Urbanization and Street Vending

How street vending, an individual and a collective resource, can be integrated into the urban governance?

Report of the project: series of forums, international conference, artistic event and videos: “Urbanization and Street Vending”
Urbanization and Street Vending

How street vending, an individual and a collective resource, can be integrated into the urban governance?

Report prepared by Pierre Schlegel and Sylvain Racaud

November 2016

© IFRA, 2016
IFRA Nairobi

The French Institute for Research in Africa has been active since 1977 in East Africa and has its headquarters in Nairobi, Kenya.

The Institute promotes research in all the disciplines in the humanities and social sciences within East Africa. It has a strong tradition of research in geography, political science, anthropology and history. In addition, it opened up to archaeology recently.

Its main missions are:

- To increase understanding of contemporary dynamics in Eastern Africa and foster the dissemination of knowledge. Research undertaken leads to the publication of books, journals, reports and to the organization of conferences.
- To provide training to French, East African and European students in research by financing and/or supporting their fieldwork, helping networking between French and East African researchers and institutions, fostering integration within ongoing research projects, and giving access to publications and presentations in conferences.
- To strengthen the institutional relationship between French and East African universities and research centres by supporting joint operations, agreements of international cooperation, inter-academic exchanges and mobilities at the PhD and Master levels.

The Institute works under the French ministry of Foreign Affairs and the Centre national de la recherche scientifique, the French main research body.

Main research topics are

- Politics in East Africa: Elections in « hybrid » regimes; Security and insecurities; Mobilizations and policies in the making.
- Global and local: social and economic transformations: Social and economic transformations; Globalisation and urban-rural territorial dynamics; Inequalities: policies, narratives, mobilisations.
- Natural and cultural heritage. Past and Present: Conservation, social and climate changes.
- Globafrica: integration of Africa to the world in the long term.
Urbanization and Street Vending

A series of forums, an international conference and an artistic event titled "Urbanization and Street Vending"

Coordination: Sylvain Racaud, IFRA Nairobi

Project funded by IFRA-Nairobi, Institut Français, French Embassy in Kenya, French Embassy in Tanzania, French Embassy in Cameroon and the French Agency for Development (AFD).

Financial support:

The project organized two forums (Kisumu May 12, Nairobi September 15), an international conference and a cultural event (Nairobi November 9-10) in order to address the issue of integrating informal trade into urban governance and urban planning. The project is in line with two pillars of the Kenya Vision 2030. Indeed, focusing on the informal economy and its relation to the formal economy, focusing on the youth and on urbanization, it deals with issues of "Wholesale and Retail Trade" (Economic Pillar “Moving the economy up the value chain”) and with “Gender, Youth and Vulnerable Groups” and "Population, Urbanization and Housing” (Social Pillar “Investing in the People of Kenya”).

Partners:
Acknowledgement

This report is a result of a cooperation between IFRA-Nairobi, Kenyan academics, representatives of Street Traders associations, Micro and Small Enterprises Association, local Authorities, Development agencies and artists. The initial objective was to develop an inclusive project. Therefore, forums were organized to create spaces for exchanges between different stakeholders and to share representation and practices of street trading and urban planning. The scientific conference addressed the question of Street Trading through academic approaches with several angles and case studies and the intervention of stakeholders, particularly during the round table, bridged the gap between research, development, civil society and authorities. Artists addressed the question of street vending through their specific approaches.

I wish to thank all those who made this project a reality and may I be naïve enough to think that is was a success. I thank the core of the team, involved since the beginning and particularly in the Scientific Committee: Dr. Sam Owuor, Senior Lecturer and Head of the Department of Geography of Nairobi University, Dr. Musyimi Mbathi, Senior lecturer, Department of Urban and Regional Planning Nairobi University, Jackson Kago, Lecturer, Department of Urban and Regional Planning Kenyatta University, Dr. Ephantus Kihonge, Lecturer, Entrepreneurship Dept JKUAT. Thanks to Anthony Kwache, Chairman of Kenya National Alliance of Street Vendors and Informal Traders (KENASVIT), Charles Adah Rasta of Kisumu Street Traders Association (KISTA) and Peter Obiero, leader of MSE Summit. Thanks to the key informants in Kisumu, Thika and Nairobi, particularly the Oile Rescue Project representatives and KISTA team. Special thanks to Godfrey, Chairman of Upper Ojino Okew Self Help Group, and to Charles Adah Rasta, representative of KISTA for their honesty and their commitment to their members and to the cause. Thanks to Dr. GG. Wagah and Pr. GM. Onyango from Maseno University for their commitment in the Kisumu forum.

Special thanks to Jean-Michel Rousset for sharing his experience in the conception and organization of artistic events. Thanks to Dr. Dani Ploeger who managed to join the team and to bring Dr. Chris Williams. Thanks to Greeman from Maasai Mblili artistic centre in Kibera for his deep commitment. Thanks to Stanislas Grenapin and his team (Edu"s") from IDLM for the conception of the videos (available on IFRA You Tube channel).

This project faced many challenges. A major one was to convince local authorities from Kisumu and Nairobi to participate in the forums. Thanks to Kisumu Assistant City Manager, Daniel O. Obuto, Kisumu City Urban Planning Director, Solomon Mwongo, Kisumu Urban Project officers, Nairobi City County Urban Planning Department, Sammy Schileche, James Ngure, etc. Despite the efforts done, we did not succeed in having on board NCC Inspectorate and Trade departments.

There are avenues of collaboration between the different stakeholders. IFRA, as a research institute, tried to give some scientific background on the issue of street trading and to link it with stakeholders. We hope that this report can be used for public policies and their implementation. Naturally, any errors and omissions lie with the authors of this report.

I express my deep and sincere gratitude to David Scott for the proofreading of the report.

Sylvain Racaud, Deputy Director of IFRA.

Nairobi, December 1, 2016.
Abbreviations

AFD: French Development Agency
ILC: International Labour Conference
ILO: International Labour Organization
KASVIT: Kisumu Alliance of Street Vendors and Informal Traders
KCC: Kisumu City County
KISTA: Kisumu Informal Traders Association
KITES: Kisumu Informal Traders Economic Support
KEPSA: Kenya Private Sector Alliance
KENASVIT: Kenyan National Association of Street vendors and Traders
MSE Summit: Micro and Small Enterprises Summit
MSEA: Micro and Small Enterprises Authority
NCBDA: Nairobi Central Business District Association
NHA: Nairobi Hawkers Association
NCC: Nairobi City County
NISCOF: Nairobi Informal Sector Consultative Forum/Confederation
NLC: National Land Commission
SIDA: Swedish International development Agency
SME: Small and Middle Enterprise
TOL: Temporary Occupation Licenses
# Contents

Acknowledgement .................................................................................................................. iv

Abbreviations......................................................................................................................... v

Contents ........................................................................................................................................ 6

Executive summary .................................................................................................................... 7
  A project in response to a major socio-eco-political issue ....................................................... 7
  The challenges for defining an unclear activity ........................................................................ 8
  A contradictory institutional framework in Kenya about street vending ............................... 8
  Nairobi and Kisumu: from shameful tolerance to violence and court cases ............................ 10
  Recommendations .................................................................................................................. 11

1. Introduction, the project: main line of arguments and realizations ....................................... 12
  1.1. The project: objectives ......................................................................................................... 13
  1.2. The realizations ................................................................................................................... 14

2. General overview of Street Vending ....................................................................................... 24
  2.1. The contradictory definitions of informal economy and street trade ............................... 24
  2.2. The different strategies to measure informal activity ......................................................... 25
  2.3. The situation of the informal economy in the developed countries ................................. 26
  2.4. The situation of the informal workers in the developing economies ................................. 28

3. Informal economy and informal trade in Africa .................................................................... 29
  3.1. The importance of the informal economy and the informal trade in Africa and the diversity of the African countries in terms of size of the informal sector ................................................................. 29
  3.2. The inner dynamics of the informal sector in Sub Saharan Africa ..................................... 30
  3.3. Trends in the street vendors’ issues in Sub Saharan Africa ............................................... 31

4. Kenya: national legal, institutional and political framework ................................................. 33
  4.1. The heterogeneity of the laws concerning the street traders .............................................. 33
  4.2. The different institutions responsible for the street trader’s management ......................... 34
  4.3. The ambiguous political discourses regarding the street traders ..................................... 37

5. Cases studies: Kisumu and Nairobi ....................................................................................... 38
  5.1. The evolutions of the street trade management concerning Nairobi ................................. 38
  5.2. The evolutions of the street trade management concerning Kisumu ................................. 41

6. Lessons learnt & recommendations ....................................................................................... 44
  6.1. Lessons learnt from Nairobi ................................................................................................. 44
  6.2. Lessons learnt from Kisumu ................................................................................................. 44
  6.3. Recommendations ............................................................................................................... 45

Bibliography: ............................................................................................................................. 46
Executive summary

The objective of this report is to situate the issue of street vending in Kenya and particularly in Kisumu and Nairobi in wider contexts by presenting the project, its objectives and its realizations and by presenting a literature on street vending review from global to local scales. Lastly, the report presents lessons learnt and recommendations.

A project in response to a major socio-eco-political issue

By its importance in its role concerning employment and its contributions to the economic activity – between 10 and 20 per cent of the GNP for the North and 40 to 60 per cent of the developing countries (Gërxhani, 1999) –, informal work is at the core of today’s economic and social systems. In Sub Saharan African countries, small scale retail and trade, also known as street vending, is a major part of the informal economic activities. This widely known and spread activity is also the most visible one, as it occurs in the street i.e. in a public space. In Kenya, the street commercial activities are generally called the “jua kali”, literally “hot sun”, in reference to their harsh and unprotected work.

Despite the importance of the informal and street vending activities in North and South economies, the street vendors and informal workers are most of the time at best ignored, or at worse repressed by the local authorities. Indeed, in Nairobi, in Kenyan and African cities and even beyond, the local authorities consider street vending to be a problem for urban management. There is a contradiction between the recognition of the importance of informal activities and the public local management. This situates this sector in a precarious position and perpetuates the existence of a conflictual environment although informal activities and street vending provides daily income for a large part of the urban population. How can street vending, an individual and a collective resource, be integrated into the urban governance?

In order to study the multiple forms of informal trade activities and the multiple interactions that are taking place between the street traders and the local authorities, IFRA Nairobi carried out research, fieldworks, seminars, forums and a conference in 2016.

The IFRA project is combining both scientific and practical dimensions, by not only producing and discussing academic knowledge, but also by putting that knowledge at the service of the political debates. 2 forums, in Kisumu and in Nairobi, have been organized in May and September 2016. The goals of those events were to create conditions of debate between civil society, local authorities, developers and academics. The idea was to share and reflect on representations and practices of Street Vending and Urban Planning. The debates allowed for a mutual comprehension of street vendors, their strategies, their practices and their organization, the production and the governance of urban space and the key issues surrounding economic regulation.

The conference of the 9th and 10th of November 2016 has brought together academics from multiple disciplines, approaches and regions, with an aim to address informal vending as an individual and a collective resource. It addressed issues like the spatial dynamics of street vending, the landscape of actors and politics of street vending, the urban governance and the public space, the circulations and urban-rural linkages of informal vending and the insertion of
informal vending to transnational networks. A **round table** with major Kenyan actors and stakeholders brought a practical dimension to those debates.

Several documents and outputs have been produced from those events. Series of **interviews** of the main stakeholders and of street vendors have been filmed and are available on IFRA YouTube channel. Academic publications are planned.

