and informal interview from January 15, 2012).

The previous excerpt illustrates that negative social capital (Portes and Landolt 2000) can affect the street vendor associations. Associations can be co-opted, can exclude outsiders, and can impose excessive obligations on their members. They are not exempt from corruption and abuse from individual leaders.

However, there was also positive social capital. While people more often remembered the bad things than the good things, I could see that many vendors had friends and worked together in the transitional zones. They helped each other watch the tents when a vendor had to leave. They lent each other money to pay for lunch or coffee. The woman selling coffee let the vendors pay later when they had cash. They bought merchandise together in order to get a better price. They organized a raffle when a vendor's family member died in order to collect money for the funeral. In the transitional zone in the borough of Engativa, the vendors hired musicians on Sundays to attract more clients. They often shared their personal lives and talked about their problems with their colleagues. There was also social capital, and being able to work under the rules of the transitional zones allowed them to overcome problems of envy over the use of space. The fact that they had fixed places also fostered the possibility to cooperate, because they had become neighbors, much like the ones in Shasta county that Ellickson mentions (1991).

Informality Inside the Formalization Zones

During my visits to Santa Librada, I could see a large number of vendors outside the transitional zone. Many of them competed with similar products to those being sold in the tents. Vendors explained that when the zone had opened in 2009, there were more than 200 vendors working there. Because the space was not adequate to install more tents, the government had given informal authorization to the remaining vendors to establish their businesses in the streets surrounding the zone, despite this being in violation of the governmental decree regulating the zones that forbade informal vending around the zones. However, it should be pointed out that this rule was never followed, and there were always non-formalized vendors in the vicinity of the transitional zones. The existence of "informal" vendors inside the formalization zones is one more example of the common Colombian belief that, "it is legislated, but not enforced" (Kalmanovitz 2002).



Figure 4 Informal vendors in the transitional zone of Santa Librada
Source: Photographed by the author, 2013

I observed a number of vendors outside the transitional zones, and I talked to some of them about their working conditions. One of the vendors said he was waiting in line to enter the transitional zone until a tent became available. He showed me an ID card displaying the name of the association and said that the police let him work in peace when he shows that card. Thus, the police recognize the informal agreement between the government and the associations, and they had more tolerance for vendors that had this ID. The establishment of an “informal right” for the vendors of the association that did not get a tent illustrates how informal controls are also part of formalization initiatives.

Nothing More Permanent than the Temporary

Decree 419 of 2006 signed by the Mayor of Bogotá, which regulates the transitional zones, established a limit of one year, with the possibility of a maximum one year extension. However, as with many things in Colombia, the

government's temporary solutions tend to become permanent, as in the case of the "state of siege" that was supposed to be exceptional and temporary, but had ended up governing the country for 32 of the 42 years between 1949 and 1991 (Garcia-Villegas 2001). I have given other examples in chapter four, where I present some aspects of the Colombian legal culture.

The first thing the government had done when the time extension for the transitional zones was about to expire was to change Decree 419 and establish a new time limit of three years. To change this decree, the mayor signed Decree 450 of 2009. This illustrates an overproduction of norms, typical of the Colombian legal culture. As I explained in Chapter 4, the Colombian legal culture can be further characterized by a flexible application of law in conjunction with a normative overproduction (Restrepo 2013). In turn, when it is not possible to enforce a law, as in the case of the expiring time limit for the formalization zones, the solution is to change the law. However, the decree was not adapted to accurately fit into the social norms, as explained by Håkan Hydén in his theory of norms (2011), but instead the decree was reformed and remained unenforced.

After the three years had passed, the government had decided to use a more pragmatic and informal approach. Vendors could change the name of the organization and sign a new agreement, and pretend that they had not previously been working there. Another option was to move the transitional zone into another street in the same neighborhood. They could also re-label the zone from "Transitional Vending Zone" to "Zone of Regulated Use." The following excerpt is from an informal interview with Marisol, where she explained that the transitional zones were originally seen as a temporary solution for the vendors. The idea was that the vendors would be able to move to markets or to formal stores after two years, but in practice this had not been a real option for the vendors.

Marisol said she had been to the local mayor's office to try to negotiate another time extension for the transitional zone. The problem was that two years was not enough time to formalize a business. Marisol seemed to be worried about the future of the transitional zones, and the other vendors around her had talked about what to do if the government dismantled the tents. Marisol said the official at the Mayor's Office would help them to transform the transitional zone into another vending zone that would have no time restriction. (Field note based on observations and informal interviews from July 10, 2012).

The previous excerpt is just an example of how vendors adapted to the uncertainty of state regulation. In this the flexible application of the law allowed some vendors to stay in the transitional zones for a longer period of time than the formal agreement stipulated. It is possible to say that the transitional zones should have helped the government to “clean up the streets”, since the final aim was to facilitate the transition to formal businesses (inside a store). However, through quiet encroachment (Bayat 1997) and subtle resistance (Scott 1985), vendors remained in the transitional zones, tried to postpone their expiration as much as they could, or simply refused to leave the zones.

The Future of the Transitional Zones

The leaders of the associations did not know what the future would bring and were left in uncertainty. The government had created the transitional zones while waiting for the new regulation of the use of public space to be prepared, but six years later, many of the transitional zones were still in legal limbo, and the future of the vendors who occupy the zones was uncertain. In 2012, there were 458 street vendors working in the 16 transitional zones of Bogotá. But many of their permits had expired, and their legal status was unclear. While the Office of Public Space had declared that there were enough places to create formalization zones for more than 8,000 vendors, the staff at the Office of Formalization said that they were already overworked and could not cope with the amount of work that would be required to move 8,000 vendors into the transitional zones. The process of creating new transitional zones began slowing down.

The Office of Formalization also stopped registering vendors in their database once they had passed more than 35,000 vendors. The number of vendors in the city was well beyond their work capacity, so they had stopped registering them, as if stopping registration would stop the number of vendors from growing. As a result, the expansion and creation of new transitional zones came to a halt, because the Office of Formalization (IPES) was afraid that they would not be able to move the vendors once the two-year time limit had expired. According to Carlos at the Office of Public Space, the transitional zones had started to look more like shanty towns due to the decline of their infrastructure.

Finally, in 2013, after eight years of discussing the regulation of the more permanent vending zones, the Mayor of Bogotá signed a new decree (Decree 456, 2013). When I met Carlos, who had worked on the new decree for more

than two years, he was confident about the success of the new regulation. He believed it was a revolutionary tool to regulate street vendors. He explained that the transitional zones would become ZAR (*Zonas de Aprovechamiento Regulado* - Regulated Utilization Zones). The new zones were intended only for vulnerable groups, people that are displaced or living in poverty, and not for well-established vendors. Established vendors should become formal businesses. Under the new regulation, a group of police officers would be in charge of public space. For this purpose, the city was going to hire 30 police officers who would work exclusively on public space issues.

The government wanted to return to centralized control over the zones and end the agreements with the associations. Instead, they wanted to go back to the individual license approach. While Lina and Carlos from the Office of Public Space (DADEP), had spent many years in meetings and discussions to draft the decree regulating the new vending zones, they were aware that decrees are fairly easy to change. A new mayor can derogate a decree merely by signing a new norm, and therefore the regulation of street vendors could change at any time. In fact, elections for a new mayor were held in 2015 and won by one of the former mayors of Bogotá, Enrique Peñalosa. Many street vendor leaders commented that they were afraid that Mayor Peñalosa would probably return to the old policies of evictions and clearances of street vendors that he had implemented during his previous term as mayor.

Formalization and Well-Being

For some vendors, the transitional zones had allowed them to improve their lives, for others it remained unchanged, while for yet other vendors conditions had deteriorated. For those that had experienced worse conditions, the option was to go back to the streets, and in fact, many abandoned the zones. I only had the opportunity to meet a few of the vendors that had abandoned the zones and the vending zones only covered 458 vendors, thus the results of this formalization study provide only an illustration of some of the issues, present in this process. However, based in the experiences of those who had remained in the tents, it is possible to analyze some of the aspects that can provide clues concerning the relation between formalization and well-being.

One of the positive aspects of formalization was the elimination of evictions and confiscations. This is still an important issue in the vendors' daily lives, and fear

of the police creates a situation of anxiety and insecurity that can hinder the vendors' well-being. The second improvement following formalization was protection from bad weather conditions and a general improvement of conditions in the working place. A third improvement was the possibility to have a fixed workplace and a sense of security that no one could kick them out. This sense of self-worth and living without fear relates to Martha Nussbaum's (2001) list of basic capabilities in order for people to pursue the lives they value.

Four, the government did not collect taxes or fees in the transitional zones, and this allowed the vendors to keep most of their income. However, other charges such as security and associations fees were a matter of dissent. Willingness to pay fees was low among the vendors. Government officials in Bogotá complained about the problems of enforcing any kind of payments from the vendors, and how the cost of enforcement was often higher than the fees. Finally, being close to their customers was essential for many vendors to maintain sales. Shah and Mandava (2005) argue that urban planners and other bureaucrats should not decide the places for re-location of street vendors from their desks. Re-location places that are too far from the costumers are often not attractive to the vendors.

