

**Summary report:
Case studies of
collective bargaining and
representative forums for
street traders**

2012

Streetnet International

Table of contents

Acronyms and abbreviations.....	4
Introduction.....	5
Background to this research.....	5
Method.....	5
Structure of the report.....	6
The case studies.....	7
Collective bargaining on levies in Kinshasa Markets, DRC.....	7
Background.....	7
Organisations and institutions.....	7
The negotiations.....	8
Negotiations over levies.....	9
Assessment.....	10
Street traders in Nakuru, Kenya.....	11
Background.....	11
Organisation.....	11
Developments preceding the negotiations.....	12
Negotiations.....	13
Neno Town in Malawi.....	14
Background.....	14
Organisation.....	15
Government institutions.....	15
The negotiations.....	16
After the negotiations.....	17
Assessment.....	18
Health security for self-employed workers in Nicaragua.....	18
The focus of the collective bargaining.....	18
Historical background.....	19
The agreement.....	20
The negotiations.....	21
Subsequent developments.....	22
Assessment.....	22
Informal traders in Senegal.....	23
Background.....	23
Government approach to informal trading.....	23
Organisation.....	24
Developments in street trading in Dakar: phase 1.....	25
Developments in street trading in Dakar: Phase 2.....	26
Further developments.....	27
Assessment.....	28
Negotiations on street trading in Spain.....	28
Background.....	28
Government structures.....	29
Organisation and representation of street vendors.....	29
National level legislation on street vending.....	30

<u>Regulation of street trading at the level of autonomous regions.....</u>	<u>31</u>
<u>Representation and negotiation for street vending in the municipalities.....</u>	<u>31</u>
<u>Collective bargaining to develop the municipal ordinance in Zaragoza.....</u>	<u>32</u>
<u>Themes emerging from the research.....</u>	<u>34</u>
<u>Negotiations with whom?.....</u>	<u>35</u>
<u>Negotiations about what?.....</u>	<u>36</u>
<u>Nature of the street trader organisations.....</u>	<u>37</u>
<u>Membership of and participation in negotiation forums.....</u>	<u>41</u>
<u>Permanency of the negotiation systems.....</u>	<u>43</u>
<u>Organisational considerations.....</u>	<u>43</u>
<u>Budgets and finance.....</u>	<u>44</u>
<u>Politics.....</u>	<u>45</u>
<u>References.....</u>	<u>46</u>

Acronyms and abbreviations

ANR	National Intelligence Agency
AP	Administration police officer
ASMA	Agency for the Settlement of Informal Traders
CTCP	Confederation of Self-Employed Workers
DGM	Gender Directorate of Migration
DRC	Democartic Republic of Congo
FAMATS	Federation of Informal Traders of Senegal
FNT	National Front of Workers in Nicaragua
INSS	Nicaraguan Social Security Institute
MADS	Movement of Artisans of Senegal
MCN	Municipal Council of Nakuru
MINSa	Ministry of Health
MITRAB	Ministry of Labour
MUFIS	Malawi Union For Informal Sector
MUS	Urban health mutual
NASTHA	Nakuru Street Traders and Hawkers Association
NGO	Non-governmental organisation
RETA	Self-employed Workers Social Security Scheme
SME	Small and Medium Enterprise
SYMAD	Synergy of Traders for Development
UGT	General Workers Union
UPTA	Union of Self-employed Workers and Professionals
UZVA	Zaragozan Street Vendors Union

Introduction

Background to this research

StreetNet International commissioned this case study to gain an understanding of participatory statutory representational systems at local government level. The ultimate objective is to develop a bargaining forum model (consisting of composition options as well as implementation guidelines) which can be tested by StreetNet's affiliates and other organisation of street vendors and informal traders.

Streetnet felt this research was necessary because most street vendors and informal traders worldwide organise in a legislative environment which does not cover them. This means that, even when they organise collectively, they lack appropriate statutory bargaining forums. They are therefore forced to settle for ad-hoc negotiations and agreements which are difficult to enforce or maintain.