**The challenges for defining an unclear activity**

Informal activities can be defined as "**economic activities that lie beyond or circumvent state regulation**" (Castells and Portes 1989 cited by Lindell 2010: 5). This phenomenon is at the core of today’s economic and social systems, in the developing countries and in another measure in the developed countries. Street trading is a part of the informal sector that can be understood by the concepts of mobility, of use of public space, and of informality. Due to the multiple forms it can take, the vagueness of the definitions¹ and the measurement criteria and the multiple links and intersections this sector can have with the formal system, the measurement process is challenging and having strongly reliable figures concerning it is an important challenge. **Informal and formal activities are strongly interwoven and their borders are very porous** (Racaud, 2015). The informal activities are still an important part of the developed countries, including the richest ones, which is challenging the assumption that informal economic activities and street vending are just a result of underdevelopment. Informal activities are not an indicator of underdevelopment. Nevertheless, the scale of the informal sector is much more important in the developing countries. The informal sector and the street vending activities can be an opportunity for the isolated and marginalized populations to make a living and be integrated into a social activity. **Street vending is inserted into the backdrop of the city, if not the backbones of urban economies**, those of the majority of the urban population. Indeed, the street sales are integrated into the revenue systems of countless urban households.

The importance of street vending in the Sub Saharan African Societies is due to several causes, such as an **intense urbanization**, high unemployment rates, i.e. **the inability of the “formal” urban economy to absorb the increasing urban population**, mainly the youth, qualified or not. Nevertheless, there are important disparities between the different countries concerning that sector, not only in terms of the weight of the informal sectors in the economies, but also in their characteristics. There are also differences in the policies implemented concerning this issue, from intense repressions to policies of relative tolerance. **Despite informal activities being widespread, its characteristics lean on local context and the interactions of the latter with globalization.**

**A contradictory institutional framework in Kenya about street vending**

Kenya can be seen as a relevant example of specific modes of integration into globalization. Even though the number of proper shops and shopping malls has greatly increased, informal vending persists and grows. According to the National Bureau of Statistics, **in Nairobi, 53% of urban work is in the informal sector. 60% of informal activities are trade activities** (ABD, 2013). In addition, the Kenya Vision 2030 plan indicates that **75% of the work in Kenya is informal. Despite this recognition, there is a lack of legal unity concerning the legislation at several**

---

¹ “Street Trade” and “Street Vending” are used as equivalent terms.
scales, from national to local levels. If at the national level, documents recognize and legitimize informal activities, the local level has very often a contradictory vision through, for instance, the General nuisance By-laws. At the national level, several documents deals with the informal economy and small scale activities. Those documents were the Sessional Paper No.2 of 1992 on *Small Enterprise and Jua Kali Development in Kenya*, the Sessional Paper No.2 of 2005 on the *Development of Micro and Small Enterprises for Wealth and Employment Creation for Poverty Reduction*, the *Urban Areas and Cities Act of 2011* and finally the *Micro and Small Enterprises Act of 2012*. The goal of this new law was to create the opportunity for the informal workers to become registered and formalized. Nevertheless, an important part of the legal framework is created at the level of the cities or the local authorities, by using by-laws. Nevertheless, the multiplicity and the institutional contradictions contribute to create an environment of insecurity for the street traders, the latter being most of the time not aware of their rights.

**The legal framework is enforced by the different institutions that are sometimes competing between themselves.** At the national level, the Micro and Small Enterprises Act of 2012 led to the creation of institutions supposed to ensure the regularization of street vendors’ activities. An office of the Registrar of Micro and Small Enterprises, within the public service has been created. This office is responsible for registration of the informal workers, becoming a micro or small enterprise. The other institution is the Micro and Small Enterprises Authority, supposed to advise the national authorities on the relevant policies. The project Kenya vision 2030 also offers a point of view concerning the street traders, focusing mainly on their organization and their regularization. At the local level, the decentralization process undertaken after the Constitution of 2010, led to a share of administrative powers between the counties and the more local authorities, for instance Cities. Those institutions, due to their differences in scale and differences in context, may have different interests. This unclear situation could lead to difficulties or the impossibility of correctly implementing the designed policies. Over the last decade, multiple private institutions appeared, at both the local and national scale, in order to lobby the governments for a more efficient management of the street vending issues, therefore pushing their own agenda. On the other hand, street vendors and hawkers associations appeared and developed over the last decades, trying to be the spokespersons of the street traders in their dialogue with the local authorities. Although their capacities and their legitimacies are sometimes limited, and the fact that they often compete with each other, they participated in changing the perception of street vending. In addition, street vending leadership can be used for personal political interest and street vendors’ leaders can use that position for competing as Members of the County Assembly. For them, coming from the street gives a grassroots legitimacy and maybe a vote bank.

Eventually, there are several contradictions in the political discourses concerning the street vendors. On the one hand, **street vendors are regularly criticized and presented as a public nuisance.** Those discourses are focusing on the drawbacks of the street vendors, presenting them as a source of noise, of garbage and hygienic problems, etc. Moreover the politicians may also focus on the issues of insecurity and engorgement of public spaces caused by the street vendors. Eventually, some leaders may reuse the points of the local licensed vendors complaining about an unfair competition, and pointing out the fact that the society does not financially benefit from them. Over the last decade, as the public authorities understood the importance of the informal sector in meeting the development objectives, another discourse appeared on a brighter side. Those discourses focus on the **positive aspects of the street vendors, presenting them as**
entrepreneurial heroes, who bring diverse goods at competitive prices. Those discourses focus more on having a more tolerant approach concerning street vendors. The political staff consequently alternate between those two discourses, adapting them to their own political agenda.

Nairobi and Kisumu: from shameful tolerance to violence and court cases

The study then focuses on the cases of Nairobi and Kisumu. Concerning Nairobi, the violence done by the askaris (security officers) became a tool for implementing the policies of the Nairobi City Council, leading to regular clashes between the street traders and the local authorities. The most recent example of those tensions is the case of Eastleigh, where the eviction and the repression were extremely intense. Street traders brought the case to the court to contest the eviction and to claim a place where they could sell. In everyday management, the askaris are able to implement a system of bribing that benefits them, and the cases of corruption of administrators in charge of this issue are important. This situation is worsened by the limits of the tolerance policies created by the NCC. Indeed, the trading licenses issued by the NCC are too few for the number of traders in Nairobi. Moreover, the relocation of street traders in Muthurwa market, which was presented as the ultimate solution to tackle the issue, also knows limits. Its high cost and its opaque process of place allocation are sources of criticism. Some street traders came back into the Nairobi CBD (former ones and newcomers). Over the last decade, several local private organizations appeared and developed there, looking to participate in the governance of the city (e.g. NCBDA). Street vendors also organized themselves into associations, more or less recognized by the local authorities (e.g. NISCOF, NHA). Those associations, sometimes well linked with private organizations (e.g. NCBDA) try to influence the street vending management of Nairobi. Leadership problems are common both in private sector organizations and street vendors’ organizations, e.g. NCBDA collapsed and the representativeness of some street vendors associations can be questioned.

Informal trade and street vending have been important activities of Kisumu since the creation of this city. Street vending developed from Oginga Odinga Street and mostly around the Jomo Kenyatta sports ground. The lack of clarity of the local by-laws were and are still a cause of insecurity for the street vendors. The General Nuisance by-law gave the power to the local authorities to do evictions and extortions of the street traders that are operating in "undesignated areas". Note that the last urban plan dates back to the 1970s. In addition, despite street traders are mostly trading in undesignated areas and therefore considered as informal by the authorities, they pay daily a 30 Ksh tax to the City County. This is another example of the porosity of formal-informal and of the “in-between” regulations. The dynamics of open markets directly impact the location of traders, for instance, the renovation of Bus Park in 2002 and the eviction of Oile market in 2014 has thrown countless traders into the streets. The case of the eviction of Oile market that is currently in Court shows the tensions that are currently experienced by the street traders. Oile and Maendeleo (a scandal and a “white elephant”) illustrate the lack of a participatory approach and mismanagement.
Recommandations

- Institutional framework is unclear, there are contradictions between several levels (from national recognition to local conflicts) and legislative texts exist but are not implemented. **Clarify the legislative confusion** by:
  - Removal of by-laws that contradict national acts.

- Street traders are accused of operating in undesignated areas.
  - **Update the old urban plans and design street trading in specific areas in consultation with all the stakeholders.**
  - **Agree on flexible and more intensive uses of public space,** for example waves of traders would be able to settle where waves of workers-customers are, especially for evening hours.

- Street trading is often negatively perceived by local authority despite the recognition of its economic contribution for households. **Public recognition of street trading as a backbone of urban economy**
  - Place the recognition of the importance of street trading in by-laws.

- Taxes collection is a problem and licenses are daily, this opens the door for daily bribes and harassment.
  - **Establish an accepted licenses system** after consultation with all stakeholders
  - **City Counties should provide services** to Street Traders to facilitate their adherence to taxes collection.

- Participatory approach is weak.
  - **Organize inclusive platforms,** especially at the local level, involving City Urban Departments, Trade Department, Street Vendors Associations, MSE Associations, Academics (and KUP at Kisumu). Governance should ensure a real, clear, fair and long term participatory approach, at all stages of the management of Street Vending: from initial conception of project to concrete implementation.
1. Introduction, the project: main line of arguments and realizations

Whether in the administrative sector or within the formal private sector, the prospect of professional employment appears bleak at best for a large number of city-dwellers. As a result, the informal sector remains an important alternative in the urban setting. The informal sector is difficult to quantify because it eludes normative, statistical, administrative or fiscal study. UN-Habitat estimates that between 20 and 60% of urban employment in developing countries is within the informal sector, and that this figure is 35% in Nairobi (UN-Habitat, 2006). According to the National Bureau of Statistics, in Nairobi, 53% of urban work is in the informal sector. 60% of informal activities are trade activities (BAD 2013). In 2004 the Kisumu City Council reported that 52% of the working population were active in the informal sector. In 2011, CORDAID, a development agency, reported that 60% of the population depends on the informal sector. In addition, the Kenya Vision 2030 plan indicates that 75% of the work in Kenya is informal. This plan indicates that “the informal sector must be supported in ways that will raise productivity and distribution and increase jobs”. But, in Nairobi, in Kenyan and African Cities and even beyond, the local authorities consider street vending to be a problem for urban management. There is a contradiction between the recognition of the importance of informal activities and the local management. This situates this sector in a precarious position and perpetuates the existence of a conflictual environment although informal activities and street vending provide daily income for a large part of the urban population. The question of informal activity deals with the norms, either positive or negative, the codes, those from the law, those from the ground. What is at stake, could be to integrate street hawking into the making, governance and development of urban space. The main difficulty is in the identification and the definition of this flexible sector, as informal activities are often closely intertwined with formal economic activities.

Street vending is inserted into the backdrop of the city, the street sales are integrated into the revenue systems of numerous urban households. However, despite its scale and its role in the reduction of economic and social exclusion, street hawking is little understood and not well recognised by the local authorities. Street traders operate, most of the time, without urban infrastructures or urban services, thus casting doubts on the responsibility of the State and the right to the city.

In Nairobi, 53% of urban work is in the informal sector. 60% of informal activities are trade activities.

In Kisumu, 60% of the population depends on the informal sector.

If economic crises and the political effects of structural adjustments had been the pretexts of tolerance relating to the occupation of urban space by street vendors, efforts to restore the urban order are regularly carried out and sometimes lead to the quasi-military expulsions of street hawkers from precariously-occupied zones. Yet, during elections, street vendors’ support is actively sought. Those relegated to the side-lines also find themselves at the heart of rivalries between political figures. Overwhelmingly however, the environment in which street
hawking operates is often qualified as being hostile and **conflicts over the use of urban space** are frequent. Indeed, street hawkers are also the objects of harassment, of violence, of extortion and of the confiscation of goods by authorities.

