

‘Whose Law? Our Law!’: Critical Reflections on Legalization, Social Dialogue and Street Vendors’ Organizing in São Paulo

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Key Points

- 1 The institutionalization of social dialogue is an important step towards more just regulation of informal vending, but alone it does not ensure that outcome.
- 2 In addition to seeking venues for formal participation within state decision-making, street vendors’ organizations should maintain a lively space of political mobilization outside state institutions.
- 3 To be truly successful, the use of legal tools and litigation by movements and organizations of workers in informal employment must always be intertwined with political action and community organizing.
- 4 The state is not a neutral actor: it embodies the ideology and goals of the political groups who direct it. Therefore, in their interactions with the state, workers’ movements and organizations must be attentive to whom the political actors in charge are and what political ideals they pursue.



Street vendors at a StreetNet International regional meeting in São Paulo, Brazil. Photo credit: Andressa Ocker, courtesy of StreetNet International

Introduction

São Paulo, the largest Brazilian city with over 12 million inhabitants, is home to thousands of street vendors, who make up an important portion of the local informal economy. Street vending not only provides work and income for individuals and their families, but also sustains a lively network of production, distribution, and sale of quality goods, including food, clothing, gadgets, and household appliances, in accessible locations and at affordable prices (Taguti, Sanches and Barbosa 2022). São Paulo was the first city in the country to adopt a regulation that legalized street vending, promoted the progressive formalization of the sector, and institutionalized social dialogue.

In the late 1980s, the first Workers' Party-led administration came into power with the promise of “legalizing” street vending and ending the pernicious practices of corrupt city inspectors (Singer 2022). As street vendors flooded the city centre to exercise their right to work, newly elected mayor Luiza Erundina initiated a participatory process to formalize informal trading and to afford legal recognition to vendors' socio-economic and cultural contribution to the city.

Both the law-making process and the new regulation adopted in the 1990s were characterized by democratic participation. The regulation obliged each regional administration in the city to create a participatory committee (CPA) to deliberate on street vending-related matters at the local level. Celebrated as a democratic mechanism by its original proposer,

Paul Singer (2022), and operationalized as an important space for social dialogue, the CPAs later became an instrument to legitimate administrative arbitrary actions against vendors. In addition, they contributed to the fragmentation of the sector.

Amid legal battles against a massive wave of permit revocations in the 2010s, which practically eradicated street vending in the city, traders' organizations and their allies founded a new political space – a horizontal citywide Forum. In this space, they fostered a common perspective to vocalize their grievances and needs, and to translate their political strategies and demands into a legislative proposal.

This brief analyzes the legal and political struggles of street vendors in São Paulo between 1990 and 2023. It is based upon several months of empirical and documentary research, which included online and in-person interviews with street vendors' leaderships and their allies (lawyers, public defenders, city council members, and representatives of local and international NGOs). A diverse variety of documents – including legal briefs, laws and regulations, newspaper and magazine articles and secondary literature – also were collected and analyzed.

The first section presents the legalization of street vending through a municipal law that was adopted in the early 1990s. It pays particular attention to the statutory creation of Street Vending Permanent Commissions (CPA) – a form of institutionalized social dialogue – composed of representatives of street vendors,

shop owners, the municipal administration and civil society – created in every regional administration. It discusses the promises and pitfalls of participatory spaces that, on the one hand, enable democratic participation but, on the other hand, also may reinforce geographical and political fragmentation. The second section discusses the use of legal instruments against the massive wave of permit revocations that took place in the 2010s and the main arguments sustaining this strategy. It thus examines a class action that resulted in the court upholding administrative due process and of a right to social participation in urban decision-making. The third section presents the political space fostered along the struggle – the citywide Forum of Street Vendors of the City of São Paulo (*Fórum dos(as) Trabalhadores(as) Ambulantes da Cidade de São Paulo*). It argues that the Forum has been a critical space for overcoming political fragmentation, building alliances across different groups and sectors and with other civil society actors, and for drafting new legislation that ensures street vending's dignified future in the city. The last section concludes with some lessons learned from this case.