Although the state had decentralized some aspects of the regulation of the transitional zones, the government still set up the main rules of the game. These rules include the use of specific spots and tent were free of charge. Additionally, the government was in charge of overseeing the formalization process and required that the associations were democratic and transparent. This allowed some vendors to stop abusive leaders from collecting unlawful fees, since vendors knew they could complain to the government about irregular and abusive practices. It is an example of hybrid systems of social control, when one controller (a person) tries to enforce the norm of another controllers (the government), as explained by Ellickson (1991, 254). While there were cases where the leaders had tried to take advantage of the vendors, in many cases the leaders were subject to control from the vendors as well as from the government.

Formalization and the Legal Empowerment of the Poor

The results of the study of the transitional zones shows the complexities involved in the process of formalization, the different actors involved and how control from the state is often interacting with other forms of social control. Nevertheless, this study shows that some well-being improvements can come after formalization. While the economic gains of formalization were not as high

as De Soto's theory promises, other positive outcomes followed after formalization, such as improvements in the vendors' working conditions. Most people that had criticized De Soto were right about the fact that formalization would hardly generate access to capital and credit for the poor (Shackelford 2009; Rossini and Thomas 1990; Calderón 2004). Unfortunately, there is no snowball effect that follows after formalization to improve the economic gains of street vendors. They are still selling basic goods at low prices, and they depend on long working hours in order to make a living. Sometimes, their income even decreases following formalization, because they cannot provide goods at the busiest corners in the city. Street vendors are not entrepreneurs in the strict sense of the meaning, and most of them do not innovate or introduce new products; rather, they deal in common products, which is why you find many vendors selling similar items on the same street.

The government's excessive focus on economic outcomes makes them think of formalization as a failure. Like Lina, most government officials consider the vendors a problem for the city, a nuisance for the rest of the citizens, and a source of congestion. In this regard, this research supports the findings of other studies that criticize formalization's hidden aim of getting rid of vendors and cleaning up the streets (Ferragut and Gómez 2013; Hansen 2010; Kayuni and Tambulasi 2009; Meneses-Reyes 2013). When government officials have a hidden agenda to get rid of vendors, it becomes hard for formalization programs to achieve other social goals, such as the improvement of working conditions and well-being.

Another shortcoming of the transitional zones was that they only covered 458 vendors, most of whom had long experience working in this occupation. The program was a drop in the ocean considering the city had more than 100,000 street vendors. Formalization covered mainly experienced vendors who have better access to information about government programs and their rights. New vendors have greater difficulties to formalize, and often move around. The question about formalization should be how to formalize and it should consider the implications of formalization for newcomers, those who may enter the street at any moment in order to earn a living.

10. Well-Being, Freedom and Hardship

I met Elsa, who was 69 years old, near Portal de las Americas. Unlike other ice cream vendors who moved around, Elsa often sat on a bench, so we managed to talk on different occasions. It is not often you get to meet someone as cheerful as Elsa, and even on rainy days she remained under the pedestrian bridge hoping to sell all her ice cream once the rain had passed. She appreciated her work and was thankful that she could earn her own money. Elsa did not have a pension, but at least she had the health insurance provided by the government and a small subsidy for elderly people living in extreme poverty. The following excerpt from Elsa's story illustrates the role of street businesses as a way to earn a livelihood.

Elsa explained proudly that she was a hard working woman and that she doesn't like to ask others for help. Before working as an ice cream vendor, she worked with recycling, just like her father. But now she was too old for that job. "That's life, we get old and we're not as strong as we used to be, but I can get some extra money by selling ice cream", said Elsa. (field notes based on informal conversations from June, 2013)

Almost everyone working in street businesses struggles to make ends meet. Many talked about their situation being tougher than for people with formal jobs. However, they often had contradictory opinions about working in the streets, a feeling that can be described as being caught between having some independence, yet remaining in hardship. Like Elsa, many people I met on the streets of Bogotá talked proudly about earning an honest living and being able to provide for themselves. In this chapter, I have collected some of the field notes that describe how vendors and rickshaw drivers evaluate their working conditions and well-being.

While the economic literature on well-being often makes reference to material aspects, by taking an ethnographic approach this thesis combines both material issues and subjective perspectives of well-being. The material aspects (earnings,

work schedules, hazards) are exposed in this thesis based on my observations and also based in the issues introduced by informants. However, a qualitative study provides relevant insights in the subjective aspects of well-being, particularly on the role of “people themselves to judge the quality of their life and, of their job” (Rojas 2013, 170). The following excerpts illustrate how street vendors and rickshaw drivers described their well-being. Furthermore, the data I present shows the kind of obstacles people encounter when trying to improve their lives.

Freedom

When analysing my field notes, the concept of freedom emerged as a relevant topic. Many street vendors and rickshaw drivers in Bogotá appreciate the possibility to earn an income while being independent and not having to work for another person. The feeling of independence and freedom is seen as a possibility to control your own life. People in street businesses often talked about autonomy at work, the possibility to combine family responsibilities with work, the ability to earn your own money, and the importance of not having to work for another person. The following stories illustrate how vendors and rickshaw drivers talked about the importance of independence at work.

Earning Your Own Money and Trying to Improve “*Salir Adelante*”

Aware of the tight schedules and poorly paid hours you get from washing cars, Luis considers being a rickshaw driver to be the best job he could get. He uses the expression “*salir adelante*” to explain that he wants to get ahead in life. He has many dreams and he hopes that by working as a rickshaw driver he can save money and eventually become a bus driver. The following excerpt illustrates this point.

“The best thing about this job is that you earn according to your own effort”, said Luis. He explained that he was able to make good money, and he could work as many hours as he wanted. However, it was hard work because he had to pedal all day. “But here I get to see the fruits of my labor”, he exclaimed. “I don’t want to be on a rickshaw all my life, but this is good enough for now.” He told me that when he dropped out of high school, the only job he could get was at the car wash at the petrol station. “Over there, they really know how to exploit

people”, said Luis. According to him, you work all day, evenings and weekends, and you only get 3,000 pesos (1.3 USD) for each car you wash. The petrol station owner takes most of the money. As a rickshaw driver Luis could make as much as 70,000 pesos (31 USD) a day. So he preferred this kind of job. (field notes based on participant observations and informal conversations from June 7, 2013)

Like Luis, most drivers said they made more than minimum wage, so of course they prefer this job in relation to other jobs they could get. “There isn’t any other job where I can make this kind of money” said Yeison. Some street businesses were successful and people could make more than minimal wage. Many felt proud of being able to succeed on their own and regarded dependent job as exploitative.

Many of the vendors and rickshaw drivers I met were striving to improve their lives. Considering the choices available to them, based on their socio-economic and personal circumstances, street vending or rickshaw driving was the best option for many. Many were in search of a better life and aspired to get a better job, to buy a rickshaw or to own a store. However, they did not only value economic income. They also valued independence and freedom in their work.

I Can Work and Take Care of my Kids

Many women and men appreciate the opportunity to have flexible working hours in order to combine work with household demands. Particularly women with small children like the flexibility of street businesses, which allow them to work and take care of their kids at the same time. This was the case for Maria Angelica, one of the two female rickshaw drivers working at Portal de las Americas. It is rare to see women driving rickshaws in the city, and in general, this is considered to be a man’s job. However, Maria Angelica liked the flexibility of her work and the fact that she could work in the mornings and stay home in the evenings with her kids. The following excerpt illustrates how she managed her days.

I asked Maria Angelica about her work. She started to work as a rickshaw driver a year ago. At first, she had sent her CV to different places around the neighborhood, but the only job she could get was in a chicken grill restaurant. She said she couldn’t take it because the working hours weren’t good for her. They needed someone in the evenings, and she couldn’t leave her sons alone. She

complained that the salaries in restaurants were bad, and they didn't pay for extra hours or holidays. "I knew Jose from one of the rickshaws associations, and he offered me the opportunity to drive one of his rickshaws", she said. She also commented that she likes her job, because she works for herself and she can take care of her sons. Maria Angelica said she makes about 35,000 pesos a day (15 USD). It isn't much, but she manages to survive. If she needs more money, for instance, to buy clothes for her children, she has to work in the evenings, and her ten-year-old son has to take care of his brother.

Maria Angelica starts working at 4:30 in the morning and works until 6 a.m. Then she goes home and helps her sons get ready for school. Her oldest son starts school at seven, and the youngest one goes to a community day-care. She goes back to work around 7:30 a.m., and she stays until 11:30 a.m., and then she has to go back and pick up her oldest son from school. She takes him to a foundation called *Salesiana* [a religious NGO] where he gets lunch and help with his homework. She goes back to work until 3 p.m. in the afternoon. Then she picks up her four year old son and his brother at the day-care center. After that, they stay home, make dinner, watch some TV, and go to bed. (field notes based on an informal conversation from June 20, 2013)

While Maria Angelica's schedule was busy, she was proud that she could escape the constraints of being a single mother and manage to provide for her children. Many women working as street vendors also appreciated the flexible hours of their work, and some of them brought their kids with them to work.