**How can street hawking, a common practice structurally anchored in the city, be integrated into urban planning policies?**

**How can an integrated urban space, linking together diverse actors and uses, be created?**

**How can street hawking be organised, such that it can be better understood and recognised in order to diminish the precarious situation it is in?**

**How can an urban spatial governance policy that recognises street hawking as a resource integral to the development of the city, rather than a nuisance, be established?**

**How should a participative approach to urban planning be conceived?**

The principal theme of this project is therefore to integrate street hawking into the making, governance and development of urban space. This constitutes the overall guiding theme of this project, which will take place in the form of a series of forums and an international conference.

This document firstly presents the objectives of the projects and the realizations, then it presents a general overview of street trading in developed and developing countries, a third part deals with informal economy and trade in Africa, a fourth part is about the political and institutional framework in Kenya, the fifth part deals with two case studies (Nairobi and Kisumu) and the final part presents some recommendations.

### 1.1. The project: objectives

The project aimed at organizing several events around the issue of street trade, and more specifically its issues in Kenya. Two forums have been organized, the first in Kisumu on May 12th, the second in Nairobi on September 15th. Moreover, an international academic conference was implemented in Nairobi on November 9th and 10th, and a cultural event has been performed. Those events were organized in order to address the issue of integrating informal trade into urban governance and urban planning. The project is in line with two pillars of the Kenya Vision 2030. Indeed, focusing on informal economy and its relation to formal economy, focusing on the youth and on urbanization, it deals with issues of “Wholesale and retail trade” (Economic Pillar “Moving the economy up the value chain”) and with “Gender, Youth and Vulnerable Groups” and “Population, Urbanization and Housing” (Social Pillar “Investing in the people of Kenya”).

- **First objective: to create conditions of debate between civil society, local authorities and academics – the series of forums**

The different forums have been planned in order to create conditions of debate between civil society, local authorities, developers
URBANIZATION AND STREET VENDING

and academics. The idea was to share and reflect on representations and practices of Street Vending and Urban Planning. The debates allowed for a mutual comprehension of:

- Street vendors, their strategies, their practices and their organization.
- The production and the governance of urban space, from daily and informal regulation to the dialogue between the local authorities and the street vendors.
- The key issues surrounding economic regulation.

**Second objective: contributing to the production and increased scientific awareness: the international conference**

The conference brought dozens of academics and stakeholders from multiple disciplines, approaches and regions, with an aim to address informal vending as an individual and a collective resource. It addressed issues like the spatial dynamics of street vending, the landscape of actors and politics of street vending, the urban governance and the public space, the circulations and urban-rural linkages of informal vending and the insertion of informal vending to transnational networks.

**Third objective: contribute to cultural activities: from scientific objects to artistic objects**

An exhibition/installation proposed an artistic vision of the everyday experiences of street vendors and their objects, their spaces of activity and of their everyday lifestyles. The event involved:

- Dr Dani Ploeger, from the University of London. He is an artist working with computer programming, electronics hacking, cultural theory and performance. His work investigates and subverts the spectacles of sex, violence and waste in techno-consumer culture ([http://www.daniploeger.org/](http://www.daniploeger.org/)).
- Dr Chris Williams, is a musician and an academic from several prestigious universities. Williams’ conceptual work explores "how and why we learn, don’t learn, and behave in the context of the new global threats". He has intensively published for a wide range of academic and other public media ([https://en.wikipedia.org/wiki/Christopher_Williams_(academic)](https://en.wikipedia.org/wiki/Christopher_Williams_(academic))).
- Jean-Michel Rousset, former director of several Alliances Françaises, was deeply involved in the project. He was the Commissioner or Assistant Commissioner of many contemporary African art exhibitions (including others: Saatchi Gallery, London; Fondation Cartier, Jouy en Josas; The Palace of Nations, Geneva).

1.2. The realizations

Thanks to the collaboration with our partners and the participation of the different stakeholders of that issue, the forum in Kisumu and Nairobi have established spaces of exchange between actors from the informal sector (NHA, KENASVIT, KISTA, etc) the private sector (MSEF), local authorities (City Councils,
County Government, etc.), development organizations (UN-Habitat) and academics (IFRA-Nairobi, University of Nairobi, Maseno University, Kenyatta University, Jomo Kenyatta University, etc.).

Moreover, the international conference on this issue that occurred on the 9th and the 10th of November 2016 allowed the meeting and the exchanges of international researchers on street trade, that helped stakeholders in having a broader view of this world issue, and learn new ideas, methods and practices to improve the understanding of it. During this two day conference, the issues of informal trade were explored in different international contexts, in cities such as Accra, Addis Ababa, Beirut, Dar es Salaam, Kampala, Mumbai, Nairobi, Paris, etc. and also secondary towns (Dire Dawa, Kisumu, Thika, etc.).

- **The forum in Kisumu, May 12th, 2016**

The idea of this forum was to share and reflect on representations and practices of Street Vending and Urban Planning. The debates allowed for a comprehension of the street vendors, their strategies, their practices and their organization, the production and the governance of urban space and the key issues surrounding economic regulation. In sum, this event was created for allowing a reflection on a participative approach of the integration of street vending into the city.

The presentations were moderated by Dr. Samuel Owuor, from the University of Nairobi. Several participants from both the street vending groups and the local authorities attended this meeting. Several persons contributed to the debates: the Assistant City Manager of Kisumu; Dr. Jacob Olang’o Onyango from the University of Eldoret who presented his work concerning the forms that street vending take; Anthony Kwache, Chairman of KENASVIT; Eddy Anayo, Member of County Assembly; Dr. George Onyango from Maseno University. Secondly, the panel of discussions was moderated by Dr. George Wagah from Maseno University. The panel was made up of Technical Advisor Municipal Planning Unit, Director of City County Planning, Representative and experts from Kisumu Urban Project, Dr. Musyimi Mbathi from the Nairobi University, Dr. Elephantus Kihonge from JKUAT and Dr. Jacob Olang’s Onyango.

Several topics were discussed in the Kisumu forum. Town Planning was an important theme from the discussions and the modalities of the participation of the street traders to the urban policy design was discussed. The Town planning representatives underlined the fact that the lack of unity of the street vendor's organizations limited the discussions, whereas the street traders associations underlined the lack of trust from the local authorities. The failures of the preceding urban plans were also raised. The panelists showed that the preceding markets created to host the street traders in Kisumu were out of the city center, in isolated areas: consequently, they never really attracted street vendors and are now either used for other purposes or completely deserted. Eventually, the participants discussed about the clashes between the street vendors and
the local authorities, and discussed about the measures that could be taken to avoid those situations. Another case that was discussed was the case of the evictions by KCC from the Oile market in September 2014. The case was brought to the court and the latter gave reasons to the street traders. It shows the capacity of mobilization of the street vendors’ organizations. Despite the court giving reasons to the complainants, KCC did not answer to the court. KCC has been given instructions to propose a new place for the evicted traders. A few months after, the judge was replaced and the street vendors had to restart the process in court. The case is to be discussed on December 1, 2016. Other discussions underlined the importance of creating a continuous and effective dialogue between the public authorities and the street vendors’ representatives. It also showed the necessity to plan in advance the relocation of all the evicted street vendors in order to avoid tensions and judiciary complications. The case of the white elephant of Maendeleo market was discussed. Maendeleo market premises were partly funded by the European Union under the Rural Poverty Reduction and Local Government Support Programme but moneys have been misused and therefore the premises are not suitable for having occupants because the building is unsafe. This scandal is not yet solved and street traders still look for a proposal from the local authorities.

- **The forum in Nairobi, September 15th, 2016**

This forum had the same objectives as the Kisumu forum. The presentations were moderated by Dr. Samuel Owuor, from the University of Nairobi. Several participants from both the street vending groups and the local authorities attended this meeting. Several persons contributed to the debates: Peter Ogolla, from the Starehe NCC Sub-County, Sammy Schileche, James Ngure and colleagues from the Urban Planning Department; Peter Obiero from The Micro and Small Enterprises Summit; Charles Addah Rasta from the Kisumu Street Traders Association; a representing from the NISCOF, Anthony Kwache, chairman of KENASVIT, David Waweru, leader of the Nairobi Hawkers Association; Rose Kitu from The National land Commission; and Musyimi Mbathi, from the Department of Urban and Regional Planning of Nairobi University.

The presentations focused on several topics such as the legal conditions of the street traders: since the SMEs Act of 2012, the street vendors that registered cannot be considered as informal workers, and consequently deserve protection from the NCC. Nevertheless, the NCC does not succeed in ensuring that protection. Another important discussion concerned the ways to ensure a dialogue between the town planning leaders and the street vendors, as street vendors are in the core of the mobility's of the cities. Several positive aspects of street vending were also underlined, such as the offer of diverse and cheap goods for the local population and the improvement of local security by the economic activities brought by the street vending activities. Another major topic that was discussed was the important violence and exactions that occurred with the evictions of the Eastleigh neighborhood, and the Court case related to it.

[Photo 2. Panellists and Dr. Sam Owuor, moderator]
The debates that followed the presentations have been focusing on the challenges linked to land planning. For instance, the urban planner underlined the idea that in that field, a quick solution may cause more harm than good, by for instance making the city less governable. The discussions also pointed out the need of important and continuous links between the urban planners and the students, as the students’ needs to understand the current issues to be able to decide later. Moreover, in order to have a sustainable dialogue between the street vendors and the local authorities, the fragmentation of the street vendors needs to be addressed, by for instance developing an umbrella of street vendor’s organizations.

The concluding remarks focused on the fact that informal activities are in the core of the societies and of the cities. Street vending topic is related to many societal issues such as social inequalities, gender gaps, intra and inter urban relationships, town planning, etc. This importance underlines the emergency to find sustainable solutions.

- The international Conference in Nairobi, November 9th-10th, 2016

The conference brought more than 20 academics from multiple disciplines, approaches and regions (East Africa, Central Africa, West Africa, Europe, India, Middle East), with an aim to address informal vending as an individual and a collective resource. It addressed issues like the spatial dynamics of street vending, the landscape of actors and politics of street vending, urban governance and the public space, the circulation and urban-rural linkages of informal vending and the insertion of informal vending into transnational networks. The presentations were opened by Pr. Alison Brown from Cardiff University. A roundtable was held with local authority representatives, leaders of street vendors and of micro & small enterprise organizations and with academics. An artistic event with local and foreign artists closed the first day of the conference.

On the 9th of November, the first session focused on Public Space and Informality, and had presentations from Jean-Fabien Steck, Michel Tchotsoua and Ulysse Lassaube. The second session was on the Right to the City and Livelihoods, and had presentations from Esayas D. Engida, Ilona Steiler and Joshi Kunal. The third session concerned the Right to the City and Conflicts, and had presentations from Esayas D. Engida, Ilona Steiler and Joshi Kunal. On the 10th of November, the sixth session focused on Contested Urban Spaces in Kenya, it started with screening of videos done during the project, then presentations by Juliet Muiga and Daniel Ehagi. The seventh session focused on vulnerable groups, with presentations from Emmanuelle Durand and Brigitte Dragsted Mutengwa. The final session had the topic Street Vendors Associations, with three papers: Sylvain Racaud and Pierre Schlegel, Jongh Lennert, and Aristide Yemmafouo.