Legalizing Street Vending in São Paulo: Recognition with Social Dialogue

From 1989 to 1992, São Paulo was the first city that the Workers' Party (PT) administered. Founded in the 1980s by trade unionists and social movement leaders amid the struggle for Brazil's redemocratization, the party's class-based motto was "worker votes for worker". The outgoing mayor, Jânio Quadros, was known for enforcing a strict prohibition of street vending through violent means. Informal vendors thus had high expectations that the new administration, which explicitly recognized their right to work, would establish a different relationship with workers and be responsive to their demands (Singer 2022).

Upon her election, Erundina made it public that her government would "legalize" street vending and would not tolerate corrupt city inspectors who harassed traders. Street vendors received the message with joy and flooded the streets of the old city centre and commercial neighbourhoods as soon as the mayor was inaugurated on 1 January 1989. Traffic became chaotic, established traders complained about the impact on their sales and the media campaigned against what was portrayed as a "street vending invasion" (Singer 2022). The ensuing events became known as *crise dos ambulantes* (the street vendors' crisis), the first crisis confronted by the new city government.

Rather than recoiling from the campaign promise, the mayor met with vendors on her



Webert Oliveira, who works as a street vendor in Barão de Itapetininga Street, São Paulo. Photo credit: Andressa Ocker, courtesy of StreetNet International

first day in office. She began an encompassing registration process that aimed to gather information necessary for the development of the promised regulation. The local administration soon set in motion a democratic and participatory process whereby it heard representatives of all potentially affected parties – street vendors, shop owners, and civil society – as well experts who could assist in legal, economic, and urbanistic matters. Meanwhile, the registration process continued, and a provisional decree (*Decreto n. 27.619*) authorized street vending for 60 days. As vendors' leader Manoel Wilson de Sousa recounted, around 30,000 workers were registered, but only 12,000 met the criteria to receive a permit.

In February 1989, the mayor issued a new decree regulating street vending (*Decreto n. 27.660*). The decree defined and recognized street vending as "regular and habitual activities that serve the needs of the population and can be exercised with a permit" (Article 1). In addition to defining a street vendor (*ambulante*), the Decree established the security and circulation of pedestrians in public spaces as a priority. The permits to use public space (TPU) were defined as a revocable, personal, and untransferable title that created rights and obligations for vendors (Article 6). Recognizing an old social practice and the difficulties faced by specific groups of workers to access the labour market, the decree gave certain categories of vendors priority to receive a permit, namely "people with severe disability, people with reduced

physical ability and sexagenarians” (Article 5, §2º). Regional administrations within the city were responsible for defining the areas where street vending would be allowed, which goods and services could be sold, as well as for issuing the permits and determining their cost (Articles 7 and 10). Each regional administration had a tripartite commission – the Street Vending Permanent Commission (CPA), composed of representatives of both street vendors’ and shop owners’ associations and the municipal administration. The Commission was responsible for interpreting and enforcing the regulation, as well as advising the administration on street vending-related matters (Articles 8 and 9). The decree also regulated infractions, including the applicable fines, and an appeal procedure against regional administrations’ decisions.

Two years after the adoption of the decree, the City Council passed a law regulating street vending – *Lei 11.039/91*. While the law reiterated most of the Decree’s content, it expanded the regulation by defining the different categories of street vendors and their respective places and conditions of work. The law also outlined the application procedure for permit, established permits’ validity timespan according to vendors’ category, and conditions for the use of equipment and for accessing trading sites.

The regulation was produced in consultation with street vendors’ representatives, and the sector welcomed it as a positive step towards their recognition formalization. However, it had shortcomings. According to Singer, the city’s

Secretary of Planning who had been in process from the beginning, “the solution divided street vendors into formal, that is, properly authorized by the public administration, and the other, ‘informal’” (Singer 2022: 57). Thus, its success depended on two highly improbable events – either the number of street vendors would be small enough for everyone to be formalized, or those without permits would effectively be prevented from working (Singer 2022). Neither scenario turned out to be true. First, the social and economic crisis of the early 1990s led more people to engage in informal trading as a means of survival, and the left-wing city government was unwilling to enforce the regulation against workers without a permit.