While there is a positive aspect to the possibility of combining paid work with caring for their children, informal work does not resolve work-family imbalance issues (de Casanova 2011). Thus, the decision to work as vendors or rickshaw drivers that many women make can be related to a culture where women have to bear the responsibility of providing care. It also relates to a welfare state problem which concerns how society divides the cost of care. The struggle for many women to find a livelihood in street businesses must be seen within the broader context of society's gender roles and welfare policies.

Many women working as street vendors, and the few that work as rickshaw drivers, expressed that they would not want another job. They valued their independence and their ability to provide food and care for their children. But what jobs are available to these women? Most of the time, women working as street vendors compared their situation to subordinate work such as cleaners, maids, restaurant workers or shop clerks. Thus, their choice of employment as

street vendors was not only constrained by their family responsibilities but also by the poorly paid jobs available to them and their low levels of education.

Research shows that having affordable day care is essential for women with children in order to enter the labor market (Han and Waldfogel 2001; Loft and Hogan 2014). However, the opportunities for state provided day care are very limited in many countries such as Colombia. Nevertheless, many women find that work in the informal economy presents an opportunity to earn money while taking care of their children.

I Don't Like Working for Other People: In Search of Independence

Many of the people I met insisted that working in the streets was better than working for someone else. To not depend on another person for your salary gave many a feeling of being in control of their economic situation. The following excerpt illustrates how many people felt that dependent jobs were more insecure than the work they had.

Yeison explained that being a rickshaw driver was better than being under the control of a boss, because when working for someone else you often have to beg that person to pay your salary. You also can get fired anytime. There is always this uncertainty (*incertidumbre*). "Here I know I work hard, and I get my money", said Yeison. For Yeison, *incertidumbre* had been the rule as an employee for as far as he could remember. He used to work in construction where he earned a weekly wage, but his boss was often late paying his wages, or did not pay him at all. Yeison could not complain because he feared he could lose his job. (Field notes based on an interviews from June 22nd 2013).

Street vendors and rickshaw drivers often value the ability to work independently rather than for an employer that could mistreat or exploit them. They often compared their independence in the street to the subordination they have experienced in other jobs. Like Yeison, many reported not being paid for overtime or receiving social security, or sometimes not getting paid at all by employers that did not care to comply with the law. People working in street businesses were aware that the legal system did not work in their favor. Failure to comply with labor laws was rather the rule in most of the jobs available to them. The following excerpt illustrates how dependent jobs often lack of social security.

Soledad, who sold ice cream near the Santa Fé mall, laughed when I asked if she would leave her business if she could get a job with health insurance, social security and paid holidays. She replied that she had never had a job like that. She told me that when she worked as a cook in a restaurant she had once burned herself, and the employer had discounted the hours she had spent at the hospital from her monthly check. “That man was so cheap”, said Soledad. (Field note based on observations and a short interview from January 7th, 2014).

You couldn’t count on social protection even in jobs off the streets. Instead, people have to take care of themselves, regardless of the job they have. There was also discrimination based on different prejudices. Fredy, one of the vendors I met, explained that even as a cleaner or construction worker you needed someone that could recommend you, and for Fredy that was impossible. Additionally, when people found out that he was internally displaced, they immediately distrusted him and thought he could be involved with armed groups. Fredy did not have time to wait around for a job, he needed to start working right away in order to survive.

When I met Fredy, he was walking around with his wife and daughter, and they were selling *chontaduro* (peach palm). He had a friend from Tumaco who sold *chontaduro* in the largest wholesale food market in the city, Corabastos. This friend had helped Fredy to get *chontaduro* on loan, and that is how he had started to work in the streets. Fredy said he likes his work here, because he doesn’t like to work for other people. He believes that people always want to take advantage of you, and you never know if they will pay you or not. He told me that when he first arrived in the city, he had tried to get help from the government, but couldn’t get any. He had tried to get a job, but he got tired of receiving nasty looks. “People thought I was going to rob them or something”, said Fredy. “I don’t want to work for anyone”, he said. “Look at me, I’m good at selling my stuff here, I just don’t like to depend on others for my needs.” I asked him how much he usually made and he estimated that on a good day, he could make 70,000 pesos (30 US dollars), and half of that would be profit. (field note based on observations and a short interview from January 22th, 2014).

In Fredy’s case, he was unsure whether people in Bogotá mistrusted him because he was internally displaced. But he felt people looked down on him. Adriana who sold *tinto* near Portal del Norte preferred to work for herself than to work cleaning houses. The following excerpt from a conversation with her illustrates this point.

Today I talked to Adriana. She was watching her husband's cart while he was selling on the buses. In the mornings Adriana sold tinto [coffee] to people waiting at the bus stop. She had to be at the bus stop at five in the morning and usually stayed until nine. She said she could make about 20,000 pesos (9 USD). Adriana said it was better than cleaning houses. "When I cleaned houses I worked all day and only got 30,000 pesos (13 USD)", she said. She preferred to earn less, but have more time for her family. (field note based on observations and a short interview from January 25th 2014)

Violations of basic labor laws are common in Colombia and often the people I met in the streets feel helpless about their possibilities to claim their rights. Fear of losing your job if you ask your employer to uphold labor laws, lack of labor unions to protect workers' rights and a slow and inaccessible justice system are circumstances that could play a role in people's decisions to prefer to be self-employed. These findings are in line with the description of the legal culture of Colombia known as "un-rule of law" or more precisely as "the inefficacy of the law." In Kalmanovitz's terms (2002), it is a legal system in which many times rights are legislated but not enforced.

No matter how much the government insists on the need for people to find "formal" jobs, people are aware that this is no guarantee that they will be able to improve their general well-being, their working conditions or receive social security. On the contrary, being dependent on a job could in some cases mean being more vulnerable, because you might not be paid on time or could lose your job at any moment. While "formal jobs" does not mean "better jobs" in the context of Colombia, many wish that they could improve their working conditions, and hope their children might get an education and have a better life. However, since food doesn't fall from the sky, people that are busy trying to survive could not afford to wait for that "better job" to arrive.

Hardship in the Streets

People working in street businesses are not only exposed to police harassment but also violence from their peers and from other powerful actors in the street. The rule of the survival of the fittest often applies to street vendors and rickshaw drivers. During my fieldwork, I often observed the constant competition to get the best spot and make more money than each other. Thus, the freedom that people value was in many cases a superficial freedom. Nussbaum criticizes Sen

for not specifying which freedoms he refers to. Instead, she takes a normative approach to social justice and makes a list of basic capabilities that are minimal requirements for a human being to lead a life of dignity. In this list, one of the central capabilities that are conducive to freedom and social justice is “Not having one’s emotional development blighted by fear and anxiety” (Nussbaum 2003, 41). From my fieldwork, I could see that one of the problems with a lack of state recognition of street vendors is that they are exposed to high levels of anxiety and fear.

Co-existence in the streets is often the most difficult part of this job, since rivalry and envy are often present. There is a feeling that you should not trust anyone, that people only care about themselves and that you have to watch your back all the time. Additionally, if the place where you work is under the control of a family or a powerful group you may have to pay them to get their protection. You may also have to work under the threat of violence if you do not follow their rules. This kind of peer conflicts and group violence was often mentioned as a challenging aspect of the work in the streets.

Most studies that address the role of informal control mechanisms for people in the informal economy focus on the positive aspects of social capital (Roberts 1994). For instance, some studies show how social organizations offer a regulatory framework parallel to state regulation, allowing street businesses to resist formal control (Peña 2000; Chen et al. 2007; Steel 2012; Milgram 2011). However, there is a need of knowledge on how informal control is experienced by the members of the associations, the problems experienced by outsiders, and how informal control is also resisted and contested (Portes and Landolt 2000). There is a predominant view about the positive aspects of social capital that fail to recognize that the associations of poor people are vulnerable to political capture, opportunistic leaders, and mafias (Wells and Jason 2010).

Being on your Own: Envy Among Street Businesses

“In the streets, people don’t really help each other and you’re on your own.” These were the words Adriana used to describe her work. She believed you couldn’t trust anyone in the streets, because people only cared about themselves and whether they could sell more than you.

Adriana said her dream is to open a store one day. “I want to find a place where I can sell things without being insulted by others, without exposing my life, without being afraid of someone coming and hurting me one day”, she said. According to her, working in the streets was tough, because there was a lot of envy. (field note based on observations and a short interview from January 25th 2014)

While there was also solidarity, at the end of the day, many felt they were on their own. More examples of how their peers and their associations affected their lives can be found in the previous chapters.

Health and Pension Insurance

Many people working in street businesses were busy with their daily lives, and they often looked at me with astonishment when I asked them about their thoughts on health or pension insurances. While most reported being registered for national health insurance, many avoided hospitals or doctor’s visits due to the time and effort needed to get an appointment. In the streets there was no time to get sick or to have a bad day, because the needs waiting at home could not wait. I met Luz Maria in 2012, near the vending zone of Santa Librada. The first time I met her, we did not talk about her work; instead, we sat for more than an hour talking about the problems the family was currently experiencing due to her daughter having passed away. “I just have a hard time letting go, she was so young”, said Luz Maria, and burst into tears. The following excerpt is from our conversation.