The presentations helped the academics and the different stakeholders to have a broader view about the street vending issues, as case studies concerning several countries were presented. Presentations focused on cities such as Mumbai, Beirut, Bafoussam, Kampala, Nairobi, Paris, Dar es Salaam, Kisumu, Addis Ababa and many others. One of the main findings from the discussion was the importance of the diversity of the street trader’s situations and relationships with the government. Moreover, the policy of the crackdowns in Nairobi, presented by Brigitte Dragsted Mtengwa, is just an aspect of the policies possible for the public authorities. More peaceful and tolerant governances are possible, as the case presented by Joshi Kunal presented about Mumbai. The different backgrounds and points of view
allowed for a complementarity of approaches. This characteristic was particularly appreciated by the participants. The legal framework is the main factor of differentiation between the different case studies. Another important positive aspect of the international conference was the inclusive approach from IFRA that succeeded in including not only academics, but also street vendors’ associations, UN habitat representatives, public authorities’ representatives and town planners.

The round table included stakeholders from Nairobi and Kisumu. Prior to that, two experts invited by UN-Habitat, Dina Shahayeb and Richard Dobson presented their work and their conclusions concerning that issue in Cairo and in Durban. Dina Shahayeb presented the main lessons brought by her experience on policy design in Cairo and introduced the new process they have designed in order to involve the street traders in the decision making process. Richard Dobson summarized the evolutions of the relationships between the street vendors and the local authorities in Durban, and the main lessons that could be learnt from those evolutions. People that intervened included Peter Obiero, leader of the Micro and Small Enterprise Leaders’ Summit, Anthony Kwache, from the KENASVIT, Charles Adah Rasta, leader of a street trader association of Kisumu, and James Ngure, from the NCC Urban planning Department. The topics focused on the issue of the fragmentation of the street vendors and the need of a better unification, and also on the different ways to bridge the research conclusions and experiences to the decision making processes.

By Dr. Dani Ploeger, Greenman Muleh Mbillo, Dr. Chris Williams

Bodies of Planned Obsolescence is an interdisciplinary research project into the cultural and ecological aspects of the global economy of discarded electronics. In 2014 and 2015, an international group of artists, cultural theorists and scientists followed the global stream of e-waste to Nigeria, Hong Kong, and the UK, and took part in e-waste recycling labour on dumps and in factories. Central to the project has been a practical engagement with e-waste, where performance arts approaches are explored as a practice-based research methodology in cultural studies of technology and scientific toxicology research.

Like Bodies of Planned Obsolescence, most research and artwork that engages
with e-waste has thus far been focused on
the export of - often still working – second-
hand devices from the Global North to the
Global South. Despite rapid obsolescence due
to software requirements and fashion, these
devices themselves usually remain
technically functional for many years after
the original owner has discarded them. After
having been used by their new owners in
countries in the Global South for a period of
time, these devices then eventually end up on
e-waste dumps in these countries.

However, this dynamic is changing
rapidly. Especially in sub-Saharan Africa, an
increasing amount of e-waste is generated by
low-grade new electronic devices and
peripherals (mobile phones, data cables,
battery packs etc.). These new devices, which
are imported directly from China, Malaysia
and other producing countries in East-Asia,
often break shortly after purchase and are
instantly discarded. This trend is also
becoming apparent in Europe, where
discount retailers like Poundland are
offering an increasing assortment of
peripherals of equally low durability.

A consideration of street vending in
Kenya is of interest to a study of the
characteristics and implications of this
development: Street vendors often sell these
cheap, new electronic devices and
peripherals, while the speed and informal
nature of the transactions in public space
make it a typical environment for the
impulsive purchase of products without
long-term use perspectives. In the week
preceding the Urbanization and Street
Vendors conference, we visited informal
trade locations in Kisumu and Nairobi and
conducted an initial, open-ended exploration
of street vending in relation to digital
technology. We examined the trade in actual
electronics-related products, as well as
broader connections between informal trade
and practices of digital culture.

Bodies of Planned Obsolescence is led by Dr.
Dani Ploeger and has been supported by the
Arts and Humanities Research Council, UK
(grant references: AH/L01582X/1,
AH/P006329/1) and The Royal Central
School of Speech and Drama, University of

Photo 5. Artists presenting their work and JM Rousset
taking pictures
Dani Ploeger

**Extension**

Three new power strips, purchased in Nairobi and Kisumu: "BEST-ASTRA-ENGLAND", "Apple", "Switch to Wood".

Despite their usually inconspicuous domestic presence - tucked away on the floor or behind furniture - power strips are symbolic objects, mediating local, globalized and post-colonial technological imaginaries and practices.
Chris Williams

**Discreet e-Vending**

New electronic media facilitates the trading of goods and services that people may not want to buy openly – incontinence pads, sex, Viagra, contraceptives, wives, medication, pornography. In Nairobi, street-posters with mobile phone numbers create novel forms of discreet street e-vending, accessing the services of the Mganga healers, for example.

In London, the internet facilitates discreet e-vending, similarly. On Google, adding the prefix 'London' to the keywords used by the Mganga healers finds many similarities. (e.g. 'London love potion'). The global electronic "solutions" services solve universal human problems.
Greenman Muleh Mbillo

White and Yellow Carpet: A monument to fantasy. Mother of all Vendors

Discarded packaging material from electronic devices and obsolete CDs are painted with words and names referring to spiritual and intellectual concepts.
The videos: giving the voice to the stakeholders

IFRA Nairobi and its partners are very pleased to launch a series of 17 videos about street trade in Nairobi. They have been directed by Stanislas Grenapin of idlm, in September 2016 when IFRA organized a forum on street vendors in the city. The 7 videos are interviews done with official, sector leaders and academics during the Nairobi forum. The videos points out the organization of the streets, the challenge faced by the street vendors, the views of urban planning and give definition about street vending. Videos are available on IFRA Nairobi Youtube channel
http://ifra-nairobi.net/resources/youtube-channel
https://www.youtube.com/channel/UCyWGq7fXueYGbtegKO5pfRA
2. General overview of Street Vending

2.1. The contradictory definitions of informal economy and street trade

Informal economy is the part of the economy that is not regulated by the state (Brown and Lyons, 2009. Consequently, the informal sector phenomenon appeared as soon as state regulations were created and enforced. Nevertheless, the theoretical background and a scientific approach to those phenomena were created only in the second half of the 20th century. It is generally admitted that the term ‘informal sector’ was initially created by the British anthropologist Kenneth Hart, in a 171 study focusing on economic activities in urban Ghana. In this document, he defined the informal sector like all economic activities, both legal and illegal, that lie beyond the scope of regulation (Hart, 1971). This expression was then adopted by the International Labor Organization in 1972, preferring it to the initial ‘traditional sector’ (African Union, 2008). This definition has the advantage of being very broad, and therefore allowing researchers to do their own definitions, in order to have a definition closer to their focus of study (Brown, Lyons, 2010).

From this first definition, authors were able to define the different characteristics and practical aspects behind the broad definition. Criteria such as the size of the companies (no more than 10 persons), registration criteria (the company has to be not registered), and the compliance-with-public-regulation criterion (Benjamin et al., 2014).

Several distinctions need to be made to correctly assess the informal activities. For instance, the informal economy is different from the hidden economy as the hidden economy can have parts of both formal and informal economies. Informal firms need to be distinguished from the, informal economic activities, as informal economic activities can also include informal workers in formal companies (Benjamin et al., 2014).

Moreover, other definitions were added to analyze particular issues within the framework of “informal sector”. For instance, “Workers in the informal economy” has been defined as “all workers in unregulated and unprotected work” (Gallin, 2004:1). In a similar way, “informal jobs are jobs that pay no benefits or provide no social protection” (Gallin, 2004:1). The use of the terminology concerning these phenomena is in itself an antagonistic issue, as a choice of a particular word against another testifies a particular point of view concerning this issue, and can be linked to a certain number of assumptions. For instance, Ralf Hussmanns (2003) reported that there have been important debates concerning the terminology behind employment in the informal sector. Indeed, many of the participants to the debate considered that the expression “informal employment” could be too positively perceived and therefore could lead to wrong assumptions for national policies. However, the other expression discussed, ‘unprotected employment’ was too vague (Hussmanns, 2003).

Eventually, the dualist perspective between formal and informal has been criticized by several researchers, notably the ones using neoliberal or structuralist approaches (Kinyanjui, 2014). Indeed, several authors challenged the dichotomy of this definition by pointing out the important interactions and links between the two sectors (Skinner, 2008). As it has been underlined by Lindell “the boundary between the formal and the informal economy is blurred” (2010: 5). On the one hand, the neoliberal perspective perceived informal activities as phenomena of liberalization from below and the structuralist point of view, showed that
informal economic activities is a result of the failures of capitalism to offer employment to everyone (Skinner, 2008). Although previously recognized as abnormal, a failure of the formal sector of the economies, an important number of authors pointed out the fact that this phenomenon was normalized, accepted and directly contributes to the economic and social redefinitions of the social and economic system (Skinner, 2008). Several authors showed the integration from formal companies of informal workers and traders to be their intermediates (Kinyanjui, 2014). This is for instance the case of companies such as Safaricom.

The boundary between the formal and the informal economy is blurred.

Eventually, street vending is a particular form of informal economic activities and has been defined as “an income-generating activity where individuals sell their wares along streets and sidewalks to passing pedestrians and motorists” (Kamunyori, 2007:10). Nevertheless, the definition of street trade is in itself challenging, due to the multiple forms these activities can take. Indeed, three main aspects are characterizing the street trade activities: the first is the issue of informality, that the activity is not formally registered. The second is the issue of the place where the economic activity is done, in other words the public areas such as the streets. The third one is the issue of mobility, as the street traders are not supposed to have their own stall or permanent place. Those three approaches are completing each other, as there are multiple levels related to these three characteristics: for instance, a licensed street trader (formal) can operate through a moving stall (movement) in the street (space), or an informal worker can have a permanent place to keep its products (Monnet, 2006). Consequently, the three characteristics of street trade give the researchers a beginning of a typology to identify and classify the multiple realities behind the concept of street trade.

Street trade may be characterized by “informality”, “mobility” and “space”

The definition of informality and informal economic activities is therefore a challenging issue, as there have been debates concerning the use of the words related to it, most of the time related to perceptions regarding this issue. This issue is still not solved yet, as the actors concerning it sometimes use different definitions nowadays. The definition of street trade implies another important challenge, as this expression can take many different forms. A solution to address this issue is therefore to establish a typology based on three criteria: informality, mobility and space.

2.2. The different strategies to measure informal activity

There are several possible methods to measure the phenomena associated with the informal economies within an area, according to the measure of different characteristics. One: the methods that can be used are statistical methods, by for instance measuring employment in the informal sector. This category of work has been defined by the International Labour Conference (ILC) in 2002 (Hussmanns, 2003: 2), as “including all jobs in informal sector enterprises or all persons who, during a given reference period, were employed in at least one informal sector enterprise, irrespective of their status in employment and whether it was their main or a secondary job”. From this definition, the ILO develops a method to measure the importance of that
sector from the labor force surveys, where the informal characteristics would be included by some questions.

An important issue concerning the measurement of the informal trade phenomena is the issue regarding the multiplicity of the measurement methods. Indeed, as the measurement methods have not been yet united, the national statistics concerning informal economy are different from each other, by including a particular kind of work considered as formal otherwise. This diversity in the measurement methods of the informal economy can lead to difficulties of having a comparative approach. For instance, many authors point out the fact that the important differences between African countries regarding the statistics of informal trade are due to different approaches and strategies of measurement. As it has been underlined by Benjamin et al. (2014: 8), "the inclusion or not of agriculture in informal sector activities is also left to the countries’ discretion", allowing important differences between countries. Besides that, the measure of the informal economy depends mostly on the criteria given by the state through its legal and institutional framework. The multiplicity of the perceptions and the laws give the multiplicity of the measurement methods, making a comparative approach challenging. There is consequently a growing demand from the researchers to the governments to harmonize their database and data collection methods (Sparks and Barnett, 2010).

