

A REVIEW OF STREET TRADE IN AFRICA

WORKING DRAFT

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1. Introduction

Street and roadside trade is an important economic activity that sustains a significant percentage of rural and urban dwellers, especially within the developing countries. The activity falls among the Small and Micro Enterprises [SME] that form the main thrust for economic development in developing countries. In Africa, the sector has operated outside the mainstream economic development, and falls within the informal economic activities. In view of the difficult economic situation that has faced Africa with reduced external support and increasing levels of poverty, many countries have begun considering the sector as one of the channels of fostering the private sector's contribution to both growth and equity objectives of development.

By 1995, ILO estimates had shown that SMEs account for 59 per cent of Sub-Saharan Africa's urban labour force [Ondiege, 1995]. Estimates indicate that in the developing countries 40 to 80 per cent of the urban workforce is in the informal workforce. Street vendors are the most visible among this workforce, although their activities, working conditions, relations with authorities, policies and regulations relating to their operations among others are not well researched and documented.

Serious focus on street vendors begun with the Bellagio International Declaration of Street Vendors which called for national policies for street vendors, and follow up actions by individual vendors, vendors associations, city governments and international organisations. The Bellagio Declaration identified six common problems of street traders around the world, namely: lack of legal status and right to vend, lack of space or poor location, restriction on licensing, cost of regulation, harassment, bribes, confiscation and evictions, lack of services and infrastructure and lack of representation or voice.

Women in Employment, Globalising and Organising [WIEGO], an international network has spearheaded research and policy dialogue on street trade. In Africa, WIEGO has worked closely with StreetNet in leveraging funds for research and policy dialogue in six African countries, namely South Africa, Ghana, Cote d'Ivoire, Uganda, Zimbabwe and

Kenya. Research output from these countries and work from other countries are presented in this review¹.

Apart from the above country studies, the review is based on secondary sources, including academic literature, statistical sources, government documents, media and civil society works. The review takes a thematic approach and covers: magnitude and composition of street trade, characteristics, working conditions, associations of street vendors, legal, regulatory and policy environment and programmatic responses to street trade.

2. Magnitude and Composition of Street Trade

Observation and work done on street trade indicate that street vendors are very many and form a significant percentage of SME. An ILO output based on Charmes [1998] work, shows that in 10 developing countries, the estimated share of street vendors in total non agricultural employment ranges from; less than 2 per cent in Costa Rica in 1997, to 9 per cent in Guatemala in 2000 and is 4 per cent or more in countries like Tunisia, Benin, Kenya, Guatemala, Mexico, and Venezuela [ILO, 2002]. Charmes has also provided estimates of street traders in a few countries in Africa as shown in table 1.

Table 1: Number of Street Vendors

Country	Number of street vendors	% of non agricultural labour force	% females
Benin [1992]	45,591	5.0	81.3
Kenya [1999]	416,294	8.1	32.7
Tunisia [1994]	132,832	5.2	3.9

Although statistics for comparison does not exist, it is noted that street trade is increasing as most African countries continue to freeze employment and re-trench workers under Structural Adjustment Programmes [SAPs]. A study conducted in Mozambique points out that 'a good number of street vendors were former main stream 'male economy'

¹ The review of street trade in Africa was commissioned by Women in Informal Employment Globalising, and Organising [WIEGO] a worldwide network of institutions, and individuals concerned with improving the status of women workers in the informal economy.

workers who lost their jobs. Such people are dissatisfied with street trade and wish for the day they will get 'real jobs' [Agadjanian, 2001].

Self employment is 70 per cent of informal employment in sub-Saharan Africa, and 62 per cent in North Africa. Taking a gender perspective, the ILO observes that in some countries in sub-Saharan Africa, most of the female non agricultural labour force is in informal employment – 97 per cent in Benin, 95 per cent in Chad, 85 per cent in Guinea and 83 per cent in Kenya [ILO, 2002].

In discussing the size of the workforce in developing countries, Charmes points out that 78 per cent are in the non-agricultural employment, 61 per cent in urban employment and 93 per cent in 'new jobs' [Charmes, 2000]. These figures are higher than those provided for both Latin America and Caribbean and Asia, showing that Africa has the largest percentage of people engaged in informal work.

Estimating the number of street vendors is not easy due to the nature of their operation. Their numbers vary depending on time of day or the season of the year. Some vendors only sell in the morning, afternoon, or evening, while some sell only on weekends; and others sell only during certain seasons [ILO 2002]. This poses a challenge of estimating the number of vendors that operate in any country and/or city. Apart from Charmes estimates of street traders in selected countries, limited estimates of street traders exist. In Africa, the 2000 Labour Force Survey in South Africa included street traders. It estimated that there were 323,000 food vendors and 122,000 non food vendors in the country, while the 1995 household survey estimated only 2,038 vendors nationwide [Budlender et al 2001].

The North and South Central Councils' of South Africa Informal Economy Policy paper points out that in 1996, there were about 20,000 street traders in the Durban Metropolitan area. About 60 per cent of these were women. The policy paper further notes that thousands more people work from their houses, while unknown number of people are mobile outside workers, such as garbage pickers, and cardboard recyclers. Many informal workers are casual labourers, such as those waiting at curb sides to get daily employment in the construction industry. Some of these workers, for example street traders generate work along a chain of supply and distribution – the *muthi* [traditional medicine] trade has been estimated to generate about 14,000 jobs in Durban [North & South Central Local Councils, 2000].

3. Composition of Street Vendors

Street trade is undertaken by both men and women outside enclosed premises or covered workspace. This includes street pavements, corners, sidewalks, neighbourhood sidewalks and by main transport nodes such as railway stations, bus stops/lorry parks, construction sites and around sports complexes. Adiko and Anoh in their study of Abidjan observes that women dominate both street and market trade, although they share their allocated trading spaces with male traders [Adiko and Anoh, 2003].