Luz Marina’s daughter had recently passed away. She was only 17 years old, and she had been four months pregnant when she got sick. She was a happy, strong girl, who always helped Luz Marina at home to take care of her brothers and sisters. She had wanted to start working in a store or in a supermarket, but she had got pregnant and then she couldn’t get any jobs. Her mother hadn’t been able to go with her to the hospital on the morning that she had a stomachache, because she had to go to work. “Perhaps if I could have gone with her she would still be alive”, said Luz Marina. She had asked for help at the hospital, but no one had really paid any attention to her. They sent her home with some painkillers and said everything was normal. Luz Marina had to return with her two days later, because she hadn’t been able to move due to the pain. Finally, a doctor had checked her after she had started to fight with the nurses. But it was too late. They took her inside and more than eight hours later they took her to surgery.

They said she was thoroughly infected. But the doctors said there was nothing they could do. Her daughter died, just like that, and the baby died too. “I know I have to continue working because I have my other children and they need me, but she was my girl”, said Luz Marina.

Luz Maria stood up to sell a fruit salad while she dried away her tears. Luz Maria received subsidized health insurance from the government, but according to her, it did not help much. She wanted to complain to someone about the bad treatment her daughter had received at the hospital, but she did not have the time to send a letter that probably no one would bother to read anyway. While still recovering from her loss, she had to work extra hours to pay off the debt for the funeral. (field notes based on an interview from August 10th 2012).

Often, vendors were busy trying to sell products or trying to collect enough money to pay their bills. While some appreciated the flexibility of their jobs they could not afford to stay home when sick, because they were forced to keep working to put bread on the table. While most of the street vendors I met had the government subsidized insurance, they often complained about the low quality of the services provided.

Pedaling Until I Break My Knees

Working in the streets requires good health and being in good physical shape. While the working hours are flexible, those who want to make good money need to work hard. In the streets, people are also exposed to bad weather conditions and have to walk around carrying heavy loads. The working conditions in the streets are also not the best when it comes to sanitation: there are no public toilets or running water, and many said that they do not drink water during the day to avoid having to relieve themselves. The following excerpt is from a conversation with Ignacio, one of the rickshaw drivers at Portal de las Americas.

Ignacio said he is trying to look for another job due to a knee problem which made pedaling the rickshaw painful. According to him, in this line of work, you can make some money but after a while your knees start hurting. Lots of drivers go to the drug store and get a shot to relax the muscles. (field notes based on informal conversations from June 12, 2013).

Lots of drivers here suffer from knee problems because they pedal all day. They knew they could probably not work their entire lives as rickshaw drivers because

the pedaling was too hard. Street vendors also complained about the conditions of their work. They commented on being exposed to the sun and rain, and of long hours standing up.

The Profits Are Too Low

There is also a great deal of economic uncertainty involved in working on your own, and people are often stressed about not knowing whether they will collect enough money to pay for rent or to be able to pay back a debt. While the streets are often open for anyone to come and try to start a business, not everyone is able to survive. Because of unemployment and large rural urban migration, more and more people arrive on the streets to try to establish a small business. Yet, there is not much innovation, and instead you find people trying to sell the same products everywhere. The situation is the same for people working as rickshaw drivers, and due to the increased number of drivers, there are often fights over passengers and routes. Some complained about the country's economic stagnation. Others complained about debts, high rent, the cost of food, and the various needs they have. Diego, one of the vendors near Portal de las Americas, complained about slow business days. He complained that the profits he received were too small, and most of the money went to the company that provided the ice cream.

Diego sells ice cream from the Crem Helado company. He walks around pushing his tilin cart. I met him on a rainy afternoon when we were waiting for the rain to stop under the pedestrian bridge. I asked him about how his business works. He said that they get the ice cream and the pushcart at the agency in Porvenir. The woman at the agency is in charge of twenty vendors like him, but Diego complained that she kept bringing more vendors to the neighborhood, so it was getting hard for him to sell his products. Indeed, there were at least four more ice cream vendors outside Portal. With all that competition, Diego felt that it was getting too hard to make any money. For each ice cream he sold, he received a percentage of the price. Most of the time people bought the cheapest ice cream, and then he only made 150 pesos profit (6 cents USD). The most expensive ice cream gave him a profit of 200 pesos (8 cents USD). "Think about how much ice cream I have to sell to make minimum wage", Diego complained. (field notes based on informal conversations from June 27th 2013).

Economic hardship is one of the things that vendors complained about. They depend on their sales in order to survive, and they don't have a cushion to fall

back on a bad day. When you work in the streets you are on your own, and if you don't sell you won't bring home any money.

Hardship in the Streets

Street vendors have to be tough and endure the threat of police harassment, harsh working conditions, and economic competition. They need to have access to a good spot which means fighting against competitors and individuals or groups that control the street. Additionally, most of their businesses require extensive working hours. There is a feeling of being in a tough situation without a safety net to crash on if needed.

Among the groups of street vendors that experience tougher working conditions are those that are newly arrived. They often lack contacts or networks and therefore experience tougher forms of control. Most state programs for street vendors are directed at people already working in the streets. They do not account for the fact that new vendors enter the streets every day. People may lose their jobs, migrate to the city, drop out of school, lack access to higher education, become single parents or widows at any time. Without a state or family safety net to fall back on, street businesses are the only option for many. In this sense, researchers studying the role of informal economy in the context of low income countries argue that governments need to consider the role of these economic activities for the economic survival of the poor (Bromley 2000). Furthermore, formalization programs should not only be targeted only at those who have spent many years working in the streets; newly arrived immigrants are a vulnerable group and need the protection and not the exclusion of the state.

11. Final Discussion and Conclusion

In Bogotá, as in many other cities in the world, state-driven formalization of street vendors has been one of the main policies employed by the government to regulate their work. However, as I have shown, formalization programs only cover a small number of vendors. The majority still work outside the law. Thus, the main question guiding my research is: *How does formalization of street vendors in Bogotá enable and/or hinder their well-being?* To answer this question, I will first reflect on how street vendors themselves describe their own well-being.

Well-Being as Freedom

International organizations, such as the United Nations, promote formalization as a tool to empower and improve the lives of informal workers (CLEP 2008a; Banik 2009, Banik 2011). However, it is not always clear whose definition of life improvements and well-being is guiding formalization policies, and some authors argue that the formalization of informal workers can become a tool of control and not of empowerment (Faundez 2009). Thus, one of the ambitions of my research is to inquire into how street vendors themselves describe their own well-being, and thereby fill this knowledge gap. Accordingly, my first sub-question asks, *how do street vendors themselves describe their own well-being?* In Chapter Ten of this thesis, I provide detailed descriptions of the ideas and notions street vendors express about their work that have implications for their well-being. In this section, however, I discuss their personal descriptions of what well-being implies at a more abstract level.

I argue here that working in street businesses provides, in some cases, freedom from starvation, from exploitative work and flexible working hours. In this context, well-being could be defined as having work where the earnings are

enough to provide for one's needs, where it is possible to combine work and taking care of the children, and where one does not feel exploited or abused. When analysing street vendors ways of defining well-being, it is possible see that well-being is more complex than the satisfaction of economic needs. Their definitions are in line with Sen's argument about the need to appreciate agency and freedom when defining well-being (1999). Their stories highlight the constant struggle of street vendors to improve their lives, in their own terms. While they put an important value on autonomy and freedom, in many cases this freedom was an illusion, and to be able to meet their needs they often had to work long hours and endure harsh working conditions. They also experienced police harassment and worked in constant fear.

Street vendors and rickshaw drivers are constrained in their choices due to broader conditions of a labor market, social and economic structures, political powers, and the social policies of the welfare state. They are also constrained by their low levels of education and lack of technical skills. Additionally, women are constrained due to a lack of access to children's daycare, and the unequal distribution of family work.

Well-Being Seen as Freedom from Starvation

The street vendors I met regard their work as an honest livelihood, despite the legal prohibitions that exist. They often used phrases such as, "We Colombians don't have to starve, because we can always start a business on a street corner" to illustrate the role street vending plays in economic survival in Colombia. Their choices of earning a living are very limited, and they take the risks that working in the streets entail in order to be able to provide for their families.

Considering that there are not many formal job opportunities for people with low levels of education or the elderly, street vending creates an opportunity to generate an income without engaging in illegal activities such as drug dealing or gang crime. In many cases, street vending fulfils the function of a safety net (Bromley 2000, 5). Consequently, I argue that freedom from starvation is one of the main aspects of street vendors' well-being.

Since street vending can prevent starvation, many street vendors argue that the streets belong to everyone and that they have a right to work there.⁵⁰ However,

⁵⁰ The right to work in the streets can be interpreted in line with Lefebvre's right to the city (Harvey 2013). Using a Marxist critical theory approach, Harvey employs Lefebvre's concept of

there is a conflict of norms between the right to work and the collective right to public space. According to Hydén, in large-scale industrial societies, conflicts of norms are solved through the hierarchical principle, where norms at a higher level prevail (Hydén 2011, 141). However, in this case, both rights are constitutional rights: The right to work (and to lead a dignified life) and the collective right to enjoy public space.