Moreover, having a clear and precise estimation of the informal and street vending activities is a challenging issue. Errors of measurement and appreciation due to the lack of clarity of the institutional definitions and criteria add to the vagueness of the statistics regarding this issue in some countries. For instance, "many population censuses and labour force surveys do not contain a question on 'place of work' with relevant alternative responses" (Skinner, 2008:6), causing a major hiding of the informal economic activities. Another limit is the fact that due to its characteristic based on movement, street trade is complex to assess by the traditional census methods (Skinner, 2008).

Although the informal economy can be a phenomenon easily visible, especially concerning the activities of street trade, having a clear and precise database concerning the workers is an important challenge, due to the multiple forms that this sector can take and the imperfections of the measuring tools. The lack of unity of the measurement criteria between the different countries adds to the difficulty to do comparative analyses of the informal sector between countries.

2.3. The situation of the informal economy in the developed countries

Although the situation of the informal economy in the developed countries is less important than the one in the developing countries, its importance is far from being marginal, as it weighs between 10 and 20 percent of these countries (% of GDP) (Gërshani K, 1999) The informal economy and street trade activities have been held since the creation of the societies there. However, in the 19th century, these activities knew an important decrease, due to multiple factors. Indeed, the technological and social transformations led to new uses of the formal shops. Moreover, the emergence of the modern urban policies led to the assumption that the street was primarily a space for movement and fluid, and not a space for commercial use (Monnet, 2006). Nevertheless, the informal activities never disappeared, and know today an important growth. Globalization had a direct effect on
this issue, by increasing the level of competition between the different companies in both the developed and the developing countries. In order to face those challenges, some companies may have changed their strategies concerning the formality of their activities, mixing formal and informal sectors, by, for instance, upsourcing their products to alternative forms of labor (Hussmanns, 2003). Moreover, the rise of globalization led to an important rise of the migration phenomena, and informal economy is regularly the main insertion method for these new populations (Monnet, 2006).

**Between 10 and 20 % of developed economies is informal.**

Bureau and Fendt (2010) have developed the dynamics of the informal sector in these countries, by distinguishing the different types of informal activities in the developed countries –the participative economy, the clandestine economy, the fraudulent economy done by the wealthy and the criminal activities. They point out the fact that there is not one informal sector, but a multiplicity of informal sectors.

As in the developing countries, the informal sector in the North countries is underlying the difference between informality –the fact that the activity is not formally authorised- and illegality –the fact that this economy is formally not authorised. Most of these activities are entrepreneurial activities that are both a way to develop a company and a way to protect the business from the risks of the formal economy.

Street trade activities are still implemented, not only in the margins of the countries –in particular neighbourhoods, with mostly excluded populations - but also in the very centres of the cities, notably thanks to the rise of the tourism economy. For instance, Berroir et al. (2015) have explored the street trader’s dynamics of the main touristic areas of Paris. According to them, the street traders appropriate themselves these urban areas where they should be excluded, by adopting strategies of avoidance but also inclusion into these areas, notably toward the public local authorities.

Moreover, the street trade activities, linked to the commercial use of public space and the approach concerning the movement creates a renewed interest from diverse private actors, seeking to find new clients in those movements (Monnet, 2006). The informal trade issues are therefore not only an issue for underdeveloped countries, as the developed countries also have to address it.
2.4. The situation of the informal workers in the developing economies

Informal workers are a very important part of the developing countries’ economic activities. The informal economic activities are also supposed to have smaller productivity rates than the formal and established ones. This difference is more or less important according to the countries. As a consequence, the average revenue of the informal workers is smaller than the average revenue in the formal sector. The importance and the growth of the informal sector in the developing economies are linked to the urbanization rates and the rural exodus, as most of the developing economies experiences very important urbanization rates. As the economic growth cannot sustain the demographic growth of the cities, the newcomers have to face a situation of very high formal unemployment. The informal sector appears therefore as an alternative, where workers earn less than formal workers, but more than in the rural areas. Indeed, the average profits in the informal sector are in turn higher than in agriculture by at least 50% in the majority of countries (Benjamin et al., 2014). Moreover, over the last decades, the informal sector is not only applied to survival strategies by the poor, but can also be used as an accumulation strategy out of the formal sector. For this reason, the informal sector can also include the unrecorded activities of companies (Brown and Lyons, 2010).

Street trading is also directly related to other social issues, such as gender, migrations or ethnicity. In many countries from the global South, women are more represented in informal economic activities, creating a gender bias.

As the informal activities do not benefit from any institutional welfare or social security system, this disequilibrium can be a way to sustain the gender gaps (Skinner, 2008). On the other hand, many authors have pointed out the capacity of the informal economy to empower the women, as they are able to find revenue, which is a condition for being independent (Kinyanjui, 2014). The issue of migration is also directly related to informal activities or street vending, as in many countries refugees and migrants do not have the legal right to engage in economic activities. In order to make a living, some of these populations need to work in the informal activities, creating tensions with local informal workers involving spatial and economic dynamics. For instance, the informal sector and the street vending was an important part of the economic activity of Eastleigh, a part of Nairobi where the Somali refugees are particularly present (UNHCR, 2012). The informal sector and street vending are therefore at the core of the developing countries’ economic and social system, and can have a decisive influence on the trends of those countries at a national level.

Besides its economic role of ensuring for an important part of the population an income to live –including for the isolated and vulnerable parts of the population (women, refugees...), the informal sector also plays several social roles: for instance, the
informal trading activities are also a way to transmit information to economically isolated populations (Onyango et al., 2013). Street vending activities are also a possibility to build and strengthen social links between individuals that will be able to act collectively to undertake other economic and social roles through solidarity networks. For instance, many authors point out the fact that thanks to street vending organizations, some of the informal workers are able to benefit from an informal system, and capacity to invest. In other words, the social capital approach “attributes agency to the poor (in as far as they can strategize) and emphasizes their dual dependency on multiple activities and multiple assets, especially social capital, for survival” (Lyons and Soxell, 2005: 13). Moreover, the street vendors are able to organize themselves into militant activities, and have a more important capacity to influence and negotiate the public policies, not only on street vending issues, but also on broader themes. Informal activities are therefore an opportunity for populations to gain a political voice that they would not have otherwise. The street vending activities are therefore a possibility of brokerage between the local populations and the other actors, “brokerage” being defined as “acts of mediation between different levels or groups in society that would otherwise have little to no (constructive) contact” (Koster, 2016: 4). For instance, the street vendors associations in Kolkata, India, have been able to change the perception of the municipality concerning them and are able to participate in the city governance (Chatterji and Roy, 2016).

*Street vending activities are also a possibility to build and strengthen social links.*

Those movements and organizations are nevertheless extremely vulnerable to multiple threats, such as political recuperation which limits their capacity to effectively defend the street traders and the informal workers more generally (Lindell, 2010). Street vending and more generally informal activities play therefore several roles both at the social and political scale in the global South, where the size of this sector gives a particular political, economic and social importance to the issues related to it. Nevertheless, those aspects are often ignored or underestimated by the policymakers.

**Informal sector can also be used as an accumulation strategy out of the formal sector.**

3. Informal economy and informal trade in Africa

3.1. The importance of the informal economy and the informal trade in Africa and the diversity of the African countries in terms of size of the informal sector

Although all regions of the world, especially the developing countries, are concerned with the issues of street trade, for the African Continent this issue is of particular
importance, as it is in those countries that the part of the active population involved in informal economic activities are the most important. Moreover, at a regional scale, the proportion of street vendors within the informal workers is particularly important. In the decade 2004-2010, the informal employment as a percentage of total non-agricultural employment was about 66%, compared to East and South East Asia (65%), Latin America (51%) and the Middle East and North Africa (45%) (WIEGO, 2012). The Sub Saharan African region has also strong patterns concerning the characteristics of the informal sector in those countries. Contrary to other regions such as South East Asia, the size of the informal companies is much smaller, including an important part of self-employed workers (Skinner, 2008). The informal economic activities are also more focused on street trade (Benjamin et al., 2014). As it has been underlined by Skinner and Roever (2016: 2) “The weight of trade as an activity is evident in the size of the street vending population at the city level, which ranges from 13% (Dakar, Senegal) to 24% (Lomé, Togo) of all those engaged in non-agricultural informal employment”. On the other hand, the figures concerning the importance of informal trade in the informal economy is less important in other world regions, for instance South and East Asia (Skinner and Roever, 2016). This is due to the fact that a shift of the informal activities occurred in the decade 2000 from petty manufacturing to petty trading (Lyons and Brown, 2010). Eventually, the social disparities, particularly the gender gaps are more important in Sub Saharan Africa than in other regions of the world. For instance, 84% of the employed women in this region were employed in the informal sector (Benjamin et al., 2014).

Although the informal sector is an important part of the economy in all of its countries, there are important disparities in the different places. Those disparities are due not only to the different ways to measure it, but also to the economic social and urban dynamics those countries are currently facing (World Bank, 2008). This situation is diverse according to the countries: indeed, if South Africa has an informal sector employment of only 33% of the total employment, other countries can have a much more important part of their economy to be informal, like Mali, for 83% or the Eastern African countries like Tanzania or Uganda (WIEGO, 2012). This is not only due to the differences in the measurement tools – for instance, Mali counts the agricultural sector as part of the informal economy- but also to the fact that the context of the economies have a direct impact on these figures.

3.2. The inner dynamics of the informal sector in Sub Saharan Africa

There are several institutional, contextual and social dynamics that finally led to the historic rise of the informal sector in the sub Saharan African Countries.

- The colonial legacy played an important role in the rise of the street trade and more generally in the rise of the importance of the informal sector in the African economies (Sparks and Barnett, 2010). Indeed, the colonial regimes often led to large distortions in the local economies of the colonized states, creating inequalities in terms of capital and in terms of land distribution.

- Moreover, the centralized structure of the post-colonial state and the clientelist logics led to the creation and the sustainability of an urban bias (Sparks and Barnett, 2010). Indeed, as the decolonized states had a limited amount of resources and the center of power was in huge cities, the political leaders had an interest in focusing their clientelist strategies towards their
important cities, creating disequilibrium by favoring the urban areas in face of the rural areas.
- Both those dynamics have led to a system based on an intense urbanization and a massive rural exodus. Indeed, Sub Saharan Africa is the area where the proportion of the urban population has increased the most in the world since the decade 1990 (Skinner, 2008). As the rural populations are looking for work and a better quality of life, they migrate to the cities, expanding the number of job seekers in the city that neither the public sector, nor the private sector is able to address (Barnett and Spencer, 2010).
- The demilitarization program could also have been a phenomenon leading to such an important phenomenon of street vending. Indeed, states that demilitarized their army and their soldiers without providing them new posts and work could create an extra number of workers for an unadapted work supply, leading to a rise of the population working in the informal sector. The case of Ethiopia in the decade 1990 can be a good example of this factor (Barnett and Spencer, 2010).
- The neoliberal reforms that happened in many of the Sub Saharan African countries in the decade 1980 and 1990 have also strengthened the importance of the informal economy and street trade (World Bank, 2008). Indeed, the waves of the public service deconstruction and the privatizations led to an important rise in unemployment within those countries, having the incapacity to be re-employed. This new population had therefore to make a living by informal activities.
- The heaviness of the Sub Saharan African countries administration concerning the economic activities, and particularly the opacity for creation of new firms and companies can also be a factor influencing the informal activities. For instance, the fact that the process of creating a new firm takes much longer in some Sub Saharan Africa countries than in others makes the difficulties in establishing new firms more understandable. The aspiring entrepreneurs may therefore at making their activities in the informal sector.
- Eventually, globalization played a role in the wide spreading of the informal sector in Sub Saharan Africa. Indeed, by reducing transport and trade costs, these phenomena led to a higher international competition that reinforced the role of workers' productivity. As an important part of the sub Saharan African countries have a competitive disadvantage in the face of other regions, the formal sector in those countries has difficulties to remain and develop, and consequently is unable to absorb more workers who will then look to make a living in the informal sector (Sher, 2006).