Other studies carried out in Zimbabwe [Tsitsi, 2002], Ghana [King and Ayeh 2003], South Africa [Lund and Skinner, 2000], Uganda [Ahikire and Ampaire, 2003] also note that women dominate the informal sector. In Zimbabwe, this is attributed to limited economic opportunities both in urban and rural areas. In both areas, men have comparative advantage over women because of their higher education level, and limited household roles. The Ghanaian study points out that people are driven into the streets due the increasing poverty in rural areas, arising from failures in the agricultural sector. The South African study, notes that, women are sole bread winners and support large families. It further points out that majority of people take to street trading due to landlessness, retrenchment and poverty. For women, the activity has the advantage of flexibility in terms of working hours and independence, making it more compatible with their domestic duties and reproductive role.

The dominance of women in street trade is further observed in a study on feminization of men's labour and its implications for gender relations in Mozambique [Agadjanian, 1999]. Agadjanian, observes that street vending attracts the disadvantaged segments of society who have limited skills and capital; in particular women due to their low education, skill and its compatibility with childcare. He further observes that, although the number of men engaged in street vending is considerable in Maputo, most people including women do not consider street vending as an appropriate occupation for men, it is more appropriate for women. She attributes the increasing number of male street vendors to SAPs and the tolerance of the Maputo government since independence that has resulted in the mushrooming of street traders.

Agadjanian's study further points out that, men's participation in street trade has to be negotiated within the dominant system of gender roles. The increasing number of male street vendors is an indication of the changes in the urban labour market. Factors that

influence their participation include: presence of male relatives in street vending, lack of alternative sources of income particularly in the formal market. The study also found out that some categories of men were not compromised by doing 'woman's job'. The categories included mainly young, old, physically challenged, and socially marginalized.

The Uganda study notes that street trade attracts those who have less opportunities in terms of formal employment and prestigious business. The study lists some of the reasons for engaging in the activity to include; poverty, orphan-hood, widowhood, and low level of education, that do not enable such individuals to get jobs in the formal sector. It presents an arena in which social groups mostly the under privileged, carve out a living in an environment that was once unacceptable to the powers-that-be [Ahikire, 1999]

4. Characteristics of Street Traders

Street trade in Africa is an activity for women, men and children. However, women dominate the trade. Most vendors are aged between 20 and 50 years, with few traders falling below 20 years and above 50 years. Children as young as ten years of age have been found vending along streets and roadside. Some of these children assist their parents and relatives, whereas in some cases they are entrepreneurs in their own right. In Ghana, child labour is estimated at 28 per cent. Accra and other urban centres where street trade is active account for 12 per cent of child labour [Opoku 1998].

A study conducted in Abidjan revealed that most street traders were young women aged below 40 years. Most of them had no professional training and had less than 10 years of working experience. They were business owners, and mostly walked to their vending sites. Most street vendors cannot afford the cost of transport, and therefore live within walking distance of their operation sites or operate near their residential areas.

Majority of those engaged in the activity are married and have comparatively low levels of education. The Abidjan study notes that majority of street traders were illiterate or semi literate, while studies from Ghana, Uganda and Kenya notes that majority of street vendors have formal primary education. The South African case points out that most street vendors can read in their mother tongue, while more male traders can communicate in English which enables them to do better in business.

The level of education of people engaged in informal economic activities has been improving over the years. Research conducted in Kenya in 1998 [Graham et al 1998] on street trade showed a great improvement compared to a study conducted in 1990 [Mitullah 1990]. A further study conducted in 2000 also confirms the improved level of education. In the study, majority [91%] of respondents had formal education. Those with primary education accounted for 56.1 per cent, while those with secondary education were 33.6 per cent and 1 person with university degree [Alila and Mitullah 2000].

People engaged in vending are bread winners taking care of large families that include dependants. The South African study revealed that 75 per cent of street traders were sole bread winners, while a further 33 per cent had other bread earners supplementing their efforts. Most of these traders are self employed with few working as assistants. This is contrary to the general belief that most street traders are “poorly paid” hirelings of big business. This study further observes that street trade has created jobs in transport, security, and stall assistants [the barrow and trolley boys, taxi drivers and bambellas].

Those dealing with street vendors are often concerned about whether street traders are doing their own businesses or are hired by others. In Kenya, the new breed of street vendors who sale expensive electrical equipment and leather products has often attracted attention. Most of these new breed of vendors are agents of formal firms and sell on commission. Charmes argues that street vendors might not be as independent as they appear. They may purchase or hire the goods they sell from the same supplier, they may be given goods by the supplier who pays more or less the equivalent of salary [Charmes, 1998]. However, all street vendors are informal workers and are exposed to similar problems.

Most of them had been driven into the streets due to landlessness, retrenchment and poverty. Across Africa, street vendors have indicated several reasons that have driven them into the streets: lack of space in the markets, lack of school fees, search for economic opportunity and income, strategic nature of street vending, family influence in form of supporting family member, entrepreneurship, lack of finance for larger business, evading taxation, orphan-hood, widowhood, low level of education and poverty.

Trading life in the street is quite difficult. It begins as early as 4.30 am and ends as late at mid night depending on the country and city. A recent survey of 7,500 informal traders in Johannesburg, indicate that traders work on average between 8 to 11 hours a day, but in

certain areas like Alexandra township the hours are much longer. A study of street vending in Ghana points out that trading begins between 4.30 am and 9 am with majority arriving at 7 am. Closing business occurs between 5.30 and 6 pm due to lack of lighting which makes vending sites insecure, especially for women.

In Kenya, street vendors begin work as early as 5.30 am but trade until around 9 pm. Those trading late are located in areas with concentration of people such as transport nodes, bus parks/stops, clubs and other night spots. In Ghana, where street food has become popular due to the need for women to save time in food preparation, street vendors operate from all strategic locations at all hours of the day and night. They serve customers with spicy foods and beverages at reasonable and affordable prices [Johnson and Yawson, 2000].

There are two categories of street vendors. Those that operate from fixed locations and mobile vendors. Charmes distinguishes the fixed locations and the mobile vendors [box 1].