If the years of the Workers’ Party administration were marked by dialogue and respect, the following administrations (from 1993 till 2000) were characterized by a denial of street vending as a legitimate economic activity, the imposition of gradual and stricter restrictions, and strong conflict with the sector. Moreover, complaints of corrupt schemes, where police and city inspectors forced workers to pay bribes so they could trade, became commonplace. These schemes were later the subject of Investigative Parliamentary Commissions (CPIs), which resulted in the removal of a council member from office and the dismissal of city public employees (Itikawa 2006; Alcântara et al. 2013).

Almost a decade later, under mayor Marta Suplicy (PT/2001-2004), the street vending policy first launched by the Workers’ Party was revived, with a reform that paid particular

attention to social dialogue. The CPAs became quadripartite, with representatives of street vendors’ associations or unions, established commerce’s institutions, civil society or popular movements, and the municipal administration (Article 9, Decree 42600/2002). Parity between street vendors and established commerce was introduced, and the commissions’ institutional mandate was further specified. More specifically, the CPAs became responsible for deliberating about all aspects of street vending in their respective administrative regions, including places of trade, types of products and services that could be sold as well as the use of equipment by traders. Importantly, the CPAs were responsible for issuing permits (Article 12, Decree 42600/2002) and had to have been heard previously if permits were revoked. The CPAs had the mandate to invite representatives from a range of institutions, such as the Public Prosecutor’s Office, the Police Department, the tax authorities, etc., to aid in the deliberations. In addition, the CPAs could request technical support from municipal bodies, particularly the Secretariats of Transport, Urban Planning and Urban Security. Finally, each regional administration was responsible to issue internal operative guidelines for its respective CPA.

The CPAs are a particularly interesting feature of the city’s street vending regulation. They were operationalized as an important space for social dialogue in their early years, embodying the political vision of workers’ active involvement in the decision-making process of issues that affected them and in decisions affecting their working conditions. The CPAs operated both as a deliberative and

consultative bodies, ensured parity between informal vendors and shop owners, and provided a space for traders to articulate their needs, defend their interests, and articulate their political agenda to the level of government closest to them.

However, the decentralized structure of the CPAs later proved to have contributed to the fragmentation of informal vendors' organizations and to have deterred vendors from developing a common political agenda (Itikawa 2013; Alcântara et al 2013). The CPA's institutional design localized the issues within the administrative perimeters of each regional city hall office, forcing street vendors' representatives to negotiate separately with each regional administrator and often in isolation from one another. This arrangement obscured the fact that street vendors were trading and fighting to work in one and the same city, which is governed by the same laws, master plan and municipal administration. Moreover, it reinforced local forms of patronage and fuelled divisions among workers; some groups ended up being privileged and others punished, depending on which regional administration they were dealing with (Itikawa 2013).

This political fragmentation proved particularly damaging when, beginning in 2006, an implacable persecution against street vendors, both those with and without permits, started, first under the administration of José Serra (2005-2006) and then of Gilberto Kassab (2006-2012). Kassab, in particular, had made the extinction of street vending in São

Paulo one of his promises during his mayoral campaign. While vendors without a permit were violently expelled from the streets, others saw their permits unilaterally revoked for the most arbitrary of reasons, such as not being at work on a Sunday, or on Christmas Day, or for not being at their trading post when they had left their site to use the toilet (Soares 2012).

At first, the revocations of permits happened on an individual basis, and the existing regulation required that the CPA be heard before the city could revoke the permit. In these cases, formal procedures were not fully observed. Often, the CPAs were informed rather than consulted, and workers were barred from participating in meetings or not summoned for them (Souza, Avanci and Itikawa 2013). Because the CPAs were fragmented throughout the city, it was difficult to connect individual cases and identify a pattern of violations.