3.3. Trends in the street vendors’ issues in Sub Saharan Africa

The reaction of the state varies largely between the different African countries, due to the differing contexts and natures of the states. For instance, several countries such as Zimbabwe (Skinner, 2008) have decided to implement a rigorous and violent repression of the street traders, assimilating them with a political opposition. Another important reaction from the African states at the national scale is the attempt to regularize the street traders, changing their perceptions to consider them as entrepreneurs and potential drivers of the economy. The policies related to this point of view are focusing on the creation of new status such as micro enterprises and auto entrepreneurs. For instance, the reforms of Kenya in 2005 were made in order to regularize the informal workers and improve their business situation. Nevertheless, some of these efforts to improve the status of the street traders in those countries have been greatly limited by the bad implementation of the reforms. For
instance, the reforms concerning street traders in Tanzania was created to regularize the street traders, but only marginalized them (Lyons and Brown, 2009). Other supporting decisions, such as the simplification of access to grants have also been implemented.

**An important set of decisions are however taken at a more local level, with the same diversity of attitudes.** Some municipalities such as Lome (Steck, 2006) have decided to not act and allow an informal management of the informal economic activities. The more that occurs then the multiple levels of local administration could lead to contradicting policies and inefficient application of the decisions (Bouquet and Kassi-Djodjo, 2014). Other countries are alternating between phases of repressions and periods of relative tolerance towards the street vendors, sometimes related to the electoral agendas. For instance, the informal activities in Abidjan were considerably repressed after the elections of Alassane Ouattara (Bouquet and Kassi-Djodjo, 2014). Most of the time, the street vendors disappeared *(deguerpissent)*, letting their installations be destroyed, and reinstalling themselves when the repressing episode was over. Some municipalities are also trying to find a long term solution concerning this issue, by for instance adapting some of their spatial and administrative policies. For instance, the local authorities of Bamako decided to give a market for the street traders that would be self-administrated, and the municipal authorities of Arusha decided to economically support their street traders by helping them get loans and access to banking activities (SALGA, 2012).

A rising phenomenon across the Sub Saharan African countries since the decade 1990 is the informal and street vending workers’ organizations and associations. Indeed, some street traders try to influence the urban decision making processes through their associations, either created, or basing itself on preexisting
institutions and changing their goals. Those associations are sometimes recognized as reliable interlocutors, and are consequently able to lobby for the cause of the street vendors through official means. For instance, the street vendors’ associations of the Johannesburg CBD have been able to go to court and win against the decision of the Johannesburg municipality to expel them (Bénit-Gbaffou, 2016). Nevertheless, the literature regularly shows the limits of their power, developing the idea that only a small part of the street vendors are currently participating in the informal associations, and that the street vendors’ associations are still ignored in some countries such as Tanzania. Indeed, due to their past relationships with street traders, some countries would have a more positive attitude than others and negotiations would be more fruitful (Lyons and Brown, 2010).

Eventually, the lack of systematic analysis of this tool of expression and influence across Sub Saharan Africa does not allow the creation of general conclusions about them (Skinner, 2008).

Both at the local and at the national level, the public actors have differing attitudes and policies concerning the issue of the street traders, from a complete repression to efforts to sustain and support them, or adopting a passive attitude. The quality of the institutions impacts greatly on the capacity of these actors to correctly implement their policies regarding this issue. Although the street traders’ associations gained importance over the last decades, their lack of institutionalization and their weak support from the street traders limit their capacity to influence the policies.

4. Kenya: national legal, institutional and political framework

4.1. The heterogeneity of the laws concerning the street traders

The absence of a legal framework concerning the informal economy and more particularly the street traders exposed them to many risks and insecurity from the local authorities. Consequently, the overall legal reforms of the formal economy did not only sustain the growth of the formal system, but also fostered the growth of the informal economy.

Many analysts underline the fact that the rights of the street traders to do their activities is written in the new Constitution. These people point out the “equitable land use”, as stipulated by the Kenyan Constitution, which implies that street vendors need to be incorporated into urban planning, and more generally integrated in the territories (Kenyan Constitution). In order to support the informal workers and the street traders, the Kenyan government has created several policies in the last decades, such as the Sessional Paper No.2 of 1992 on Small Enterprise and Jua Kali Development in Kenya. Nevertheless, the policy implications were not implemented because of their inappropriate design (Republic of Kenya, 2015). Another attempt to support this sector of the economy was the Sessional Paper No.2 of 2005 on the Development of Micro and Small Enterprises for Wealth and Employment Creation for Poverty Reduction. This document aimed at creating the environment that could allow the institutionalization of the informal workers and finally transform this sector to a formal one (Government of Kenya, 2015). This
document had several successes. Moreover, the Urban Areas and Cities Act was adopted in 2011 with the goal of ensuring a national unification of the urban management practices, notably concerning the street vendors. Eventually, the Micro and Small Enterprises Act was created in 2012, and was willing to ensure the regularization of the street traders. Nevertheless, street trader leaders complain that these acts are not implemented and therefore have no effect on the daily life of street traders.

An important part of the legal framework of the street traders operates at a municipal level, allowing a better flexibility for the administrations in dealing that problem (Morange, 2015). Nevertheless, this bigger proximity with the current issues are sometimes creating contradictive policies and by laws, the more that multiple levels of administrative documents superimpose themselves. This situation has been underlined in the case of Nairobi by Kamunyori (2007), in the following text:

“The General Nuisance by-law allows city inspectorates to arrest any individual that they deem is creating a ‘general nuisance’ in public spaces. This by-law continues to provide the legal grounds on which city inspectors can harass street vendors.”

Similar situations can be found in cities such as Kisumu and Thika. The contradictions in the by-laws give an opportunity to the laws' implementers and the askaris to adapt their behavior according to the situation, being tolerant or repressive. For instance, during the elections momentum, the askaris can let the street vendors do their business, and repress them strongly the year after. Consequently, the street vendors are living in those places with a legal insecurity, as their right to be here is always a temporary one able to change and disappear from one day to another. Another issue is the fact that these by laws are either unknown by the street vendors, who are unable to reclaim their rights, or ignored by the policemen (Mitullah, 2003).

Despite government efforts in the last decade, the legal framework concerning the informal economic activities and more precisely the street traders did not allow the unification of the Kenya law system around a legalization consensus, which could theoretically institutionalize these activities. The legal situation is consequently diverse, where these issues were dealt with at a more local level, notably by the by laws system.

The legal framework concerning the informal economic activities and more precisely the street traders did not allow the unification of the Kenya law system around a legalization consensus.

4.2. The different institutions responsible for the street trader’s management

At the national level, the Micro and Small Enterprises Act of 2012 led to the creation of institutions and is supposed to ensure the regularization of street vendors' activities. Firstly, an office of the Registrar of Micro and Small Enterprises, within the public

---

2 Access to the act: [http://www.kenyalaw.org/lex//actview.xql?actid=No.%2013%20of%202011](http://www.kenyalaw.org/lex//actview.xql?actid=No.%2013%20of%202011)

3 Access to the act: [http://www.kenyalaw.org/lex//actview.xql?actid=No.%2055%20of%202012](http://www.kenyalaw.org/lex//actview.xql?actid=No.%2055%20of%202012)
service has been created. This office is responsible for registration of the informal workers, becoming a micro or small enterprise. The people that have registered with this institution therefore gain several rights and legal existence (Government of Kenya, 2012). Another relevant institution concerning this issue created by this act is the **Micro and Small Enterprises Authority**. This institution is ruled by a chairperson appointed by the president, representatives of ministries and leaders from the important sectorial associations – manufacturing, industry, services and agribusiness. This institution has the goal to support the development of small scale enterprises by advising the government concerning the right policies to implement, and to implement training and support programs to small case workers and traders (Government of Kenya, 2012). The MSEA of 2012 led to the creation of institutions having the goals of efficiently supporting the development of the small scale economic activities. Local effects for the daily life of street traders of MSEA are not yet visible.

Moreover, the **Kenyan Vision 2030** document shows the economic risks of the informal trade. Its concerns are shown in the phrase “the high level of informality in Kenya’s wholesale and retail sector has the potential to result in several kinds of market distortions, particularly those relating to taxation, labour employment and produce marketing” (GOK, 2007: 63). The document points out the fact that the high number of smaller and micro economic factors, such as the street traders, creates important territorial disparities, favoring some areas while forgetting others. The Vision 2030 therefore plans to implement an improvement of the supply value chain. Nevertheless, the document focused mostly on formal policies, postulating that the street vending and informal activities will be absorbed by the formal sector. The Kenyan Vision 2030 offers several policies and advice to sustain and develop the informal trade, by offering formations to informal workers, but its main focus on the formal sector does not succeed in having a broad and comprehensive strategy concerning this issue.

At the local level, the situation of the street vendors depends on the Sub Counties or City Counties for important cities such as Nairobi. The decentralization reforms and the evolution from Municipalities to Sub Counties led also to a transfer of responsibilities from the municipal level to the County level. This reform has for instance united the hawker's market areas trading fees, whereas they were previously decided by the Municipality independently. It is the sub County that is in charge of the implementation of its by-laws, from the collection of the fees for the yearly or daily trading permits to the eviction of the street traders. Nevertheless, those interactions are limited to the verification and the enforcement of the legal framework, as it has been underlined by Mithullah (2003: 14):

> “The Street Vendors mostly relate with local and central government. However, this relation is limited to a few individuals or vendors’ associations who are grafted in the identification of trading sites, licensing and payment of daily fees and related issues. The relations between them is generally poor, especially that between the vendors and urban authorities.”

It is extremely important to note that in Kenya, the institutions responsible for regulating the street traders may have differing political objectives, and

---

therefore are not able to implement policies due to the multiple misunderstandings of the different institutions. This situation is recurrent in several Sub Saharan African Cities such as Abidjan (Bouquet and Kassi-Djodjo, 2014). Kamunyori (2007) has shown that the issues of street vending in Nairobi have been poorly addressed due to internal fighting. Moreover, the decisions concerning this issue taken at the higher administrative level have difficulties in being implemented at a more local level, as the local public actors may have an economic interest to keep their system as it is, as they are able to take profit from it, notably through corruption. For instance, the media regularly point out corruption scandals from administrative officers in charge of the street vending management.