BOX 1: Categories of Street Vendors

A. Street vendors in fixed/rudimentary premises

Street vendors with bowls, basins, baskets or mats

Street vendors with stools

Street vendors with tables

Street vendors with porch roofs or shades

B. Mobile Vendors

Walking with commodities

Vending using cart, bicycle

Charmes, 1998

Locations of vending also vary across countries and cities. They include: streets, parks, pavements within shopping centres, around public facilities such as religious institutions,

schools, clubs and at prominent corners of streets and roads where the vendors are visible to pedestrians and motorists. The Johannesburg City Council 2003 by-laws prohibits street vendors from blocking pavements or obstructing traffic; selling goods in public places such as parks, government and council buildings, churches, monuments, operating on sections of public roads that are close to residential buildings, using storm-water drains or manholes to dump rubbish, defacing or damaging public roads and public or private property, making fire in public place, sleeping in a place where street trading takes place or erecting structures for shelter [Tendai, 2003]

The expansion of the informal labour force which operates outside an enterprise's premises has enlarged the concept of street vendors to include the category of street workers, including among others: tailors specialised in mending, carrying their sewing machines on their heads, hairdressers carrying their stools, cycles and motor repairers [Charmes 1998].

A large percentage of street vendors do not access their trading sites formally, although few of these vending sites are formally allocated to vendors by relevant authorities. The study conducted in Ghana, notes that majority of street traders apply to Kumasi Metropolitan Council, while a few others use friends, or take up sites left as other traders shift to other sites or quit street trade. However, traders have no control over the trading sites, and often are removed at the will of the Local Authority officials.

Street traders use different methods and structures for displaying their commodities. The methods include: piling commodities, for examples fruits, onions and tomatoes, loose vegetables; and using measuring equipment such as tins, spoons, and baskets among others. The structures used for displaying commodities include tables, racks, wheel burrows, handcarts, and bicycle seats. Others traders display their goods on the ground, over mats or gunny bags, while others simply carry their commodities on their hands and shoulders. There are also those that hang their goods such as clothes on walls, trees, fences and an advanced group that construct temporary shades with stands for displaying their commodities [Mitullah, 2003].

Commodities of trade are many and vary across countries and cities. The most common commodities include fruits and vegetables, cereals, fish and meat products, processed food products, cosmetics, second hand clothes, plastic products. Other commodities include: cooking oils, sugar, stationary, detergents, curios, cigarettes and services such as

hair dressing, shoe and watch repairs, sale of traditional herbs and medicines, transporters and newspaper vendors.

Street traders operate in sites that lack infrastructure and services such as shelter, roads, toilets, water and sewerage, and garbage collection. This exposes them to poor working conditions. While secure sites for operations remains a major pre-requisite of street trade, research from most African cities points out that very few cities have planned sites for vending. Most city authorities expect street vendors to move into markets, or stop operating illegally. This expectation has not been fulfilled and few innovative cities in South Africa such as Durban have initiated programmes that integrate street vendors in urban development. Others, such as Nairobi, have accepted the operations of street vendors by setting aside specific lanes outside the central parts of the city for vendors, they however, are still to have specific policy relating to the informal economy and street trade in particular. Although relocation of street traders is a major step, the sites still lack services, while others are located away from busy areas and the vendors are reluctant to move to them.

5. Associations of Street Vendors

Associational life is an important resource for those engaged in small and micro enterprises. Street vendors associations have several functions that include: establishing and defending legal rights of vendors; setting up effective channels for representing members; raising the profile of street traders and protecting their interest in policy processes; building leadership through empowering members and providing concrete benefits for members [Lund and Skinner 1999]. The associations provide insurance against insecure welfare and business environment as well as providing business requirements. In spite of these important roles, street vendors associations are characterised by instability. They form, become dormant, disband and in isolated cases amalgamate. These dynamics make associations lose synergy, with the potential membership opting to stay away from any associational life.

In Kenya, majority of street traders do not belong to any street vending association, while others belong to several associations with no relationships. Street vendors work in isolation, with majority having no knowledge of associations that address street vending issues [Alila and Mitullah 2000].

Lund [1998] in her work in South Africa notes that vendors interest group associations can assist informal economy workers in many ways. For example, bulk purchase of goods, negotiation with local government for improved amenities, negotiation with the formal business sector in order to improve linkages or access resources and networks, getting collective access to skill training, organising self regulation for marketing, improved safety and security and to assist traders defend their legal rights.

Unlike market traders, street traders in most African cities are not organised [Aboagye 1996]. They do not belong to trade unions and are generally unorganised [Armacost 1996]. In South Africa, for example, by 1998 only 15 per cent of the traders belonged to an association [Lund 1998]; while in Kenya, a baseline survey of women street traders during the same years showed that 60.5 per cent belonged to some association [Graham et al 1998]. Armacost attributes the poor organisational level of street vendors to their being in the informal sector. She argues that those operating within the informal sector are not typical targets for organising efforts by trade unions and other organisations focused on the situation of the working poor [Amarcost 1996].

In Africa, South African street vendors are ahead in organising, while other countries such as Kenya, Uganda, and Ghana have begun organising. South Africans have a strong a culture of worker organisation that owes its origin to the past apartheid regime. A comparison of studies done in seven African countries in this review indicate that even in South Africa where there is strong culture of workers organisation, organisation in the informal sector is relatively new and informal sector organisations get little support from the formal economy trade unions. Among the six case studies, South Africa, Cote d'Ivoire and Ghana have established links with the informal economy trade unions, while Kenya is in the process of doing the same.

It has been argued that organising street traders is difficult. This is partly because most street traders earn just enough to feed their families, and are thus reluctant to take time off work to attend meetings. Other reasons include: unstable sites of operation, differences between organisations and conflicts within and among organisations [Skinner, 1999], lack of awareness of existing vendors associations and inability to raise membership fees [Lund 1998]. Lund notes further, that, women are more likely than men to know the existence of associations. This study indicates the different ways of becoming associated or organised. Some street vendors become members of associations in an involuntary way, for example in KwaMashu, South Africa where informal

vegetable traders became automatically affiliated to an organisation by virtue of trading in specific areas, while others have an option of choosing whether to join associations or not.