The potential impact of an appropriate model is significant. In particular, it could be a tool to:

- assist organised street vendors to lobby and advocate for statutory collective bargaining mechanisms in their municipalities or countries.
- improve implementation and enforceability of agreements reached in negotiations.

Method

The method chosen was as far as possible in line with the principal research objective, which was to strengthen organisation of street vendors. Accordingly, street vendors' organisations were involved in the project from the outset and not just in a consultation exercise towards the end once everything else had been decided.

As a first step, all Streetnet's affiliates were informed about the research. They were asked if there were examples of participatory negotiations that included street traders in their country that they thought would be suitable as case studies for the research project. Those that had such examples were asked to submit a one page summary giving basic details about the example in response to pre-set questions.

The researchers and Streetnet International then chose from among the submitted examples. The plan was to do up to ten case studies and, as fewer responses than this were received, virtually all the ideas were followed up. The next step was then to request the affiliates to suggest researchers who might conduct the research, using guidelines provided as to what was needed.

The suggested researchers were then contacted and given more information about their responsibilities and pay. Most agreed readily to participate. Unfortunately, however,

planned research on the National Association of Street Vendors of India and a group of organisations in Peru, Lima did not come to fruition.

The chosen researchers were provided with detailed guidelines for the outline, structure and length of the research paper as well as possible methods. The latter included documentary research and interviews as key elements. The two lead researchers, Debbie Budlender and Jeremy Grest, kept in close contact with the researchers throughout the research period, commenting on drafts and providing other guidance when requested. The draft reports were provided to the relevant Streetnet affiliate for comments before being finalised.

The chosen case studies, the related organisations and the researchers in each country were as follows:

Location	Streetnet affiliate	Researcher
Congo, Kinshasa	Ligue pour les Droits de la Femme Congolaise	Kiangebeni Vandu Aubin
Kenya, Nakuru	Kenya National Alliance of Street Vendors and Informal Trade	Isabel Kambua Munandi
Malawi, Neno	Malawi Union for the Informal Sector	Paliani Chinguwo
Nicaragua, Managua & national	Confederacion de trabajadores por Cuenta Propia	Amalia Chamorro
Spain, Alzira	Union des Professionales y Trabajadores Autonomos	Arancha Cuezva Rodriguez
Senegal, Dakar & Thies	Confédération Nationale des Travailleurs du Sénégal	Alioune Badara René Kamara

In addition to the case studies conducted by in-country researchers, Jeremy Grest visited both Sao Paulo in Brazil and Ahmedabad in India to investigate examples of collective bargaining by street traders in these two sites. The report below is intended as a summary and reflection primarily on the six case studies conducted by in-country researchers. However, it also draws at some points from the Brazilian and Indian cases, as well as from experiences of collective bargaining in eThekweni (Durban) in South Africa.

Structure of the report

The full reports of the six case studies as well as the reports on Sao Paulo and Ahmedabad are on Streetnet’s website. The full details of each case study are therefore not repeated in this report. However, the next section of the report includes a summary of each case study which tells the “story” of each negotiation, highlighting some of the key aspects. This is followed by a discussion which draws out some of the themes which emerge across the case study. A separate document provides some suggestions as to what a model framework for collective bargaining might look like.

The case studies

Collective bargaining on levies in Kinshasa Markets, DRC

Background

Kinshasa is the capital and the largest city in the Democratic Republic of Congo (DRC). It has the administrative status of both a city and a province. It is divided into four districts and 24 municipalities.

The city of Kinshasa is managed by the Provincial Government headed by a Governor elected by the Provincial Assembly. The Governor uses the provincial department of Finance, Economy, Trade, Industry, Small and Medium Enterprises and Handicraft for the implementation of laws and regulations relating to small business. The Governor does this in collaboration with mayors and administrators of markets.

The population of the city-province of Kinshasa is estimated at more than 10 million people. Petty trade accounts for approximately 50% of non-agricultural informal employment, with just under 1.8 million market vendors, street vendors and hawkers in the city-province. In addition, some formal sector workers engage in informal economic activities to make ends meet.