An important evolution of the informal workers and the street vending issues has happened concerning the rise of the importance of the associations that begin to be reliable actors in the issue of street trade. Those associations have been created both at the local and national level, most of the time by external actors. For instance, the Kenyan National Association of Street vendors and Traders (KENASVIT) was established in 2005 with the support of the Institute for Development Studies (IDS) of the University of Nairobi, StreetNet and the WIEGO, which are international organizations centered on street vending. This organization has risen to 3000 members from 140 associations, united in 7 urban alliances (Mithullah, 2010). Through this organization, KENASVIT is able to influence the policies. Moreover, other private actors have risen to act as lobbyists concerning the public policies, not only at a local level, but also at the national level. This is for instance the case of the Kenya Private Sector Alliance (KEPSA), created in 2000. KEPSA is a network of the important companies that initially united to discuss and propose the capacities of involvement of the companies in order to foster and sustain poverty reduction (Kamunyori 2007). Thanks to the influences of both the national street traders’ organizations and the licensed businesses, some improvements have occurred concerning the situation of the street traders at a national level. The reform of the SMEs voted in 2012, was for instance one of their ideas. These types of organizations also lobbied for a simplification of the official procedures for small and micro workers to get loans.

Nevertheless, the rise of the importance of the discussions and negotiations between the street vendors and the public authorities needs to be nuanced. Most of the time, the processes of integration of the street traders concerning the urban policy designs have been incorrectly implemented, and some important factions of street traders may have felt left behind. The limits of the discussions between those two urban actors are shown in the expression: “In Kenya, the Jua Kali entrepreneurs are not adequately consulted during policy formulation. Therefore, the success of these policies is limited because the people working in this field lack ownership of the policies. Such policies are just meant to suit government needs, hence are abused for political reasons especially to garner political support” (Kang’ethe and Serima, 2014: 198).

Most of the time, the processes of integration of the street traders concerning the urban policy designs have been

---

6 See the series of documentaries done by Africa Uncensored [https://youtu.be/IGMnFQTIwNg](https://youtu.be/IGMnFQTIwNg)
incorrectly implemented, and some important factions of street traders may have felt left behind.

4.3. The ambiguous political discourses regarding the street traders

There are important ambivalences concerning the street vending issues by the political leaders in Kenya. On the one hand, the leaders are sometimes focusing on the drawbacks and the problems the street traders are causing to the city and its inhabitants. Those discourses focus on the problems of movement within the cities, arguing that the place taken by the street traders and the hawkers block the way for the pedestrians and the car traffic. Another issue regularly raised by the politicians is the issue of waste management, arguing that the street traders are littering their place of work, deteriorating the area for the other inhabitants. The noise pollution is also an issue pointed out by them, arguing that the sounds created by the commercial activities are causing troubles to the inhabitants. Another problem regularly raised by the political elites is that street traders are littering their place of work, deteriorating the area for the other inhabitants. The noise pollution is also an issue pointed out by them, arguing that the sounds created by the commercial activities are causing troubles to the inhabitants.

On the other hand, another discourse has been developed by the political elites, focusing on the positive aspects of street vending. In those types of discourses, the political elites raise the points that the street vending activities are a reality shared by an important number of street traders, and that they use this activity to make a living. Moreover, the street vendors are presented as entrepreneurs that need institutional and financial support to grow and create jobs. Eventually, some politicians raise the point of the benefits the local population can get from the street vendors, indicating that they provide cheaper and more diverse goods.

Marianne Morange (2015) showed the multiple and possible contradictory discourses of the political actors concerning the street vendors in the Nairobi CBD, underlying the fact that different aspects of the street traders can change from one month to another.

Examples of such contradicting discourses can be found in the declarations of the political leaders from Nairobi. Some politicians, such as Dennis Waweru may focus more on blaming the violence from the askaris, as it is showed in the quote “The spectacle of able bodied men mishandling women selling wares on the street is barbaric and symbolizes a city that has lost its soul and mind”, and on the mismanagement of the markets that do not allow the street traders to work safely. (Graham Kajilwa, Standard Digital, July 27, 2016). Nairobi City County Deputy Governor Jonathan Mueke and
Governor Evans Kidero are showing their willpower to stop the street vending activities by reinforcing the *askaris* to ensure a more important repression of the street vendors. They present the street vendors as a negative presence that is worsening the situation of the people living there, as it is showed in the quote "We are done with Eastleigh and we are pushing on with other areas. People in Buruburu can now breathe" (Lewis Nyaundi, the Star, November 7th 2016). The political discourses and ambiance consequently change according to the persons involved and the time.

5. Cases studies: Kisumu and Nairobi

5.1. The evolutions of the street trade management concerning Nairobi

Nairobi was created during the colonization era, and street trade has been an economic activity since its very first years. The urban planning policies concerning this city were mostly focused on the segregation between the indigenous and the colonizing population, creating an intensely divided place, between blacks and whites, and then between rich and poor. In the informal settlements that appeared quickly, the populations were isolated from the rest of the city and therefore compelled to work in the informal sectors to make a living (Olima, 2001). Street trade became therefore an essential economic activity for and very important part of the people of Nairobi. Nevertheless, due to the urban policies of segregation and their prolongation after independence, the municipal authorities have been particularly repressive against them, that is, the design of the urban plans were ignoring the informal economic activities and therefore an important part of the Nairobi population. Some aspects of the colonial heritage concerning the management of the street traders are still visible today. A large segment of the labor force in Nairobi is self-employed, largely in the informal sector, with 1,548,100 being employed in this sector (Nairobi County, 2014).

As for the 55 local markets planned in the City development document of 1973, due to the lack of funding, the markets in Nairobi developed organically, in the unoccupied lands and areas (Linehan, 2015). The most important ones today are Muthurwa market, Gikomba market, Ngara Market and Toi market. Those markets cannot host all the street traders. There have been cases of mismanagement in the infrastructures and the allocation of places, marginalizing street vendors. Moreover, those markets where the street vendors can operate without being harassed have also their own risks, such as the fires that occurred in the Toi market in 2005 (Linehan, 2015). Consequently, an important number of vendors are still operating in the streets of Nairobi, especially in the Nairobi CBD and its outskirts. The presence and the activities of the street traders in the Nairobi CBD have nevertheless created several problems of city engorgement, of production of waste polluting the CBD and non-hygienic problems. Many actors, including the licensed traders within the CBD were and are expecting the City Council to react.

The Nairobi City Council reacted by updating the by-laws in 2006 and reaffirming the CBD as a zone forbidden to hawkers. This updated legislation was an important opportunity for the City Council, which was able to receive new rents as payment of fees by the street traders. Consequently, over the last decade, there have been several tensions between the local authorities and the informal workers in most of the Nairobi markets, but the most treated by the media was the one concerning the issue of the CBD. The issues
related to this area are still unsolved today, as *askaris* repression and street trader’s protests are still occurring nowadays. This violence has been described as follows: “Between October and December 2012; six street traders were killed or injured by the police as clashes over their presence in the city center broke down into violence. Their death is the latest sign of a long running conflict between the urban poor and the elite” (Linehan, 2015: 1). The repression by the *askaris* can be seen as a way of intimidating the street traders and keep them sustaining the system of corruption that is benefitting to the City County *askaris* (Linehan, 2015). The latest case of evictions without relocations was done in September 2016 in Eastleigh. This conflict took a judiciary form as the street traders brought the case to the Court. The street vendors have therefore the capacity to react to the evictions of the Nairobi City County. MSE Summit and its Eastleigh chapter are deeply involved in that struggle.

Moreover, some of the policies made to tolerate the street vendors have been done inadequately with the realities of the situation. An example of such *disequilibria can be found in the number of trading licenses issued in Nairobi compared to the estimated number of street vendors operating in Nairobi*. 7000 licenses have been issued whereas there would be 500 000 estimated street traders (Lyons and Snoxell, 2005). This situation has drawbacks for both sides. On the one hand, the difficulty of being tolerated and formalized forces the street traders to live under a predatory situation, vulnerable to the *askaris* bribing systems. On the other hand, the Nairobi city county has to face an important number of frauds, where street vendors fake their trading permits (Roever and Skinner, 2016). The relationships between the NCC and the street vendors has therefore been made up of tensions and violence, as the policies implemented to tolerate the street vendors have been done on a small scale.

**The last decade was marked by the rise of the importance of private actors that tried to influence the city management of the street traders.** The Nairobi Central Business District association (NCBDA) was for instance created in 2000 in reaction to the situation in which the Central Business District was at that moment. Indeed, the center of Nairobi was suffering from the multiple activities of the street traders that were causing engorgement, pollution and insecurity. The NCBDA was composed of the companies operating in the City center and they felt that this situation was deteriorating their business. Although this organization was initially particularly critical against the street vendors and was lobbying for their evictions, the NCBDA changed in its position in order to start discussions with the street traders (Kamunyori, 2007). For instance, in the partnership with USAID, this association created in 2003 a platform of discussion with the street traders under the name Nairobi Informal Sector Consultative Forum/Confederation (NISCOF) which was initially a purely consultative one. This organization evolved independently from the NCBDA; it overthrew the initial distrust from the street vendors to become the umbrella of all the street traders, and finally become the representing organ of the KENASVIT. The NCBDA does not exist anymore, due to problems of leadership, which limits the assumption that those private associations are able to have a long lasting influence on the local authorities. The urban policies of Nairobi were nevertheless influenced by the rise of private associations, presenting themselves as apolitical and focused on the issues of the management of street vendors (Kamunyori, 2007). In addition, the Stakeholders platform established in the 2000’s did not exist.
anymore after the 2007 election where political leaders changed.

One of the most important changes concerning the management of the street traders’ issues in Nairobi have been the change of attitude of the national authorities concerning informal workers and street traders. Indeed, by considering them as actors to deal with, they allowed new forms of discussion between the street traders and the local authorities at a more institutional level. This emphasis on the positive aspects of street vending in Nairobi has not only been done by the public actors, but also by the new actors such as the Nairobi Central Business District Association (NCBDA) (Morange, 2015). Although the discourses concerning street vendors are particularly ambivalent, these new discourses allowed for new forms of negotiation.

Another important evolution in the management of street vending, particularly in the Nairobi CBD over the last decade is the growth of the street traders’ self-management and adoption of new attitudes concerning street trade. Indeed, due to the changes in the rhetoric of the public and private actors, the street traders tend to perceive themselves more as reliable businessmen relative to the public authorities, and tend to accept more efficiently the solutions negotiated by the leaders with the public authorities. For instance, the removal of the street traders from the Nairobi CBD to the Muthurwa market has been done thanks to the self-participation of the street traders, implicitly accepting the negotiated programs (Morange, 2015).

Nevertheless, there have been considerable debates during and after the implementation process of the market, as many organizations and associations blamed the processes of decision making. Indeed, the design of the solution was not clear and many local actors felt ignored by the public authority. Moreover, the high costs of the construction of the Muthurwa market led to a rise of criticism concerning that solution. This criticism has been strengthened by the fact that due to weak management and a quick overpopulation of the market, some of the infrastructures quickly became derelict and unclean, degrading the work conditions of the street traders (SALGA, 2012). Some of the street traders therefore decided to leave Muthurwa to go back to trade in Nairobi, preferring the risks of the askaris repression. The ill management of the implementation of the Muthurwa market solution led therefore to a reinforcement of the distrust of the street traders towards the local authorities. The City of Nairobi still has issues concerning the longer term solutions and planning issues, as the vision 2030 creates doubts and rejections among the street traders that claim that they were excluded from the process of policy making (Linehan, 2015).
5.2. The evolutions of the street trade management concerning Kisumu

Kisumu with 383,000 inh. (KNBS 2013) is the third town of Kenya and one of the fastest growing cities in Kenya. The name "Kisumu" is derived from the kiluo language "Kisuma", which means barter trade. Kisumu City is currently the main commercial and administrative centre in western Kenya. Kisumu is located 340 km away from Nairobi, on the shores of Lake Victoria, at a strategic location between Kenya and Uganda. This location ensured is growth and the importance of its role as a hub between the different countries. Trade has therefore been in this city since its first years, and took an importance that the other cities of the Western Regions do not have. Those characteristics make Kisumu a city at the core of the exchanges, not only between the countries, but also between the urban and the rural areas, both formal and informal.