The decisions of the Constitutional Court presented in Chapter Four illustrate how this court has interpreted this conflict of rights to give priority to collective rights over individual rights. Thus, in various decisions, the court states that evictions are allowed because the right to public space is collective.⁵¹ However, the court has made an exception for street vendors that have occupied public space for a long time, arguing that in those cases, the government must provide alternative jobs or re-locations prior to evictions.⁵² From a norms perspective, the court has supported the *acreditar* norm (see Chapter Five) by creating the right to re-location via the court precedent for those vendors that have occupied certain spaces for a long period of time.

The previous argument prevailed within jurisprudence until 2003. In Decision T-772 of 2003, the court changed precedent and argued that re-locations should also cover vendors living in poverty, based on their constitutional right to work and to earn a livelihood. While the leaders of the street vendors often referred to this decision (T-772-03) to argue for their right to work and to receive support

the 'right to the city' to illustrate the struggle of vulnerable and oppressed people to participate in the definition of urban life (ibid. xii). As I see it, in my research, the right to the city can be the right of pedestrians to enjoy the sidewalks, the right of urban developers to build malls and/or the right of street vendors to earn a livelihood in public spaces. As Harvey says the right to the city is an empty signifier and the struggle that we experience in today's world is to determine who has the power to determine this right (ibid. xvi).

⁵¹ "On several occasions, the Constitutional Court, when considering cases of street vendors, has explained the conflict that arises between the general interest involving the recovery of public space, and the fundamental right to work, by citizens who in some manner use it for commercial purposes aimed at making a livelihood. Indeed, the Court has expressed that the recovery of public space is one of the State's obligations, and for that reason can not be hampered by special interests, given that the general interest prevails over the individual interest" (T-778-98). Translation from Spanish made by the Author.

⁵² First the Court argues that the right to re-location only covers those who have an old license or a permit by the government (T-225/92). Then, in 1996, the Court changed the precedent and argued that re-locations should also cover vendors that have occupied a public spot for a long time (T-438-96).

from the government, some writers explain that the law and court decisions often work ineffectively in Colombia (Uprimny 2006). Thus, even when some street vendors are able to bring a case before court, often it is not enough to have a favorable legal decision. As Uprimny claims, the common inefficacy of Colombian law means that it is often necessary to start a second action to enforce the court's decision (Uprimny 2006). The local government sometimes ignores the court, which means that the real power to decide on the vendors' right of survival lies in the hands of the local decision-makers (such as the mayors of the different boroughs and the city mayor of Bogotá). Therefore, depending on the political and personal views of the mayors, street vendors face different and changing levels of control.

But are all street businesses a survival activity for the poor? The second argument I will explore is that people working in street businesses are not only trying to survive, but are also striving to improve their lives.

The Value of Independency and Flexibility for Well-Being

Street vendors also strive to improve their lives. Although they have limited options, they are generally not content with them and often make arrangements to improve them. Considering their socio-economic and personal circumstances and given the choices available to them, street vending or rickshaw driving was the best choice for many. Many of them are constantly in search of a better life and aspire to get a better job, to buy a rickshaw or to own a store. People also compare their work in the streets with "subordinate work" and weigh the benefits and costs of their choice. However, they do not only value economic income. Instead, two aspects appear to play a role in their search for better lives: one is the value of independence and the other, particularly for women, is the possibility to combine work with taking care of their children.

The Role of Independence for Well-Being

The notion of independence and the more general concept of freedom became relevant ones after I had heard people's own descriptions of their well-being. The stories of rickshaw drivers and vendors illustrate that in many cases they place a high value in their independence at work. The value of independence was expressed in terms such as "I don't like working for other people", "They think they can treat you any way they want in other jobs", "I can make my own money", "I do my job and no one tells me what to do", "I can earn money from

my first day here, and I don't have to wait for my boss to pay me", and more. The value that street vendors place in their independence highlights the aspect of their individual agency in their efforts to make a living. They describe well-being as being more than economic survival and economic improvements.

People working in the streets, like many of us, not only value the money they earn, but also the ability to pursue a job that is fulfilling. This finding supports Sen's argument concerning the importance of freedom and agency for people's well-being (Sen 1999). Even though street vendors and rickshaw drivers are extremely constrained due to their low educational levels and socio-economic conditions, they strive to pursue lives that they value. A common argument in favor of formalization presumes that access to credit for investments allows street vendors to improve their businesses (De Soto 1989). Yet, I show that well-being concerns more aspects than economic improvements. It also concerns having a job that is fulfilling and where one can experience basic autonomy, freedom and the independence to make one's own decisions.

Working and Taking Care of the Children

Having flexible working hours and the possibility to combine work and childcare is a relevant aspect of well-being. Many of the women I met expressed that they would not take any other job, because as street vendors they could provide food and care for their children. A gender approach is necessary to show that well-being not only concerns the possibility to earn an income, but also their family needs.

Based in the data I present, it is possible to argue that many street vendors value their ability to combine work with family life. However, I argue that the decision many women make to work as vendors is related to a societal structure of inequality between male and female roles regarding childcare and house chores. Thus, the fact that many women search and find a livelihood in street businesses must be seen within the broader context of society's gender roles and welfare policies. In this sense, my research supports the argument that informal work does not resolve work-family imbalance issues in society and must be examined within the context of larger social structures (de Casanova 2011).

This way of describing well-being has implications for policies that aim to provide alternative jobs for street vendors and rickshaw drivers, or that want to formalize their businesses. There is a belief that people living on the edge of survival should take any job that pays better than the work they already have. However, people working in the streets do not only consider economic gains,

but, like many of us, they also value the independence and flexibility of self-employment.

In conclusion, I argue that well-being means the possibility to earn an income when one is in need, to enjoy basic independence at work, and to have the flexibility to combine work and childcare. Nevertheless, in many cases this independence and flexibility is an illusion, and to be able to meet their needs, street vendors and rickshaw drivers often have to work long hours, are unprotected from many risks, lack basic social security and experience police harassment. These are some of the aspects that hinder their well-being.

Uncertainty and Fear Hinder Well-Being

The people I met frequently mentioned experiencing anxiety due to the uncertain terms of their work. They also live in fear, because they are exposed to police evictions and other kinds of insecurity. I argue that they work in conditions of uncertainty and fear, because they experience multiple, complex and plural forms of control.

Street vendors experience anxiety and stress in part because their access to good selling spots is uncertain, they do not know if someone may have taken their spot, organized groups require them to pay money and the police could take away their livelihoods at any time. Thus, the study of their well-being connects with the role of the law and other forms of social control at the street level. In this sense, living without fear relates to Martha Nussbaum's list of capabilities and her argument that living without fear and freedom of movement are essential for human beings (2001).

In conclusion, street vendors' well-being arguably includes four main aspects: the ability to make a living, having some independence, the flexibility to combine work and family, and working without uncertainty and fear.

Social Control Pluralism

With my point of departure in how street vendors describe their own well-being, the second question that I want to answer is, *how do street vendors experience law and other forms of social control in their everyday work life?* Although street vendors work outside the law, they do not operate in a state of chaos or anarchy. Quite the opposite, different practices of social control are present in their work. Before examining the relations between social control and well-being, I will first discuss the plural forms of social control that are present in street vendors' and rickshaw drivers' work.

Street vendors often experience both state control (legal control), as well as more informal control. I group the findings into themes, including informal controls, based on the *acreditar* norm, the organizational control of the associations of rickshaw drivers, the control of big ice cream companies, everyday police control, and a hybrid system of formalization in the vending zones. While each of these themes of social control emerged from the data I collected, they relate to Ellickson typology of systems of social control (1991, 131) introduced in Chapter two.

However, following Hydén's argument, in some cases two conflicting norms can regulate the same conduct (2011, 141). In Chapters Five to Nine, I provide multiple examples of conflicts of norms, as well as cooperation among controllers to enforce common norms. One example of this kind of cooperation is when the police recognize the *acreditar* norm and allow old vendors to remain while evicting new vendors. This illustrates that conflicts of norms can result in hybrid systems of social control, where one controller enforces the norm typical of another controller (Ellickson 1991, 254).

Another example of hybrid systems of social control are when rickshaw associations combine the hierarchical control of the coordinator with informal control by the drivers to exclude pirate drivers. In addition, the case of the transitional vending zones also illustrates a hybrid system of control, although this time directly created by the government. In Chapter Nine I show that the government signed agreements with the vendor associations for the transitional zones that thereby decentralized everyday regulation of the zones to these associations. The government provided some basic rules, such as not selling piracy goods, but the enforcement of these rules was handed over to the associations. Thus, I argue that the combination of bureaucratic control and the

associations' control in these cases is an example of how the law can employ informal control (Ellickson 1991, 284).

Another example of how systems of social control interact is the belief common among vendors that in cases of conflict one should avoid calling the police. Street vendors know that police officers could evict everyone. Hence, many vendors avoid the use of physical violence as a means to enforce the *acreditar* norm. The presence of police control affects the way informal control operates, meaning that people refrain from physical violence to avoid getting into trouble with the police. While some vendors who enforce the *acreditar* norm might otherwise be willing to use violence to expel new vendors, they know that this could attract the attention of the police. Therefore, they usually fall back on merely issuing threats of violence. Still, this creates a sense of fear among the vendors who refuse to leave.