In May 2012, the regional administration of São Miguel Paulista district revoked the permits of over 200 street vendors all at once. Thereafter, the city administration initiated administrative procedures to revoke the licences of street vendors across all regional administrations (Alcântara et al. 2013, Itikawa 2013). The local government's final persecutory act against vendors came in the form of two mayoral decrees (*Decreto n. 53.154* and *Decreto n. 53.098*), which extinguished the street vending areas in both the city centre and in the Jabaquara district. The reasons invoked in the decrees for the eradication policy pitted street vending against public safety and well-being, justifying "reordering of public space, ensuring

accessibility to pedestrians and preserving the landscape urban and historical heritage" (*Decreto n. 53.154/2012*). Several other regional administrations followed suit and eradicated their respective street vending areas, leaving thousands of traders out of work overnight. In practical terms, street vending was abolished in São Paulo by a wicked municipal policy (Souza, Avanci and Itikawa 2013).

Legal Battles Against the Administration's Attempt to Eradicate Street Vending

Appealing individually to each CPA was no longer feasible. From a democratic and participatory mechanism, the CPAs had turned into an instrument to legitimize the arbitrary revocation of vendors' permits. The vendors of São Miguel Paulista, the first to suffer from the practice, were also the first to form an association to represent their interests in the 1980s – the *Associação dos Vendedores Ambulantes do Comércio da Cidade de São Paulo*, as de Sousa, a traders' leader, explained in an interview. Approached by the association, the Public Defender responsible for the region immediately filed a class action (*ação civil pública*) on behalf of the affected vendors. The presiding judge issued a preliminary injunction declaring the regional administration's decision void, which in practice meant that vendors could continue working.

Realizing that the measure was not restricted to that particular area of the city, the Public Defender's Office and the Gaspar Garcia

Centre for Human Rights, a non-governmental organization that has provided legal services to street vendors since 2011 through the Informal Worker Reference Centre, joined forces to file a second class action. This time the class action sought to protect all street vendors, across the entire city, whose permits had been revoked or whose place of work (the street vending areas) had been extinguished. The same judge presided over the second class action and issued another preliminary injunction in favour of all traders whose permit had been revoked that year, thus in practice restoring street vending in the city.

Allan Ramalho Ferreira, one of the public defenders responsible for the cases, recounted that street vendors' issues have been tackled within the structure of the Office by both the nuclei specialized in housing and urbanism, and in human rights. While the latter focuses on preventing and curbing state violence, the former is concerned with livelihoods and access to public space to trade. As Ferreira further explained, combining a human rights approach with the right to the city is important to challenge the idea that permits are a discretionary administrative act that can be unilaterally reversed by the local administration any time it sees fit (Public Defender, interview 2022).

Both class actions brought together several legal arguments that encompassed administrative due process, the right to work and to collective bargaining, the right to the city, to an inclusive urban policy and to participate in and influence urban decision-



Luiza Lucas, a vendor of coffee and sandwiches in the São Paulo neighbourhoods of República and Sé. Photo credit: Andressa Ocker, courtesy of StreetNet International

making. First, because the city had not consulted the CPAs before its decision to revoke the permits or to extinguish the street vending areas, public defenders argued that due administrative process was violated. Second, because vendors had not been given an opportunity to collectively negotiate with the city administration, which left them suddenly out of work, the administrative authorities had infringed on both their right to work and to collective bargaining. Finally, the Public Defender's Office argued that the CPAs had been created as a mechanism to ensure that those working in the city could participate and influence the urban decision-making processes affecting their livelihoods. A right to democratic participation is, according to the Office, "an important element of the right to the city", which in turn is defined as "the right to urban land, to housing, to environmental sanitation,

to infrastructure, to transportation and public services, to work and leisure, for present and future generations".

The presiding judge did not embrace all the above arguments in her decision, but she recognized the violation of administrative due process and of a right to social participation in urban decision-making. The São Paulo State Court of Justice (TJSP) and the Superior Court of Justice (STJ) confirmed the final orders. It is true that the plaintiffs had also asked for the recognition of street vendors' substantive right to work and to a public policy that protected their livelihoods. However, as Ferreira explained, "the Judiciary's recognition of the right to participation in city affairs and to social dialogue, an element of the right to democracy in the city, is a very important victory" – even more so considering administrative law doctrine, which up to this day regards

the administration as holding unilateral and discretionary power over public space and its regulation.