Lack of organisation reduces the vendors negotiation power. They lack collective voice in city planning, and their concerns are rarely brought forward for consideration by Municipal authorities. The lack of organisation and professional solidarity has contributed to the street vendors' ignorance of their legal rights [Armacost 1996]. Skinner has observed that the lack of organisation made negotiations in Johannesburg and Cape Town very difficult. Formation of umbrella organisations, similar to the Informal Trade Management Forum in Durban, and the Queenstown Hawkers Association in Queenstown were viewed as positive moves [Skinner 1999]. Such organisations provide service to their members, for example bulk purchase, marketing goods, training, management of trading sites, advocacy and representation.

A study conducted in Kenya in 1998 concluded that there was need to provide support to street vendors. The support should include advocacy, negotiation with authorities, and facilitating street vendors to form and strengthen their own organisations [Graham et al 1998]. In Kenya, majority of street vendors associations are small with about 30 members. Prior to 2000, associations mostly addressed welfare issues such as sickness, funerals, payment of school fees and purchase of household goods, mostly restricted to groups dominated by women. Most of these associations were not conceptualised as street vendors associations, and did not concentrate on vending issues [Alila and Mitullah 2000]. This study found that some of the vendors representatives were self styled leaders who were not recognised by those they claimed to represent. This reduces their capacity to mobilise street vendors and engage in negotiation, advocacy and policy influence.

The major role of street traders associations is to address problems of street vending, to fight for the rights of the vendors, particularly the right to space and to protect vendors from harassment, and seek recognition and integration of street vendors in urban development. Since the completion of the IDS study [Alila and Mitullah 2000] and the beginning of a facilitation programme of street vendors associations by the IDS in collaboration with the StreetNet, street vendors associations have began playing the advocacy role. They negotiate with urban authorities on behalf of their members, mobilise resources for business and mediate in cases of disputes among members. The

associations are currently in the process of forming a national alliance of street vendors in Kenya.

The study from Uganda points out that most street vendors organisations are not legal entities, they neither sue nor can they be sued. As in the case of Kenya, they are based on mutual support and respect, and provide social security, especially during times of distress and social functions. The study observes that these associations do not contribute to policy formulation and advocacy. Further, their constitutions lack focus, especially on deliverable goals. They do not have clear focus on issues of common interest such as markets, finance, negotiation and advocacy for better working conditions. However, they have managed to get the street vendors to observe regulations and their own code of conduct without any coercion. Observing regulations requires the members to have receipts of graduated tax payment tickets, while exposure and education on the code of conduct has assisted in maintaining discipline.

The Cote d'Ivoire study notes that in Abidjan the capital of Cote d'Ivoire, more women street vendors belong to associations than men compared to the situations in markets. They traders also belong to clan/ethnic associations. The associations provide opportunity to save, give loans and other mutual benefits to members

Studies carried out of Africa show a high potential of organising. For example, in Mexico city, the organisation of street vending has made it difficult for city agencies operating alone to take any effective action against street vendors. Thus, street vendors organisations have important roles to play. They provide vendors with a forum for sharing ideas, protection, recognition and handling problems affecting their business operations. In Philippines, cooperative leaders of vendors associations were consulted by the country's law makers and they participated in drafting of city ordinances. They were further contacted during congressional and senate hearings [Dalangin and Rodriguez* 1996].

Another example of what being organised can achieve, is the case of New York City. In 1993, the mayor passed a resolution that no street vendors would be allowed in the streets. In response, the vendors mobilised themselves in protest by calling a meeting, where they invited the media and demanded specific areas of operation. They sent a letter to the mayor and a map with approximately 21 sites where they preferred to be relocated. Three of the sites were approved after an eight month negotiation [Alcantara 1996].

There are a number of challenges to organising, which vary across countries. In South Africa, they include economic difficulties, suspicion, lack of resources for service provision to all members of associations, political interference and the patriarchal culture that hinders women's participation in leadership at all levels.

6. Legal, Regulatory and Policy Environment

Street vendors across Africa are disadvantaged in the areas of legal, regulatory and policy environment. This is because the street vendors are part of the small and micro economic [SME] activities which have been viewed as marginal for decades. By 1995 the SME accounted for 59 per cent of sub-Saharan urban labour force [Ondiege 1995]. Out of this percentage, street vendors were estimated to provide between 30 and 40 per cent of urban employment [WIEGO 1997]. Over the years, these figures have not triggered policy makers and administrators to improve legal, regulatory and policy environment for street vendors. They operate largely on open ground, have limited access to credit, lack storage facilities and are poorly organised with limited access to policy makers, planners and administrators who only engage with them in form of enforcement of law [Graham et al 1998].

Prior to the Bellagio conference of 1996, and the follow up activities by WIEGO and StreetNet, only scanty information existed on legal status, the level and nature of street vendors associations and their relations with public authorities, and other development agencies [WIEGO 1997]. Since the studies facilitated by WIEGO and StreetNet have focused on policies, regulations affecting street vendors; and how street vendors respond to such policies, interact among themselves and with policy makers, planners, administrators and other stakeholders.

South Africa pioneered research on policies and regulations affecting street vendors, followed by Kenya, Ghana, Uganda, Cote d'Ivoire and Zimbabwe. The South African study pointed out that the street trading laws and policies were in transition, and the South African government was committed to creating an enabling environment conducive for the growth of the informal economy. The South African government has made deliberate legal provisions in the South African National Constitution [section 152]. The section sets out principles by which local government is expected to work closely with local communities in ensuring economic development and other service provision.