The study of informal control also provides an argument against legal peripheralism, understood as the dismissal of the legal system as totally uninfluential (Ellickson 1987, 91). While the study of plural forms of social control illustrates the complexity involved in the regulation of everyday life, the law is not toothless in the sense that the police do indeed intervene when called upon by the government or by the owners of off-street businesses. However, police control as experienced by the vendors often varies in degree, time and space, with regards to, for instance, the frequency and severity of the evictions and confiscations. Donald Black explanations of how social control varies in relation to different aspects could be explored in further research on street vendors (1984a).

In conclusion, I show the complexity and the plural forms of social control involved in the regulation of everyday street vending. This finding is in line with Griffiths' argument that "the expression 'legal pluralism' can and should be conceptualized as 'normative pluralism' or 'pluralism in social control'" (2006, 65). Through the study of everyday acts of social control, I provide empirical insights into the everyday operations of the law and other forms of social control in society, and provide support to Griffiths' argument that the object of study in sociology of law should be 'pluralism in social control' rather than law (Griffiths 2006, 65).

Social Control Matters for Street Vendors' Well-Being

Showing the plural forms of social control, as experienced by street vendors, adds to knowledge of the complexity of how law operates in everyday life. My aim was to connect the study of social control to the street vendors' own descriptions of their well-being. Consequently, the third sub-question guiding my research is: Based on the street vendors' own descriptions of their well-being, how does law and other forms of social control enable and/or hinder their well-being? To answer this question, I will now discuss the forms of social control that I presented in Chapters Five to Nine.

Acreditar: Cooperation or Exclusion

Street vendors cooperate to define access to space in the streets. They call this process *acreditar*. It means that vendors that work in the same spot each day may ask newcomers to move along and to respect the places they have accredited in the streets. *Acreditar* illustrates a form of decentralized and spontaneous control (informal control). Street vendors regularly punish newcomers who occupy their spots with verbal aggression, gossip, and the threat of violence.

While some vendors move around from place to place, many vendors prefer to find a spot that is good for business and remain there. From the perspective of individual well-being, the *acreditar* norm reduces the uncertainty of having to re-establish the informal right to a spot on a daily basis. It allows street vendors to work knowing that they have a somewhat secure spot. It also allows them to develop a customer base. In a sense, the *acreditar* norm is an example of order outside the law, based on informal and decentralized social control. A person with an interest in working as a street vendor needs to gain the trust of the other street vendors to achieve a good co-existence at work, and therefore, new vendors often move to "empty spots" and respect the *acreditar* norm, hoping to benefit from this norm themselves once they are more established.

A different way of explaining the *acreditar* norm would be in terms of exclusion of newcomers. The *acreditar* norm also means that experienced vendors obtain certain privileges over time. Newcomers often experience exclusion, mistreatment and a violation of what they claim is their right to earn a livelihood. During my fieldwork, I often heard street vendors using phrases such as, "No one owns the streets", or "We are all needy" to complain about those

who claimed “*acreditar*.” Indeed, some vendors openly violated the *acreditar* norm and refused to leave after a warning. This brings me to the issue of resistance to social control, and how social norms that arise over time enable some groups to improve their well-being, while hindering the well-being of outsiders such as new vendors.

In this regard, Portes and Landolt (2000) claim that social capital often develops at the expense of outsiders. Regarding the protection of outsiders, Ellickson states that “there is no reason for thinking that a group’s norm-making process will give weight to the interests of those outside the group” (Ellickson 1991, 284). In those cases, where the interests of those outside the group are ignored or even violated, Ellickson argues that law should play a more active role. However, falling back on the law is not seen as an alternative for the street vendors, because the law simply does not recognize their work. Instead, the police often evict street vendors that complain about abuse from accredited vendors.

Nevertheless, in the absence of law, street vendors use other forms of resistance to informal control. They often use practices of quiet encroachment to access space in the streets, in violation of the *acreditar* norm. Bayat defines quiet encroachment as “a silent, patient, protracted, and pervasive advancement of ordinary people on the propertied and powerful in order to survive hardship and better their lives” (1997, 57). The study of resistance among newcomers illustrates a form of quiet encroachment that allows them to access busy spots. However, even though it is possible to resist the *acreditar* norm, newcomers are often sanctioned through verbal abuse, threats of violence and poor coexistence for violating this norm.

Rickshaw Associations: Organizational Control or Mafia Control?

The example of the rickshaw associations illustrates a more organized form of social control than the one among the street vendors. These associations have clear rules and a specialized enforcer, the coordinator, who is in charge of overseeing the drivers’ work, controlling the routes, and making sure that pirate drivers (newcomers) are sanctioned when they violate the associations’ monopoly of the routes. In their original form, the associations were established by a group of drivers in order to cooperate and improve their well-being. By establishing a route, a group of drivers can increase their number of customers, avoid unnecessary time and energy consuming pedaling, establish a common

price and reduce competition. It allows them to work in less uncertain conditions since they now have a fixed work place, they can make a stable income and control that pirates do not use their routes. This is another case of order outside the law.

However, the associations also impose obligations on the drivers, who in turn sometimes complain about the high costs of belonging to the associations. Moreover, the association system of control is based on the threat of violence or actual use of violence to exclude newcomers (pirates) from the established routes. For this reason, the government sometimes claims that the rickshaw associations are similar to a mafia structure, and justify police action against the rickshaw drivers on that basis. However, how do we determine whether a social organization is a mafia? This is relevant, because mafia systems are not desirable, since they perpetuate exploitation and undermine the state.

According to a study of street vendors in Mexico City, in most cases the vendor associations there help vendors reduce risk and uncertainties in a normless market and provide an important service to the vendors (Peña 2000). In his study of the organizations that regulate street vendors in the metro of Mexico City, Peña found similarities to mafias in the sense that some individuals collect rents from the vendors and use the threat of violence to enforce their norm (2000). He found that the vendors' situation in the metro is similar to that of drug dealers in New York, and that the difference is of degree and not of kind. Peña argues that, unlike drug dealing, we should not see them as mafia based only on the fact that vendor and rickshaw organizations collect smaller fees and use the threat of lesser forms of violence to deter outsiders (Ibid.)

Rickshaw drivers sometimes consider the fees collected by associations abusive and exploitative. For some drivers that want to become rickshaw owners, the price of the *cupo* is too high, considering that it costs almost as much as the rickshaw itself. Sometimes, the rental fees are considered excessive, while other times the drivers consider the rental fee to be fair, since they can earn enough to pay the rent and still keep more than Colombian minimum wage.

Nevertheless, from a government perspective, having individuals collecting money from others to access public space is problematic. Ignoring it means to indirectly accept it, which creates an incentive for others to do the same. This, in the long term, leads to an undermining of the role of the state. Yet, from the perspective of legal control, a government trying to eradicate mafia systems of control should differentiate between legitimate associations of vendors and authoritarian and exploitative groups, and focus efforts on the latter group. Peña

(2000) explains that in Mexico, for example, the government uses the argument that vendors associations are simply mafias to undermine their organization. Yet, he claims that “Street vendor organizations are important social and political actors and not mafias (as they are perceived by the Mexico City authorities) who perhaps need to be seen as part of the solution and not as part of the problem” (Peña 2000, 60). I agree with this statement insofar as that the organizations created by the rickshaw drivers allow for more concerted state action, as there now is a structure in place which makes it possible and easier to approach and work with, rather than dozens of individuals who are not organized as a group.

The existence of organizations based on the threat of violence to outsiders is arguably a form of authoritarian, undemocratic and oppressive social control outside the law. Thus, I argue that the social order that comes from social organizations does not always enable well-being, but instead can create monopolies, exclusion and oppression outside the law.

Private Companies: Organizational Control or Organized Exploitation

The study of ice cream vendors illustrates the role of private companies as an important actor in the regulation of some street vendors. While on paper the companies have nothing to do with the vendors, in practice they coordinate and decide upon the main rules governing their work. In this case, a third party, the franchise agent, exerts control.

The social control exercised by private companies to distribute their products through street vendors is more sophisticated and formalized than the control exercised by the rickshaw associations. Through middlemen or franchise agents, the big companies can control thousands of vendors all over the country and avoid any formal labor relationship that would require them to pay social security for the vendors.

According to the ice cream vendors I met, they work for the main company and must follow the rules the companies have established. The companies define where the vendors work, write their schedules, set the prices they are allowed to charge and prohibit them from selling products from other companies. Most of the time, control is exercised through the middleman (the agent). The standard sanction exercised by the main company for a vendor that violates any of the norms is a warning, and the most severe punishment is to be excluded as a vendor. Control also comes from other ice cream vendors who sell products from other rival companies. Since the interest of the main companies and the

agencies is to sell as much as possible, they employ as many ice cream vendors as possible. Often, on the same corner I would find a vendor from each of the four largest ice cream companies in Colombia. Due to this situation, the ice cream vendors feel that competition and low profits are among the main problems that affect their well-being.