The decision provided an authoritative interpretation of the existing city regulation on street vending (*Lei 11.939/91* and *Decreto n. 42.600/02*), making it explicit that vendors have a right to be represented and heard in the decision-making processes affecting their work conditions. As such, the judicial decision curbed the administration's attempt to empty the regulation of its original meaning, which was to recognize street vending as a legitimate economic activity that is part of city life. As the public defender remarked, "the class actions brought the power of legal arguments to establish street vendors' permanence in the city vis-à-vis the city administration".¹

The Street Vendors' Forum: A Unified Political Space to Stop Fragmentation

The city administration's attempt to extinguish street vending through decentralized

decision-making shed light on the need to overcome the sector's fragmented mode of organization. As many interviewees explained, the organization of street vendors in São Paulo is very territorialized, as they tend to form associations in the areas where they trade. According to worker leader de Sousa, there are three street vendors' unions and more than 40 associations, and each of these spoke for themselves, lacking a collective language and agenda. In addition, the fact that regional administrations are responsible for issuing the permits and overseeing related administrative procedures reinforces this fragmentation.

Another aspect that led to internal divisions was street vendors' legal status – there are those who hold a permit but comprise a tiny minority, and those who do not hold permits but constitute the great majority. Within the former group, there is further segmentation, according to the type of permit held. A small group holds the old permit regulated by Law No. 11039/91, more specifically the ones reinstated through the class actions.² The rest hold a new type of permit, more precarious

because subjected to shorter timespan validity.³ Therefore, the fragmentation is a result of both the vendors' mode of political organization but also their unequal working conditions imposed by the city administration.

With the support of the Gaspar Garcia Centre, in 2011 street vendors created a space for discussion and mobilization. Known as the Forum of Street Vendors of the City of São Paulo (*Fórum dos(as) Trabalhadores(as) Ambulantes da Cidade de São Paulo*), it brings together traders from across the city and from different groups, that is both those with and without permits. The Forum also cultivates the participation of vendors' allies in its meetings, including representatives of civil society organizations, social movements, public institutions, and academia.

In addition to overcoming the sector's fragmentation, the Forum strengthens vendors' collective power to fight the egregious city policy. It has become an important space for vendors to share experiences of police violence and harassment, of the illegal and abusive confiscation of their merchandise, their

¹ In addition to litigation, lawyers also have supported street vendors' mobilization with the following actions: (i) dissemination of basic legal and institutional knowledge through workshops that tackle issues such as structure and power of the state, citizenship and rights, right to work and to the city, political participation and social control, street vending regulation, city master plan, etc.; (ii) distribution of printed materials to contribute to vendors' use of arguments against city inspectors in case of harassment, but also to inform them about what institutions to seek if they are the victims of abuse of power and violence by state officials, such as police; (iii) preparation of templates for vendors' use in appeals in administrative procedures within the CPAs or complaints against the police to the Public Prosecutor's Office; (iv) offering legal counsel through WhatsApp messages and private telephone calls; (v) playing the role of interlocutors for street vendors and their civil society allies in the process of drafting a new legislation on street vending and debating it with the City Council.

² These vendors are a small minority because, since the Kassab administration, no new permits of this type have been issued.

³ This permit was created during the administration of Bruno Covas (2018-2021) through a programme called *Tô Legal* (which in Portuguese means both I'm legal but also, I'm fine). There are several important differences between the two types of permits that create further inequalities among street vendors. While the old type is long term and for this reason provides more stability to workers, the new type is issued for a maximum period of 90 days and frames street vending as a transitory condition. Once the permit expires, vendors must apply for a new one, and they cannot have the same trading location. In addition to being costly and demanding the fulfilment of highly bureaucratic procedure, street vendors complain that the locations available are far from areas with intense pedestrian traffic and thus not commercially attractive. Moreover, some vendors see the programme as just another manoeuvre of the city administration to intensify repression and remove workers' rights. Gaspar Garcia's lawyer, Benedito Roberto Barbosa, noted that often street vendors prefer to take the risk of working without a permit than paying for this very costly and precarious type.

obstacles in accessing public space, and their experiences of public officials' corruption. The process of publicly and collectively exposing these experiences has led to consciousness raising about their common source, despite the differences in each individual situation. Acting upon identified common issues, street vendors have developed a shared position on public policy and a shared political agenda.