At a practical level, the traders are interested in laws that recognise their rights to trade in streets, recognise them as key players in the economy and give them sufficient trading space and other related services and infrastructure. On the other hand, Local Authorities [LA] are more interested in laws relevant for enforcing health and safety regulations. This is a misconception since the traders and city authorities have mutual interest. Skinner argues that licensing is beneficial to both traders and city authorities. Licensing gives traders a right to trade [De Soto 1990], while to the LAs, it provides a reference point when dealing with traders, it also generates income for LAs [Skinner 1999]. The South African government's efforts to create an enabling environment for the informal economy include:

- Provision in the 1966 South African Constitution
- The Business Act of 1991 which recognises the important role of street traders and secures their legal right to trade. The provision requires local authorities to only regulate and not to prevent street trade
- The White Paper on National Strategy for Development and Promotion of Small Business in South Africa [March 1995] commits the government to create a conducive environment that encourages and assists the development of categories of the informal economy
- The 1998 White paper on Local Government commits local government to work with their communities to find sustainable social and economic development
- To boost the situation of women in the country the government is implementing the affirmative action in political leadership. The government is also a signatory to several international conventions seeking to improve the welfare of women
- While the Local Authorities run autonomously, they are to operate within the National Development goals, including observing national provisions on informal economy operations.

A study done in South Africa showed that most cities have trading policies, which focus on development and promotion of the informal sector. Since the amendment of the

Business Act in 1993, many LAs have passed by-laws and defined areas where trading is prohibited or restricted. In this process, the LAs have sought participation of stakeholder groups in arriving at decisions. This has been realised by ensuring that forums established for formulating new by-laws have representatives from formal and informal sectors of the economy, property associates, local government officials and other interested parties. Further, as stipulated in the Business Act, before declaring areas in which trading is prohibited or restricted, the Municipality has to advertise what it is going to do and cultivate public opinion on the plans [Skinner 1999].

The consultative approach adopted by the South African city authorities has improved the relationship between traders and the authorities. Before the amendment of the Act in 1993, street vendors had very few rights. The rights have responsibilities attached to them: the street traders must keep their trading areas clean all the time. At the same time, the Municipal Authorities have to protect the rights of street vendors, provide facilities for refuse disposal, ensure regular refuse removal and provide sanitary facilities to keep the sites clean.

The policy provisions in South Africa are in transition. They provide an opportunity for street traders and Local Authorities to make contributions. Regular consultations is emphasised as a basic mode of interaction between LAs and street traders. However, in most cases the mechanisms to make this happen is often lacking. Lund observes that street traders in South Africa will support and cooperate with city by-laws and their enforcement if the laws are written in a gender sensitive language, are accessible to street traders and are easily understood. She observes further that the laws should contain a procedure for appealing against unfair decisions [Lund et al 1999].

Skinner notes that the South African by-laws [section 162 (1) of the Constitution] requires that Municipal by-laws be accessible to the public. A number of cities have responded to this requirement. For example, in Johannesburg, the by-laws are availed to street traders in form of a booklet written in three languages and in cartoon form, explaining each by-law. Skinner observes that verbal explanation of the by-laws in languages understood by street vendors is also necessary, since many traders cannot read and understand English [Skinner 1999]. The Kenya study by Alila and Mitullah [2000] synthesised research outputs into a handbook for street traders [Alila et al 2002]. However, the synthesis, was not translated into local languages due to lack of resources.

Lund et al notes that the approach that a city takes towards street vendors is influenced by where the responsibility for street trade is located. In South Africa, this responsibility was previously under the Traffic Department of the Local Authorities. In other countries such as Kenya, it has been under the Departments of Social Services and Housing and the Department of Enforcement. In South Africa, the responsibility has shifted to various relevant departments depending on the city. These departments include: Planning, Informal Trade and Small Business Opportunities, Informal Trade Management Unit [ITMU] and Local Economic Development Departments. Other countries in Africa are still to take deliberate action in shifting the responsibility of street trade to an appropriate department of LAs.

The relationship between trader organisations and local governments varies from opposition to cooperation, indifference or support depending on the issue at hand. However, there is a move towards self-regulation among street vendors in South Africa. The government is committed to creating a viable environment for informal sector workers. The legal framework has been entrenched in the national constitution, local government and local authority governing laws and regulations. The Durban City Health Departments Training Programme for Food Vendors is a good example of an enabling environment. The programme aims at addressing a general concern about the health risks consumers of street foods face, and the harassment by city officials on health grounds.

The status of street vendors is defined by the laws that control and regulate their operations. It is observed that of all the entrepreneurs, street vendors are the most regulated and least protected by law [Amarcost 1996]. Amarcost observes further that, most cities have laws that unfairly restrict the ability of street vendors to engage in trade. The existing policies, laws and regulations for business licensing and ensuring law and order for self-employment are all applied to the detriment of street vendors and their interest and right to carry on trade and business peacefully [Gulatti, 1998]. Most cities prohibit trade within the central areas of the Central Business District [CBD], an area most preferred by vendors due to the immediate availability of buyers.

In many cities in Africa, obtaining a vendors license does not guarantee recognition of vendors by city authorities. In most cases, even after obtaining license, the vendors are not issued with proper identification showing that they have a legitimate right to sell their goods on city streets. Thus, when the authorities decide to clear vendors from the streets, both licensed and the unlicensed street vendors are evicted. A number of cities, for

example, Accra and Nairobi allow vendors to sell their wares on designated days and sites. Regulation 2 of the Accra Metropolitan Authority [AMA] states that 'a street market shall be opened only on days specified for the purposes; while regulation 4 further states that space and selling sites in street markets shall be demarcated as the AMA may determine. The vendors are further restricted on the wares to sell with regulation 6 and 12 prohibiting the sale of items such as meat and alcoholic drinks, except where the Metropolitan Assembly otherwise directs [SEWA 1995].

Most of the by-laws operating within the cities that were previously colonised by the British, set controls which are assumed to ensure that the towns and cities remain safe and clean. Cities use such by-laws to regulate operations on the streets, remove encroachments and public nuisances, and to grant licenses. The laws provide powers to urban authorities to forcibly remove any nuisance, obstruction or encroachment on street or any public place.