The Variety of Police Controls

In many cities around the world, street vendors and rickshaw drivers experience police harassment at work, they frequently have to pay bribes and have to find ways to resist control in order to make a living (Austin 1993; Crossa 2009). The street vendors and rickshaw drivers I met repeatedly talked about working in uncertain conditions and waking up in the morning without knowing if the police would let them work. They also talked about going to work without having a spot where they could feel safe. Although changing the legal status of street vendors and ending confiscations is not a magic bullet to enable well-being, my research shows that the current laws hinder people's ability to work without fear. The few vendors that are formalized mention working without fear as one of the main improvements following formalization. For formalized vendors, this legal status provides a sense of self-worth. Unlike Sen, who refuses to provide a list of capabilities, Nussbaum argues for a list of basic capabilities that are necessary in order to live a dignified life. Of the points on this list, living without fear is considered one of the most basic human capabilities (Nussbaum 2001).

Similarly, Shah and Mandava (2005, 36) propose a "livelihood freedom" test of law. In order to determine whether the laws should be kept or reformed, governments should apply a test to determine the law's impact on people's freedom to earn an honest living. I maintain that despite opposing views on street businesses from left and right ideologies (Bromley 2000), recognizing and legalizing the work of individual street vendors (not companies) is important to avoid worsening their already vulnerable situation. This could be a first step towards a work environment in which people can improve their well-being.

Formalization and the Legal Empowerment of the Poor

An important argument in favor of the formalization of street vendors is that when their businesses operate under legal protection, they can achieve economic improvements. One of the most influential scholars in the formalization debate is the Peruvian economist Hernando De Soto, who claims that facilitating the formalization of small entrepreneurs would support the growth of their businesses (1989). He explains that by allowing small businesses to formalize, they can use their businesses as collateral to get access to credit and investment (De Soto 1989). His work has been influential in promoting the rule of law and the formalization of businesses run by the poor, including the policy recommendations of the United Nations Commission of Legal Empowerment of the Poor (Banik 2011).

However, there are many studies that question whether or not formalization does in fact enable economic improvements. Some authors argue that formalization increases the costs of running a street business due to rental fees and taxes (Donovan 2008; Slocum, Backman, and Robinson 2011). Moreover, formalization is often seen as a way to remove street vendors from public spaces (Hunt 2009; Adaawen and Jorgensen 2012).

Most of the formalized vendors I talked to during my research felt that they were better off following the formalization of their businesses. They had gained confidence, self-respect and autonomy. The legal status of their business had allowed them to work in less uncertainty and fear. Moreover, the tents, provided by the government, had established boundaries that control the space they are allowed to use, but also provide shelter and security from other vendors that might otherwise take their spot. Contrary to De Soto's claims about economic improvements following formalization, most of the street vendors in the transitional zones had not been able to expand their businesses, as he suggested. However, they mentioned other social improvements. Formalization in the transitional zones continues to be limited to a maximum of three years, and therefore it is only a temporary solution. When the zones were originally located at a distance from the vendors' customers, formalization attempts had failed, and the vendors had abandoned the zones. Therefore, further studies should explore the details of how formalization is best accomplished, and consider the street vendors' needs.

Finally, even though formalization can improve the well-being of some groups, it creates a division between insiders and outsiders and can hinder newcomers from attaining the same well-being. In this regard, formalization programs do

not account for the fact that street vending operates as a safety net for people who need to earn a survival income. By controlling non-formalized vendors, the state limits one of the main roles of street vending, which is the provision of a survival income at any time. Often, the most vulnerable groups (newly arrived immigrants, internally displaced people, women, the newly unemployed) lack the time and knowledge to formalize or simply are not targeted in formalization programs. To a large extent, formalization benefits only a few while it ignores the majority of the vendors.

The Problem of Exclusion of Newcomers: *Los nuevos*

A relevant finding of my study is that social control often develops to exclude newcomers. Even formalization programs by the government in Bogotá are directed toward the more established vendors and do not account for the fact that new individuals arrive on the streets every day trying to make a living. In my study, I found that both formal control by the state, as well as less formal control by social organizations are based on the exclusion of newcomers. During my fieldwork, I met internally displaced persons, a recent widow, a young woman expecting a child, and people that could not find work. More established vendors and even the police often referred to them as *los nuevos*, i.e., the “newcomers” or “pirates.” They experienced control in a different way. Newcomers have more difficulties to organize, to voice their needs and to claim their rights. Furthermore, the Constitutional Court has defended the rights of more established vendors more emphatically, while the newcomers’ right to work and to earn a survival income has simultaneously been neglected by this court.

The well-being of a group may be enhanced at the cost of the exclusion of others who will not be able to enter the group. Newcomers often experience violence or are required to pay a large fee to access good spots in the streets. It is often those who lack contacts and networks who face greater restrictions to improving their well-being as a result of these different forms of social control. Some newcomers can resist exclusion by, for instance, pulling out a knife. But those who lack the means to resist working in fear are forced to leave. Most research on street vendors focuses on more established or formalized vendors and their organizations (Donovan 2008; Roever 2005a; Crossa 2009). In this set of

literature, social capital and the vendor associations are seen as essential to their well-being.

In contrast, few studies have looked at the problems of exclusion that outsiders face. Portes and Landolt's study is an important contribution that illustrates how social networks and associations can have negative consequences for outsiders and become a kind of negative social capital (Portes and Landolt 2000). In this regard, my research adds to the study conducted by Steel (2012) in Cusco, Perú, on the greater vulnerability of people who lack networks in the streets. Thus, newcomers are more exposed to exclusion based on social control practices.

Final Remarks

Many people worldwide work as street vendors to earn a living. They work outside the law, live in fear of police evictions and confiscations, lack a secure work place, do not have social security protection, and are frequently trapped in low-income economic activities that require long working hours. In the case of Bogotá, an estimated 100,000 people work outside the law as street vendors. In this context, my study asks the question, *how does formalization of street vendors in Bogotá enable and/or hinder their well-being?*

To answer this question, I took my point of departure in how street vendors themselves describe their own well-being. The data I collected illustrates that well-being is more than economic survival, and often, street vendors strive to gain the independence and flexibility to work and take care of their children. Still, due to various circumstances, including operating outside the law, they work in fear and constant uncertainty. How street vendors describe their own well-being provides a thorough photograph of their reality, which in turn is only a piece of the puzzle in the debate on the formalization of street vendors. Moreover, based in the study of well-being and social control, the problems faced by newcomers, those who may need to sell in the streets in the future to make a living, became apparent. Because street vending is a safety net in many places around the world, depending on how formalization is applied, it can remove one of the main safety nets available to many vulnerable groups in society.

The conclusions of my study illustrate that although formalization is often defined as a concept, the question is not whether or not to formalize street

vendors, but how and under what circumstances. I have shown how complex and multiple forms of social control are already present and influence their work. Without a deep understanding of how social control already operates, the state runs the risk of developing formalization initiatives that undermine the well-being of the most vulnerable groups, such as newcomers and those who lack experience and networks in the streets. There is also a risk involved in formalizing associations or businesses that exploit and use the threat of violence to control their street vendors. Therefore, an important point of departure must be to identify the forms of, and the multiple actors involved in, social control, prior to exploring whether formalization can enable their well-being.

The study of street vendors' everyday experiences of social control provides deep knowledge of how law affects their lives. International organizations, such as the United Nations (in the millennium development goals), the International Labor Organization (in the Decent Work Agenda), and the World Bank (in the "Doing Business" project) need to account for the various ways in which informal workers, such as street vendors, operate outside the law. Before promoting formalization reforms through international, as well as local policies, contextual knowledge is needed about the complex ways in which different forms of social control are already in place and influence the work of street vendors and other groups of informal workers in today's world.

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Appendix A List of Main Characters

#	Date	Pseudonym	Gender	Occupation	Location
1	24/01/2014	Santiago	M	Middle-man Agency	Borough of Suba
2	17/08/2012	Andres	M	Leader Street Vendors	Bosa Libertad
3	22/01/2014	Alexandra	F	Government Official– IPES	City Center
4	20/01/14	Carlos	M	Government Official DADEP	City Center
5	22/01/2014	Fredy	M	Street Vendor	City Center
6	10-14/08/2012	Lina	F	Government Official– IPES	City Center
7	17/07/2012	Leader	M	Leader Street Vendors	Kennedy
8	41677	Eduardo	M	Government Official Ministry of Transportation	Phone Interview
9	27-28/06/2013	Diego	M	Street Vendor	Portal Americas
10	2013, June	Elsa	F	Street Vendor	Portal Americas
11	23/01/2014	Garcia	M	Police Officer	Portal Americas
12	24/06/2013	Gregorio	M	Rickshaw	Portal Americas
13	41434	Guillermo	M	Rickshaw	Portal Americas
14	41614	Ignacio	M	Rickshaw	Portal Americas
15	27/06/2013	Jaime	M	Rickshaw	Portal Americas
16	21/06/2013	Jose	M	Rickshaw	Portal Americas
17	10-11/06/2013	Julian	M	Rickshaw	Portal Americas
18	7-8/06/2013	Luis	M	Rickshaw	Portal Americas
19	41445	Maria Angelica	F	Rickshaw	Portal Americas
20	41821	Maria	F	Street Vendor	Portal Americas
21	11-15-17/06/2013	Marta	F	Street Vendor	Portal Americas
22	24-25/06/2013	Miguel	M	Rickshaw	Portal Americas
23	22/06/2012	Yeison	M	Rickshaw	Portal Americas