The Forum meets regularly and, in times of crisis, meets two to three times per week. Since the COVID-19 pandemic, the meetings have been held mostly online. For the internal operation of the Forum, traders have adopted what they call a Pact of Conviviality. The Pact upholds the values of mutual respect, including respect for diversity and uniqueness in an environment of democratic participation, union and collective action. It also requires from all participants listening, and speaking at the appropriate time, valuing each person's contribution. Moreover, the Pact highlights the need to understand the cause of street vendors as common to the entire sector to bolster the political power of the whole group (Alcântara et al. 2013: 56).

The Forum proved to be a particularly important political space to resist the local administration's attempt to eradicate street vending in the city. At the height of the legal mobilization around the class actions, in May and June of 2012, the Forum brought together around 1,500 street vendors to demonstrate at the City Hall, the City Council and the São Paulo State Court of Justice (Alcântara et al. 2013). These public demonstrations drew



From left, Ana Paula Vieira, Willian Da Silva and Carol De Souza selling fried pastries at a market in Sete de abril Street, São Paulo. Photo credit: Andressa Ocker, courtesy of StreetNet International

attention to the ongoing legal dispute but also to the structural issues affecting street vendors – according to them, the state denial of their right to work and to a workplace free of harassment and violence, to access public space and to participate in city life. Whelington Belas da Cruz, at the time president of one of the workers' associations (*Associação dos Vendedores Ambulantes no Comércio da Cidade de São Paulo - AVACCISP*), reflected on the importance of the Forum to unite workers under a common strategy for change:

The Forum has a 100% relevance for street commerce. It was through the partnership of Gaspar Garcia Centre that we achieved [victory] in the class action, which today guarantees the work of street vendors. If it wasn't for the union of all street vendors from across the whole city, probably

the public authority would already have removed all workers from the street. There is no way to measure the importance of the Forum.” (Alcântara et al. 2013, p. 57)

The Forum has become a critical institution for street vendors' political and legal mobilization in the city of São Paulo and beyond. Benedito Roberto Barbosa, a lawyer at the Gaspar Garcia Centre, explained that the discussions that took place in the Forum helped to catapult street vendors' struggle in the country. At the time of the class actions, traders were in the process of constituting the countrywide union UNICAB – *União Nacional dos Trabalhadores e Trabalhadoras Camelôs, Feirantes e Ambulantes do Brasil* (National Union of Street and Market Vendors of Brazil), and the debates around their first statute happened in the Forum amid the political mobilization against the city

administration. The questions around strategies and alliances raised by the class actions provided important lessons that UNICAB could take to vendors organizing elsewhere in Brazil.

Within the Forum, street vendors have not only built unity despite their diversity and situations of inequality, but also have created a direct channel for dialogue and negotiation with the local administration. This, in turn, has enabled them to overcome the fragmented politics of regional administrations and has freed them from resorting to council members to mediate those relationships. Moreover, the Forum has become a mechanism for vendors to oversee the municipal administration and its activities, thus exercising accountability and social control in relation to issues that affect them.

For example, in 2012 the city master plan underwent a process of revision. The Forum held several discussions about how members envisioned their inclusion in the city and recognition as an important economic sector. Vendors developed several proposals that lay at the intersection of the right to the city and the right to work, which included the demarcation of special areas in public space for street vending, the concession of permits for longer and fixed periods, and the implementation of existing mechanisms (progressive taxation and expropriation) against private urban land that does not fulfil its social function (Itikawa 2013).⁴ Even though these demands were

not met, the group succeeded in workers in informal employment being recognized and included in the new city master plan (Law No. 16.050, 2014). The plan acknowledges the need to revert the situation of “urban vulnerability” to which street vendors are exposed (Article 10, §2°). It also sets the objective of implementing “popular markets with areas dedicated to street vending ..., especially in places with large pedestrian circulation and in the proximity of train and metro stations, and bus terminals ...” (Article 23). Finally, the plan commits the executive to the regulation of “the use of public spaces by street vending and connected economic activities, ensuring their installation in places with large circulation of people ...” (Article 81).