One of the areas where street vendors are greatly regulated is licensing. City authorities provide a limited number of licenses. This is because there are more street vendors who wish to trade than the number of available trading premises. This is reflected in long waiting lists and hundreds of thousand of vendors operating without any legal provision. Those who trade without licenses, expose themselves to confrontation with urban authorities. It has been argued that, while it is understandable that city authorities cannot afford to let vendors occupy entire urban space, whatever measures are adopted towards vending activities, should be aimed at increasing their integration into the urban economy, and not pushing them out of the streets. In South Africa for example, the street traders have expressed their wish to be negotiated with and not merely being consulted. To such traders, consulting was too often a matter of being informed of decisions that had already been made [Skinner 1999]

The Kenya study illustrates the problematic nature of policies relating to street vendors. The study notes that the prevailing policies do not reflect the prevailing reality of SMEs. Since the policies do not reflect a realistic situation, the urban authorities in Kenya have serious problems of enforcing the policies and regulations. The situation is complicated by the fact that most street vendors are not aware of the laws and regulations that govern their operations. This contributes to their harassment. These regulations include: trading in specified areas, causing obstruction, illegality of vending sites not allocated by the city

authorities, trading in unauthorised goods, notice being given before eviction and demolition, and requirements to return goods once the matter is settled.

The policies applicable to street vending in most urban areas of Kenya owe their origin to colonial period and have hardly been reviewed. Most traders do not know the regulations, although officials of street vendors associations were found to be comparatively aware of the regulations [Alila and Mitullah 1999]. However, they observed that in many cases, the urban authorities act outside the regulations. They noted that while urban authorities require street vendors to maintain cleanliness of trading sites, they provide no services. Street vendors are not provided with services such as provision of water, storage facilities and garbage collection. They further observed that there was laxity among public health officers, and yet street vendors are able to observe the regulations.

There is minimal dialogue between the street traders and authorities, but not much has been achieved. The major challenge has been the inability of public authorities to honour promises made to the vendors representatives. For example, in Kisumu city in 1996, the authorities engaged the vendors associations in dialogue aimed at setting aside a vending site. The process resulted in allocation of street trading sites on particular streets. However, upon election of a new council, the new team threatened to evict vendors from the allocated sites. There are also several cases where street vendors are allocated vending sites but harassment continues. In such occasions, associations of street vendors resort to use of violence to stop harassment and eviction.

Although a number of issues relating to street vending require examination by the urban authorities, the review of the Local Government Act Cap 265 and an overhaul of by-laws and related regulations is a pre-requisite to achieving any success on the other issues affecting street trade. The policies are deficient and cannot be easily enforced [Alila and Mitullah, 1999]. Nyamweya in her work calls for a legal system that guarantees and promotes the economic efficiency of informal activities. She argues further that the legal institutions are in crisis due to their gradual loss of social relevance in the face of incursions of informality in all areas of everyday life [Nyamweya 1997]. Most by-laws and regulations have been recommended for review under the on-going local government reform programmes. This is important for ensuring laws and regulations that promote economic efficiency.

Most policy papers in Kenya mention small and micro enterprises, with a few specifying the street vendors as a target. The Economic Recovery Strategy Paper of 2003 points out that the government will implement labour market reforms such as the removal of prohibitive legal and regulatory structures affecting labour market, industrial productivity and the growth of the informal economy. The strategy will also facilitate access of social security to a wider group of people including those employed in the informal economy, the poor and the vulnerable. The government has begun implementing these strategies as demonstrated by committees reviewing labour market regulations and the reorganisation of the National Hospital Insurance Fund to a health insurance scheme for both in and outpatients.

The Draft Sessional Paper on Micro and Small Enterprises observes that review of by-laws affecting businesses and government attention to the promotion of subcontracting, access to workspace and security of tenure are still pending despite the establishment of task forces to address the issues. The Sessional Paper notes that bylaws applied by many LAs are not standardised and inhibit rather than facilitate business activity. The Sessional Paper aims at creating an integrated perspective on the Kenyan economy so that the role of MSEs in employment and economic growth is mainstreamed alongside that of the larger enterprises. The cornerstone to this new policy approach to MSE promotion is the removal of unnecessary regulatory barriers and a reduction of the costs of doing business by better regulation [ROK 2003]. A Task Force appointed by the Minister for Labour and Human Resource Development has also emphasised these points, including a recommendation that the MSEs supply government with at least 25 per cent of its procurement requirements.

Studies from Uganda, Zimbabwe and Ghana like the Kenya study, points out that the by-laws that apply to street trade are outdated. The Ugandan study observes that Kampala Municipal officials view street trade as an illegal activity that makes the city dirty, causes traffic obstruction and is therefore a public nuisance. In spite of this perception, there are relevant laws that apply to street vending. They include the Market Act 1964 [Market Vendors], Urban Authorities Act 1964 [Street Vending], Local Government Act 1997 [Decentralisation] and Trade and Licensing Act and Public Health Act to cater for licensing and operation of eating places. Kampala Municipal Council has not reviewed its by-laws as stipulated by the Local Government Act [1997]. The council still operates on retrogressive outdated by-laws [Ahikire and Ampaire 2003].

Ahikire and Ampaire note that the relationship between traders and Local Authorities is strained. The vendors expressed concern that some laws regulating street vending are oppressive and unfair, especially with regard to hawking. The traders are not involved in drafting laws, and remain ignorant of the legal provisions and requirements. Kampala law enforcement officers are noted to be inhuman, gender insensitive and largely corrupt, leaving the victims in perpetual poverty. The study calls for formulation of clear, consistent gender sensitive policies and laws to regulate vending in Kampala. However, the study also notes that although the vendors appreciate laws, regulations and related enforcement, and are ready for dialogue and consultation, the LAs do not seem to be ready for dialogue. This is complicated by the lack of an umbrella association to speak on behalf of the street vendors.

During the year 2002, Uganda experienced a major conflict between street traders and formal businesses and banks within the CBD, which culminated into a strike by shop owners, bankers and some market traders. The major complaint was unfair competition and business stagnation due to vendors' presence within the CBD. The KMC responded through 'operation clean' the city' in April 2002. Adequate notice was given to vendors to vacate the CBD and move to alternative sites. KMC provided alternatives that included: roving markets, alternative markets and urging street vendors to go back to market stalls. The operation clean the city provided a good case of what having a united voice can do. The shop owners and banks had associations that represented them well in engaging with the city authorities, which gave them leverage over the whole situation. The act also pushed the city authorities to think of alternative sites for relocation of street vendors. It further opened dialogue with street traders, with four leaders of street traders invited to the council to discuss and negotiate relocation sites for vendors.