24	21/06/2013	Anonymous Driver	M	Rickshaw	Potreritos
25	18/12/2013	Gabo	M	Street Vendor	Santa Fe Mall
26	41944	Gaby	F	Street Vendor	Santa Fe Mall
27	15/01/2014	Nancy	F	Street Vendor	Santa Fe Mall
28	16/12/2013	Perla	F	Street Vendor	Santa Fe Mall
29	41944	Pilar	F	Street Vendor	Santa Fe Mall
30	17/12/2013	Raul	M	Street Vendor	Santa Fe Mall
31	41821	Soledad	F	Street Vendor	Santa Fe Mall
32	19/12/2013	Yanira	F	Street Vendor	Santa Fe Mall
33	41190	Women selling chorizo	F	Street Vendor	Santa Fe Mall
34	13/07/2012	Carla	F	Street Vendor	Santa Fe Mall
35	13/07/2012	Consuelo	F	Street Vendor	Santa Fe Mall
36	41098	Felix	M	Street Vendor	Santa Fe Mall
37	10-11/07/2012	Marisol	F	Street Vendor	Santa Fe Mall
38	25/01/2014	Adriana	F	Street Vendor	Santa Fe Mall
39	20/08/2012	Edwin	M	Street Vendor	Santa Fe Mall
40	17/12/2013	Rosa	F	Street Vendor	Santa Fe Mall
41	14/01/2014	Clara	F	Street Vendor	Santa Librada
42	41883	Jorge	M	Leader Street Vendors	Santa Librada
43	15/01/2014	Julio	M	Street Vendor	Santa Librada
44	41190	Luz Maria	F	Street Vendor	Santa Librada
45	16/12/2013	Pedro	M	Street Vendor	Santa Librada
46	20/08/2012, 15/08/2012	Cali	M	Street Vendor	Santa Librada
47	7/18/2012, 13/01/2014	Ernesto	M	Leader Street Vendors	Santa Librada
48	14/01/2014	Mariela	F	Street Vendor	Santa Librada
49	41974	Nico	M	Street Vendor	Santa Librada
50	13/08/2012	Alba	F	Street Vendor	Tunjuelito
51	8/8/12	Chucho	M	Street Vendor	Zona de Transicion in Kennedy

Appendix B Questionnaire for the Transitional Zones

Socio-Economic Characteristics
Sex:
Age:
Level of School Education: a) No formal education, b) incomplete primary, c) completed primary, d) completed ninth grade, e) completed high school, f) technical degree, g) university education.
How do you estimate to be your montly income? Lower than minimum wage, around minimum wage, higher than minimum wage.
Working Conditions
How many hours a day do you work?
How long have you worked as a street vendor?
Do you have health insurance? No, Yes; If yes: Is this subsidized state insurance, contribution-based insurance, Beneficiary from another person's family insurance, other?
Do you currently contribute to the pension system? Yes, No, I have contributed before
Vendors' Perceptions of Formalization
How long have you worked in the transitional zone?
Have the police confiscated your goods after you moved to the transitional zones? Yes No
Did you experience police confiscations before moving to the transitional zones?Yes No
In general, do you think your personal situation has improved, remained the same, or worsened after moving to the transitional zones?
Has your income increased, remained the same, or worsened after moving to the transitional zones?
Were you registered at the Institute for the Social Economy (IPES) before entering the transitional zones? Yes, No
Civic and Political Participation
Are you a member of a street vendors association? Yes No
Were you a member before you moved to the transitional zone? Ye No
Did you vote in the last election for city mayor? Yes No
In your opinion, the street vendors outside the transitional zones: a) are illegal, b) have the right to work in the streets, but far away from the zones, c) everyone has the right to work in the streets.

Appendix C Results of Questionnaire for the Transitional Zones

SOCIO ECONOMIC CHARACTERISTICS N= 169	
Sex	# of interviewees (%)
Male	76 (45%)
Female	93 (55%)
Age Distribution of Interviewees	
Min	33 years
Max	69 years
Median	43 years
Average	47 years
Education levels of interviewees	
Education level	# of interviewees (%)
No formal education	6 (4%)
Less than 4 years of education (incomplete primary)	22 (13%)
Completed primary school	61 (36%)
Completed ninth grade	19 (11%)
Completed highschool (11 years)	44 (26%)
Technical	10 (6%)
University	7 (4%)
Income of street vendors	
Possible answers	# of interviewees (%)
Less than a minimal wage	44 (26%)
About a minimal wage	86 (51%)
Higher than minimum wage minimal wages	39 (23%)

WORKING CONDITIONS			
Number of hours worked a day		# of interviewees (%)	
4		3 (2%)	
5		1 (1%)	
6		4 (2%)	
7		9 (5%)	
8		11 (7%)	
9		27 (16%)	
10		25 (15%)	
11		27 (16%)	
12		35 (21%)	
13		9 (5%)	
14		6 (4%)	
15		9 (5%)	
16		3 (2%)	
Total		169 (100%)	
How long have you worked as a street vendor (in years)			
Average	Min	Max	Median
15	4	35	13
Do you have health insurance?			
Answer		# of interviewees (%)	
Yes		162 (96%)	
No		7 (4%)	
If yes, is this subsidized state insurance or contribution-based insurance?			
Answer		# of interviewees (%)	
State subsidized		122 (72%)	
Private insurance (contribution-based)		18 (11%)	
Beneficiary from another person's family insurance		22 (13%)	
Without insurance		7 (4%)	
Other		0	
Do you currently contribute to the pension system?			
Answer		# of interviewees (%)	
Yes		16 (9%)	
No		114 (67%)	
I contributed before		39 (23%)	

VENDORS' PERCEPTIONS OF FORMALIZATION			
How long have you worked in the transitional zone? (in years)			
Average	Min	Max	Median
5	2	7	4
Have the police confiscated your goods after you moved to the transitional zone?			
Yes		0	
No		169 (100%)	
Did you experience police confiscations before moving to the transitional zone?			
Possible answers		# of interviewees (%)	
No		75 (44%)	
Yes		94 (56%)	
In general, do you think your personal situation has improved, remained the same, or worsened after moving to the transitional zone?			
Possible answers		# of interviewees (%)	
Has improved		138 (82%)	
Remained the same		24 (14%)	
Got worse		7 (4%)	
Has your income increased, remained the same, or worsened after moving to the transitional zone?			
Possible answers		# of interviewees (%)	
Has increased		78 (46%)	
Remained the same		55 (33%)	
Got worse		36 (21%)	
Were you registered at the Institute for the Social Economy (IPES) before entering the transitional zones? Yes, No			
Possible answers		# of interviewees (%)	
Yes		70 (41%)	
Not		99 (59%)	

CIVIC AND POLITICAL PARTICIPATION	
Are you a member of a street vendors association?	
Possible Answers	# of interviewees (%)
Yes	169 (100%)
No	0
Were you a member before you moved to the transitional zone?	
Possible Answers	# of interviewees (%)
Yes	36 (21%)
No	133 (79%)
Did you vote in the last election for city mayor?	
Possible Answers	# of interviewees (%)
Yes	136 (80%)
No	33 (20%)
In your opinion, the street vendors outside the transitional zones:	
Possible Answers	# of interviewees (%)
a) are illegal	2 (1%)
b) have the right to work in the streets, but far away from the zones	38 (22%)
c) everyone has the right to work in the streets.	129 (76%)

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Outside the Law

An Ethnographic Study Of Street Vendors In Bogotá

Ana Maria Vargas is a researcher of sociology of law. Her doctoral studies were conducted within the International PhD Program Renato Treves in Law and Society, and her research training took place at Lund University in Sweden and the University of Milan in Italy. During her extensive field studies, she based herself on the streets of Bogotá, Colombia, where she observed and interacted with the street vendors on a daily basis.

Around the world, governments pursue different strategies in order to remove unlicensed street vendors from the streets. Their approaches are often based on repressive law and police enforcement. Street vendors, on the other hand, forced by the harsh circumstances of unemployment, poverty and even starvation, resist and claim their right to work and to earn a living.

Formalization (steps toward legalization) has been presented as an alternative to strategies that are based on repression and enforcement, and represent various policy reforms that are aimed at converting previously non-compliant street businesses into lawful businesses. This is mainly achieved by providing street vendors with permits that allow them to practice their trade in certain geographical areas. However, little is known about how the street vendors themselves experience these formalization strategies, and important questions arise. How is formalization achieved? Does formalization improve the well-being of street vendors? Who actually benefits from formalization? In this study, Ana Maria Vargas uses social control informed ethnography in order to answer these, and other questions.

Without a deep understanding of how social control operates in the daily lives of these street vendors, legal reforms run the risk of implementing formalization initiatives that undermine the well-being of the most vulnerable groups in the streets.



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