The Forum also has amplified civil society’s awareness of street vendors’ issues and has brought together actors as diverse as workers’ unions, social movements, international and local NGOs, and academia (Alcântara et al. 2013). It is thus a crucial instrument for building alliances beyond the informal sector and today includes experts from universities and research centres, social movement activists and public agents that support street vendors’ struggle (Alcântara et al. 2013).

Urbanist Luciana Itikawa, an ally of the movement from its early days, explained how the Forum has created the conditions for street vendors to network beyond workers’

organizations. By identifying socio-territorial segregation as their common enemy, other social movements organizing around the rights to the city and to housing have joined forces with street vendors, including *Comitê Popular da Copa* (Popular World Cup Committee), *Central de Movimentos Populares* (Centre of Popular Movements), and *União dos Movimentos de Moradia* (Union of the Housing Movements), among others. Academics, in turn, contribute by sharing their knowledge in the Forum’s meetings, developing activist research, organizing training and serving as experts in consultation processes.

The connection between housing and street vending movements is a natural one, according to Maíra Vannuchi, StreetNet regional organizer for Americas: many of those living in precarious conditions or in urban occupations are also earning their income as informal vendors. Both struggles expose the patterns of social inequality underlying access to resources and, particularly, space in the city. Street vendors’ struggle, as Vannuchi further explained, “is a mixture of workers’ movement and the right to the city movement – on the one hand you have the struggle for decent work, to be protected as a worker who produces value and, on the other hand, the right to the city, to use public space, to be part of a city shared and enjoyed by everyone”. By providing a horizontal space where these movements

⁴ The Brazilian Constitution protects private property as an individual right, but also establishes that every property – rural or urban – must fulfil a social function. Thus, against the traditional legal notion that the right to property authorizes the individual owner to autonomously determine the fate of the land/real estate she owns, the Brazilian Constitution conditions this private power to a public purpose: the owner must attend to social interests in the use of her property (Sundfeld 2019). The constitutional doctrine of the social function of private property has been deployed by rural and urban workers movements in Brazil for decades now in their fight for access to land, urban space and resources. For an overview of the concept applied to informal work and access to space in the city, see Coggin (2019).

can come together and support each other, the Forum also has helped to overcome fractures among sectors of the working class, building solidarity and developing structural approaches to social problems.

Street vendors have learned throughout this past decade that numbers and expertise matter – the high number of permit revocations made their cause visible to the city, and legal expertise was crucial to turn the damaging event into a political opportunity. Now drawing on the political expertise they have themselves developed through several years of struggle and democratic interaction within the Forum, street vendors are mobilizing to pass new legislation to regulate their livelihood activity. According to Vannuchi, “the class actions were a milestone of mobilization, collective action indeed, but a new law is a necessity”.

The first new draft was presented by a council member in 2014. Since then, it has been continuously revised with the participation of street vendors’ organizations, social movements, unions, and experts, following discussion at the Forum. However, progressive formalization of street vending is not easy to achieve because it often opposes powerful interest groups in the city. One such group is corrupt officials. As Vannuchi explained, “the lack of street vending regulation allows for a very profitable business, which is city inspectors’ extortion”. The precarious legal status of street vending contributes not only to the illegal business of public corruption, from which unethical officials profit, but also to legal and yet questionable arrangements of

social control. One such example in São Paulo is the so-called *Operação Delegada* (Delegated Operation), a partnership between the city and state governments through which the city hires state military police officers to help with city law enforcement, including inspecting street vending in their free time. Reports of police violence and misconduct are widespread, and people and organizations advocating against it often are victimized.