All information relating to the process was made available to vendors and hawkers and hence the peaceful nature of relocation. Invalidation of trade permits previously acquired for operation within the CBD followed relocation, thereby ending vending within the CBD except for shoe shiners and newspaper vendors. The relocation has not totally solved the street vending problem, since there is an emerging problem of over-crowding in the markets and an emergence of informal markets outside the formal markets [Ahikire and Ampaire 2003]. The study calls for systematically designed strategies to guide the reorganisation of street vending. This will enable the integration of former street traders, who had been evicted from the CBD, and facilitate a participatory planning process in settling the street vendors.

7. Programming

Most countries in Africa are attempting to address the challenges facing street vendors through the Poverty Reduction Strategies, being implemented across the continent. However, there has been a tendency to concentrate on the manufacturing MSEs. In particular, artisans are supported in improving their businesses using international finance. This has left traders and service providers like street traders on the periphery, as demonstrated by the lack of review of outdated policies and regulations. Many cities have implemented isolated programmes for street traders without a policy framework of integrating vendors into the national economy.

South African cities, in particular Durban is unique. The North Central and South Central Councils have developed an informal Economy Policy to guide operations in the sector. This has provided an enabling environment for programming and providing relevant support to street traders. The Informal Trade division manages built markets, has established numbers of satellite markets, has area managers and site supervisors who do area based work, and provide training and support to small business operators. There is also the Small Business opportunities division which does policy and strategic development.

The Durban City Health Department has an active health programme to upgrade the skills and working environment of street traders. Through a system of incentives, traders are encouraged to attend, be credited and registered. The department has also actively negotiated around specific issues such as relocation of *muthi* markets, and the sale of potentially hazardous plastic drums. Apart from these responsive policy measures, Durban has supported innovative pilot programmes in urban renewal, and in area based management. The Warwick Junction Urban Renewal Project and Cato Manor Development association's work are models of negotiated, inclusive management practices [North and South Central Local Councils, 2000].

Other countries in Africa have begun programming for street traders and overall city economic management but without any policy framework. In Kenya, street traders are assumed to be part of the MSEs but actual programmes tend to focus on the manufacturing MSEs with hardly any mention of street traders. During a National Street and Market Traders Forum, organised by the WIEGO Urban Policies programme in

Nairobi, the Permanent Secretary [PS] for the Ministry of Labour and Human Resource Development pointed out that MSEs including street traders lack adequate and efficient organisational structures that can be utilised by interested stakeholders such as micro financial institutions, the government and private sector organisations to improve performance. The PS further noted that the challenge to the Government of Kenya is how to assist the sector get organised in order to maximise its economic potential.

At the local level, LAs in Kenya through the directive of the Ministry of Local Government are setting aside vending sites. This is a departure from the previous situation of harassment without any designated vending sites. In Nairobi alone, 27 back lanes, have been allocated to street vendors. The sites do not have infrastructure and services, except for garbage collection. Traders clean the lanes and use the toilets rehabilitated by the Nairobi Central Business District association [NCBD]. The traders have improved some of the lanes by putting hardcore and stones in lanes without tarmac. Few of the traders source water from friendly formal traders, and use temporary polythene sheets and umbrellas for shelter [NCBD 2004]. Integration of street vendors into mainstream economy requires going beyond mere allocation of un-serviced sites.

The formation of city alliances and national alliance will improve the situation of street vendors. Both of the alliances will negotiate and lobby for appropriate policies, regulations and programmes for street vendors. Building alliances requires intermediary organisations respected by both street traders and other stakeholders like the government, private sector and civil society organisations that support the sector. The WIEGO collaborators and their institutions in each of the six countries provide a good framework of an intermediary system for addressing the challenges facing street and market trader in Africa.

In Ghana, the Centre for the Development of People, in collaboration with the WIEGO Urban Policies programme carried out a Participatory Learning and Action [PLA] session with members of market associations to assist them analyse their own situation and the need to come together to advocate for better working environment. The forums organised along side research activities created awareness among traders, linked them to relevant stakeholders and engaged them in radio programme, which enabled them to dialogue with Kumasi Municipal Authority on issues affecting their businesses.

There are various similar efforts by government and development partners aimed at improving street vending in Africa, but as indicated earlier, these efforts are not published and can only be accessed by in-country review. This is an important entry point for WIEGO. An in-country review of programmes addressing challenges facing street traders, will provide information relevant for lobbying and advocacy. This fits well with the current emphasis on poverty reduction strategies that require governments and other stakeholders to support economic activities of the poor.

8. Summary and Concluding Remarks

This review has mainly relied on research and works covering seven African countries. There was no study drawn from the North Africa, a region inhabited by Arabs of the Islamic faith. Some of these countries have a different history from that of East, West and Southern Africa. This is a limitation on this review and it is prudent to look for ways of researching and reviewing street trade from the region.

The studies reviewed have several common themes. The themes describe the characteristics of street vendors, trading activities and working conditions, challenges facing vending operations such as site of operation, infrastructure, policies and regulations, licensing. Some of the studies, particularly those that were supported through WIEGO and the StreetNet initiative, explore the organisational capacity of street traders, policies governing street vending and the relationship between street vendors and LAs.

Other themes covered in the studies include finance, access to technology, and the participation of men in female dominated street vending in Mozambique. The role of formal workers unions in organising street traders is not fully studied. It is only the South African studies, which provide some information. There are also no studies conducted for purposes of documenting the numbers of street vendors and their economic contribution in cities in Africa. There is therefore need to develop measurement tools that can be used to assess and document vendors investments, profit margins and overall contribution to national economy in monetary terms.