In 2006 the United Nations declared Kisumu the first UN Millennium City in the world, partly because a number of ambitious development strategies were in place, and also because of its considerable economic potential, as well as its status as an emerging urban hub in the region. Nevertheless, its prosperity and continuing informality could appear paradoxical phenomena, with the modernity and progress being envisaged in conflict with increasing levels of informality. Indeed, in 2004 the Kisumu City Council reported that 52% of the working population were active in the informal sector. In 2011, CORDAID, a development agency, reported that 60% of the population depends on the informal sector. Former City Manager, Doris Ombara estimated in 2015 that more than 10,000 street traders were operating in Kisumu (Standard Media, August 26, 2015).

Nowadays, the commercial facilities in Kisumu are composed of many shops in the main streets, of daily markets and of countless and varied basic commercial displays in the streets. The latter are located in the streets where the flow of people is important, i.e. from the CBD to the bus stages. Generally, street vendors are located around
the Jomo Kenyatta sports ground, in Oginga Odinga Street where they operate at the gate of the shops. In that street, street vending coexists with formal shops while in Ang’awa, Jomo Kenyatta Highway and Ojino Okew, trade is mostly operated by street vendors. Ojino Okew, although qualified as a street trade area, looks more like a market. The settlement of street vendors is also impacted by the evolution of the market places in Kisumu. If a market is renovated, or destroyed, waves of traders settle in the streets. It happened after the Bus Park renovation in 2002 and after the destruction of Oile market in September 2014.

The previous situations of street trade and informal activities in that city led to tensions and disturbances, with huge difficulties for the authorities in running the city. Street vending in Kisumu dates back to the 1980s, it started from the CBD and mostly from the main street, Oginga Odinga Street. Markets have been implemented in the outskirts of the town but they did not succeed as they are located far away from the flows of potential customers, mainly those of workers in the CBD. This is for instance the case of the Kowino in Nyalenda, Kosawo in Manyatta, Manyatta Open Air and Migosi markets. The lack of clarity of the local by-laws were and are still a cause of insecurity for the street vendors. The General Nuisance by-law gave the power to the local authorities to do evictions and extortions of the street traders that are operating in “undesignated areas”. Note that the last urban plan dates back to the 1970s. In addition, despite street traders are mostly trading in undesignated areas and therefore considered as informal by the authorities, they pay daily a 30 Ksh tax to the City County. This is another example of the porosity of formal-informal and of the “in-between” regulations.

The confrontations between the street vendors and the local authorities can also take the path of judicial confrontations as is the case after the eviction of Oile market in September 2014. Oile markets used to operate for many years and accommodate thousands of traders. It was very well located on the route of the daily commuters and near the bus stages. Thousands of traders lost their commodities, their means of getting income and therefore claimed for compensation and reallocation. The case is currently in Court. The latter gave reason to the street traders. It shows the capacity of mobilization of the street vendors’ organizations. Despite the court giving reason to the complainants, KCC did not answer to the court. KCC has been given instruction to propose a new place for the evicted traders. A few months after, the judge was replaced and street vendors had to restart the process in court. The case will be discussed again in Court on December 1, 2016.

Kisumu has unfortunately its white elephant. The Maendeleo market premises was partly founded by the European Union under the Rural Poverty Reduction and Local Government Support Programme but money has been misused and therefore the premises is not suitable for having occupants because the building is unsafe. This scandal is not yet solved and street traders still look for a proposal from the local authorities. At election time, political competitors use Maendeleo case as an electoral argument: promises are made to restore the premises but the defects are so important that experts estimate that the building should be destroyed because it can’t be restored. Oile and Maendeleo illustrate the lack of a participatory approach and mismanagement. During eviction periods, local authorities promised to allocate traders in other markets. On the other hand, traders have a lot of defiance (taking examples from
facts that occurred) and they complain that the proposed places are not relevant (often at the outskirts of the town) and that the prices of the proposed rents of new premises in the project are beyond what the traders can afford.

Several street vending organizations appeared and have been strengthened over the last decade, becoming strong interlocutors with the local government. Street vending associations appeared in Kisumu not only for social and economic goals (access to savings and loans, welfare systems), but also as tools of mobilization towards the urban policies and interlocutors, for instance, Kisumu Informal Traders Economic Support (KITES), Kisumu Informal Traders Association (KISTA), and the Kisumu Alliance of Street Vendors and Informal Traders (KASVIT). The role of brokers between the street vendors and the local authorities can be taken seriously by the local government, but leaders can be bought, as the case of the Bus park renovation in 2002. However, those organizations know several limits that do not allow them to have a decisive influence on the urban policies: some of the street vendors’ associations are in competition not only in terms of participants, but also financially and in terms of legitimacy. This competition tends to give more power to the municipal authorities. Moreover, the cases of lack of leadership are regularly pointed out, as the case of the KASVIT previously showed. Cases of collusion between politicians and street trading associations have also been reported, such as the case of the Apindi lane in Kisumu, funded by a Constituency Development fund, as a small number of administrators earn a lot of money on commissions from the transactions and allocation process is very opaque. Street vending organizations have therefore succeeded in being recognized as interlocutors by the local authorities, but are facing several challenges that limit their capacity to act as a united and decisive actor at the scale of the city. In addition, street traders manage to have a political voice during hard times, mainly if an eviction notice is given to them by the local authorities. Street vendors association leaders (KITES, KISTA, etc.) negotiate besides other street traders leaders (leaders of self-help groups in a specific area) with local authorities.

Several development plans have been designed over the last decade concerning Kisumu, involving many international actors, such as the Swedish International development Agency (SIDA), and the French Agency of Development (AFD). Those institutions tried to involve as many people as possible by making all the actors participate in the design of the plan and by organizing meetings and events around those debates. For instance, the Kisumu Local Interaction Platform (KLIP) was implemented in 2012 in order to organize debates involving the local communities. This platform focused on two main subjects: ecotourism and the city markets. The events organized by this programme allowed the local population, including the street vendors, to come and interact with the local authorities, allowing a collective design of the projects. Kisumu Urban Project funded by AFD has also a participatory approach.
The forum revealed that a participatory approach is a complex issue that needs to be implemented in a continuous process.

6. Lessons learnt & recommendations

6.1. Lessons learnt from Nairobi

Presented as the ultimate solution to tackle the issue of street vending in the Nairobi CBD, the market of Muthurwa meets today several critics and limits. Indeed, an important part of the population criticized the project and its implementation, blaming the process that had not been inclusive enough of all the stakeholders. They also blamed the fact that although the market cost much more than its initial price, the mismanagement concerning its implementation and its daily governance led to strong limits. Indeed, the vendors operating in Muthurwa still complain about the lack of proper sanitation, the lack of water management structures, the deficiencies in the garbage recuperation etc. Many Muthurwa traders think that those problems are serious threats to their business. Other street traders complain about the lack of transparency of the allocation of stalls within the market, arguing that it could be hiding corruption or nepotism practices. All those drawbacks led to the loss of interest from some of the street traders that decided to go back to the city center, re-exposing themselves to the risks of the *askaris*. Eventually, the street traders that went to Muthurwa were replaced by new street vendors. The case of the Muthurwa market is therefore useful to understand the fact that an idea of policy has to be sustained in time and have the relevant tools to work efficiently.

Another grief from the street traders is the difficulty to get a trading permit that could allow them to trade freely. Unfortunately, there is an important gap between the number of permits issued and the number of street vendors operating in Nairobi. This situation has drawbacks on both sides, as it is the cause of important cases of fraud, and it is the cause of insecurity for many traders. A solution could therefore be to improve the system of issuing trading permits in order to raise the number of permits issued. A large number of traders are not aware about how to get a permit and some do not know about the existence of permits. This solution could also allow new economic resources for the NCC. Having a permit should secure street traders. Different types of permit should be discussed.

The violence against the street vendors that burst out regularly from different neighborhoods in Nairobi – the latest was done in September in Eastleigh - shows that the use of violence against the street traders is a regular tool used by the City Council to implement its policies. This violence is regularly due to that lack of communication between the different actors. This has been the case in the last crackdowns. The street traders reacted by putting this case to the Nairobi court, claiming their right to be correctly relocated. Having an inclusive approach for the negotiations could be a relevant policy to tackle this issue.

6.2. Lessons learnt from Kisumu

The case of the evictions of the Oile market in 2014, brought to the court that gave reason to the street traders shows the capacity of mobilization of the street vendors’ organizations. It also shows the necessity to plan in advance, in a continuous and inclusive participatory approach, the relocation of all the evicted street vendors in order to avoid tensions and judiciary complications.

The Temporary Occupation Licenses (TOL) and the loans of the county may be used as
“favors” to certain groups of vendors to garner political support. A relevant policy concerning this issue could be to redefine or to fully apply the rules and the processes of acquisition of Temporary Occupation Licenses (TOL) and Community Development Funds CDF.

Street vending is being exploited politically: some public officials own stalls and kiosks and earn profits from them, and some leaders of street traders’ associations can be implicated in politics and accept favors from politicians, and this can stop the reforms to solve the urban problems.

In the process of design of the new urban plan, the local authorities used the “insufficient organization of street vendors” as an excuse to not engage with them. In order to face the diversity of the street vendors, the Kisumu authorities could create an institution that could host the street trading associations and consult them efficiently.

Kisumu City County should, with a participatory approach, settle the problem of Maendeleo and of Oile. Clear statements should be made in order to avoid political use of these cases, especially during election periods. An inclusive participatory approach should address the issue of compensation of traders in the Oile market and their reallocation to a place collectively agreed.

6.3. Recommendations

In both those cities, several common characteristics and policy implications can be pointed out. From literature reviews and from the case studies, some avenues worth exploring are proposed.

- Institutional framework is unclear, there are contradictions between several levels (from national recognition to local conflicts) and legislative texts exist but are not implemented. Clarify the legislative confusion by:
  - Removal of by-laws that contradict national acts.

- Street traders are accused of operating in undesignated areas.
  - Update the old urban plans and design street trading in specific areas in consultation with all the stakeholders.
  - Agree on flexible and more intensive uses of public space, for example waves of traders would be able to settle where waves of workers-customers are, especially for evening hours.

- Street trading is often negatively perceived by local authority despite the recognition of its economic contribution for households.
  - Public recognition of street trading as a backbone of urban economy
    - Place the recognition of the importance of street trading in by-laws.

- Taxes collection is a problem and licenses are daily, this opens the door for daily bribes and harassment.
  - Establish an accepted licenses system after consultation with all stakeholders.
City Counties should provide services to Street Traders to facilitate their adherence to taxes collection.

- Participatory approach is weak.
  - Organize inclusive platforms, especially at the local level, involving City Urban Departments, Trade Department, Street Vendors Associations, MSE Associations, Academics (and KUP at Kisumu). Governance should ensure a real, clear, fair and long term participatory approach, at all stages of the management of Street Vending: from initial conception of project to concrete implementation.

Bibliography:


Nairobi County. 2014. City Of Nairobi Environment Outlook.


Contents

Executive summary
1. Introduction: The project: main line of arguments
2. General overview of Street Vending
3. Informal economy and informal trade in Africa
4. Kenya: national legal, institutional and political framework
5. Cases studies: Kisumu and Nairobi
6. Lessons learnt & recommendations

Report of the project: series of forums, international conference, artistic event and videos: “Urbanization and Street Vending”
Coordination: Sylvain Racaud

www.ifra-nairobi.net
info@ifra-nairobi.net
Nairobi, KENYA