Such backlash has not discouraged street vendors. For the past four years, traders have held public hearings with the city council to discuss the draft bill. The latest version, which is not yet public, includes a definition of who a street vendor is, the different types of street vending that will be allowed, the criteria for issuing permits and for revoking them, a list of infractions and penalties and the regulation of the CPAs, which will be maintained. The most innovative aspect of the proposed legislation is the creation of a quadripartite Municipal Council on street vending, which will include representatives of the city administration, the city council, civil society and street vendors. The purpose of this city-wide institution is to provide the space to debate public policy relevant to street vending and to oversee the law’s implementation across the different administrative regions, thus serving as an antidote to politics and policy fragmentation.

Street vendors and their organizations are aware that the long process of debating, negotiating, and redrafting the new law has been one of critical political and legal learning. Also, they are clear that they do not want any

law. One of their mottos, which they chanted in an intersectoral meeting in late 2022, is “Whose law? Our law!” They are hopeful that their carefully crafted legislation will be approved by the City Council, but their main goal now is to ensure that, once passed, the local executive will be committed to implementing the law. Several interviewees pointed to this common fact in Brazil – often progressive laws are never enforced. Therefore, even after the draft’s approval, the Forum will remain a vital space outside of state institutions to sustain street vendors’ collective action.

Lessons Learned

The case of São Paulo teaches us a few important lessons about state institutions, social dialogue and the role of law and lawyers in street vendors’ political organizing.

First, institutional spaces within the state founded upon the value of democratic participation do not ensure, in and of themselves, that social dialogue happens. In the case of São Paulo, the fragmented character of these spaces was deployed against street vendors to undermine their capacity for collective resistance. They soon saw the need to foster a citywide space where their local organizations could be brought together, along with allies, to identify common challenges and devise collective strategies in response. The creation of the Forum did not mean that street vendors abandoned their territorialized mode of social and political organization, but rather that they built a unified overarching mechanism where connections among localized

struggles could be fostered. This insight is now built into the draft bill, which combines two spaces, on different levels, for social dialogue – the regional CPAs and a citywide municipal council. As urbanist Itikawa remarked, “a citywide municipal council would be an important accomplishment towards vendors’ direct representation without depending on a politician to voice their demands, thus also avoiding relationships of patronage”.

Second, the role of law and lawyers in the struggle of street vendors in São Paulo was not the usual one played in cases of strategic litigation, where lawyers often are core figures and have legal change within the courts as their primary goal. On the contrary, here we saw the intertwinement between legal activity and ongoing political action, mediated by profound trust and horizontality, where grassroots leadership and community organizing was prioritized. In turn, lawyers adapted legal strategies specifically tailored for the movement’s needs and game plans. Such configuration is not random, however. As lawyer Barbosa explained, “law enters as support ... it is not at the centre ... our activity is really to accompany, to strengthen the struggle of street vendors and their work, and to be a partner in the everyday, because street vendors suffer a lot of violence, so our work is to accompany, to listen to them, to be close to them, and to provide support in the most difficult times. And when it is necessary, we go to court to defend them.”

Finally, the use of the CPAs by the city administration to legitimate arbitrary

actions against vendors has highlighted the need to sustain political mobilization and vigilance outside of state institutions. It thus teaches us an important lesson about the relationship between workers’ organizations and the state: while the institutionalization of this relationship through democratic and participatory spaces is a positive step, movements also need to maintain their ongoing political activities outside of such institutions. As the state embodies the ideology and goals of the political groups who direct it, participatory mechanisms can also be used against democratic inclusion. In these instances, the power to resist comes from the streets.

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Women in Informal Employment: Globalizing and Organizing (WIEGO) is a global network focused on empowering the working poor, especially women, in the informal economy to secure their livelihoods. We believe all workers should have equal economic opportunities, rights, protection and voice. WIEGO promotes change by improving statistics and expanding knowledge on the informal economy, building networks and capacity among informal worker organizations and, jointly with the networks and organizations, influencing local, national and international policies.

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