In summary the following issues emerge from the review:

- There is lack of reliable figures on the numbers of street traders and workers in the informal economy

- The general perception of street vending as a temporary phenomenon affects planning for the sector. Planning has to integrate the sector as a permanent feature of urban development and national economy
- Political commitment to improving the sector is key to the growth of the sector. Governments should create enabling environment by formulating appropriate policies and reviewing the outdated by-laws through a consultative process. This will enable the informal economy grow alongside the formal economy as a poverty eradication strategy and wealth creation, which most African states are yearning for.
- The SAPs have played a key role in driving formerly employed people into street trade. This has combined with poverty to increase the numbers of vendors operating on the streets. This has made regulation and control an important aspect of street vending management and development.
- Street vendors are self employed with majority being own account workers
- Street vendors umbrella associations are few and have not been able to achieve much for their members, although they have potential for improving operations within the sector
- Formal workers trade unions have a potential in helping street vendors to organise. However, the studies reveal that the unions have not been able to play this role
- The location of responsibilities of street vending in appropriate departments of LAs is crucial to the development of the sector. This should be backed by a sound legal and policy framework

8.1 Conclusion

The move towards decentralisation has not yielded much benefit for the informal economy except for South Africa. This is because most LAs lack the human resource

capacity to develop appropriate development strategies in line with national development goals. LAs need to exploit their autonomous status and improve informal economic activities by coming up with informal economy policies similar to that of Durban. It is on this basis that suitable programmes, can be designed.

The current emphasis on participatory development in most African countries has to be translated into reality, by facilitating and building the capacity of stakeholders. Street vendors organisations have only began having representation and voice. In most countries, the vendors are not organised and require support in organising, negotiation and lobbying.

- Adiko, A and Anoh Kouassi P. 2003. Activities and Organisation of Traders on the Markets and Streets of Ivory Coast: The Case of Cocody, Treichville, Yopougon, Communes and Some Streets in Abidjan. Abidjan: University of Cocody.
- Agadjanian, V. 2001. Feminization of Men's Labour and its Implications for Gender Relations: A Case Study of Street Vendors in Maputo, Mozambique. Paper presented at the International Colloquium Gender, Population and Development in Africa, Organised by UEPA/UAPS, INED, ENSEA, IFORD. Abidjan: 16 – 21 July 2001
- Ahikire, J. and Ampaire C. 2003. Vending in the City: A Gendered Perspective of Policy, Conditions, Organisational Capacity of Vendors in Kampala, Uganda. Kampala: Centre for Basic Research Working Paper No. 87/2003.
- Alila, P.O and Mitullah, WV. 1999. Policies, Regulations and Organisational Capacity of Street Vendors: Towards Urban Policy Change. Nairobi: University of Nairobi, IDS.
- Alila, P.O. and Mitullah, W.V. 2000. Enhancing Lobbying Capacity of Women Street Vendors: The Challenges in the Kenyan Policy Environment. Nairobi: University of Nairobi, IDS.
- Alila, P.O and Mitullah, W.V. 2002. Policies, Regulations and Organisational Capacity of Women Street Vendors in Kenya: Street Vendors Handbook. Nairobi: University of Nairobi, Institute for Development Studies.
- Budlender, D. Buwembo, P. and Shabala, N. 2001. 'Country Case Study: South Africa' The Informal Economy: Statistical Data and Research Findings. Geneva: ILO.
- Charmes, Jacques. 1998. Informal Sector, Poverty and Gender:: A Review of Empirical Evidence . Washington DC: The World Bank.
- Graham. A. Mitullah, W.V. and Kopyio G. 1998. 'Baseline Survey of Women Street Vendors in Kenya. Nairobi: MATRIX Development Consultants and DFID.
- ILO. 2002. Women and Men in the Informal Economy. Geneva: ILO, Employment Sector.

King R. and Ayeh-Solomon, B. 2003. Making a Living in the Street: A Study of Street Vendors in Kumasi, Ghana. Kumasi: Kwame Nkrumah University of Science and Technology, Building and Road Research Institute.

Lund, F. Nicholson, J. and Skinner C. 2000. Street Trading. Durban: University of Natal, School of Development Studies.

Mitullah, W.V. 2003. Street Vending in African Cities: Synthesis of Empirical Findings from Kenya, Cote d'Ivoire, Ghana, Zimbabwe, Uganda and South Africa. Washington DC, World Bank – A Contribution to World Development Report on Investment Climate and Informal Enterprises.

Nyamweya, P. 1997. 'Informal Sector in Kenya: A Baseline Survey of the Determinant Laws'. Nairobi: Public Law Institute

Opoku, A.K. 1998. Report on Working Group on Street Trading and Hawking in Ghana. Accra: GRABCO Associate Ltd.

Republic of Kenya [ROK]. 2003. Economic Recovery Strategy Paper. Nairobi: Ministry of Planning and National Development.

Republic of Kenya [ROK]. 2003. July. Report of the Task Force on Micro and Small Scale Enterprises. Nairobi: Ministry of Labour and Human Resource Development.

Republic of Kenya [ROK]. 2003, May. Draft Sessional Paper on Development of Micro and Small Enterprises for Employment Creation and Poverty Reduction. Nairobi: Ministry of Labour and Human Resource Development.

Skinner, C. 1999. Local Government in Transition: A Gendered Analysis of Trends in Urban Policy and Practice Regarding Street Trading in Five South African Cities'. Durban: University of Natal, Durban, School of Development Studies. Research Report No. 18.

Skinner, C. and Lund, F. 1999. 'Promoting the Interests of Women in the Informal Economy: An Analysis of Street Trader Organisations in South Africa'. Durban: University of Natal, Durban, School of Development Studies. Research Report No. 19.

Tendai Dhliwayo. 2003. 'By-laws Bring Order to Street Trading'. Johannesburg: Johannesburg News Agency.

Tsitsi Dondo. 2003. Street Vending in Zimbabwe. Harare: Women and Law in Southern Africa [WLSA]

Johnson and Yawson, 2000. Workshop Report for Stakeholders, Policy Makers and Regulators of Street-Food Vending in Accra. Accra, Miklin Hotel, 25 – 26 Sept. Accra: Food Research Institute