Extrapolation from the number of stalls in the markets and the average weekly earnings of local governments gives a total of approximately 1,041,000 informal traders in the city-province of Kinshasa who have stalls and pay license fees and levies to the local government. These statistics do not include people who exercise petty trading occasionally while being formally employed or children below 18 years of age.

The Ordinance-law no. 19-021 of August 1979 on small business regulation regulates petty trade conducted from place to place and in public markets. These traders must have a license and pay levies. In contrast, home vendors, door-to-door vendors and those who trade in public spaces such as hawkers often operate outside the law. It is difficult for the latter to buy a license and they consequently suffer from harassment of all kind.

Organisations and institutions

In DRC street traders are organised by trade unions as well as by socio-professional or mutual associations which organise, support, protect and promote vendors' rights. The National Union of Congolese Vendors organises only vendors, but other unions are interprofessional and organise formal and informal workers. These unions generally have specialised departments which organise vendors and other informal workers. Unfortunately, the unions organising in petty trade in Kinshasa suffer from poor leadership and there is intra-union conflict despite efforts to form the Inter-union of Petty Trade in Kinshasa. As a result, informal traders enter negotiations in a weak position.

There are also several mutual associations which organise or work with street traders. These associations raise awareness of rights of their members through training sessions

and provide micro-credit and other support. Their members also initiate and manage communal projects.

The government agencies involved in the management and promotion of workers in the informal economy in DRC include:

- The Informal Economy Directorate of the Ministry of National Economy: This was established in 2007 but is not yet functional in all provinces of the DRC due to lack of resources and strategies.
- The Provincial Department of Finance, Economy, Trade, Industry, Small and Medium Enterprises and Handicraft regulates economic, trade and craft activities. It also collects revenue such as trading levies. This agency is very close to vendors because its officials are on site.
- The Office of Small Enterprises of Congo is a technical body of the national Ministry of Small and Medium Enterprises (SMEs) which supports these enterprises.

In addition to the above, there are government agencies that deal with security and technical issues. The security structures include the National Congolese Police; the National Intelligence Agency (ANR), which works to maintain social peace in sensitive areas; and the General Directorate of Migration (DGM), which regulates movement in and out of the markets. The ANR and DGM play the role of political police. They attend various negotiations between trade unions and local authorities and act as arbiters and guarantors of the law.

The technical structures include those dealing with hygiene, occupational health, the authorised profit margin and price control, and collection of revenue. Officials of these structures are deployed in markets, ports, car parks and similar locations.

The negotiations

Prior to the establishment of the 2009 forum on reform of markets in Kinshasa, many problems disrupted peace and traders' activities, resulting in fights between vendors and government employees working in the markets.

In 2009, harassment, loss of purchasing power, and the multifaceted crisis that hit vendors were among the factors that resulted in the Provincial Minister of Finance convening a forum on reform of markets which lasted two weeks and included work both in commissions and in plenary.

Subsequently the ongoing problems in markets led to the establishment of the Permanent Consultative Framework and Social Dialogue by the Provincial Minister of Finance on the instructions of the Governor of the city. The framework encompasses representatives of trade unions and employers, representatives of associations and inter-professional corporations, and representatives of technical and security services. In addition, expatriates engaged in general business and import-export business activities are represented.

Participants in the initial two-week negotiations included representatives of vendors (trade unions), members of the Ministers' cabinets, the office of the Governor of Kinshasa, representatives of employers' associations, representatives of professional bodies, and delegates of the technical and security services. Some participants wanted to exclude others. The legal advisor to the Minister invited the warring parties to submit copies of their constitutions. After analysing the documents submitted, the advisor concluded that inter-professional and professional trade unions who were fighting for leadership in markets all had their place in this structure.

During the negotiations, there were demonstrations in the markets, report-back meetings and even strikes that paralysed the city of Kinshasa. There was also a sit-in outside government offices held responsible for blocking negotiations. While the negotiations were ongoing the vendors' representatives also reported back to members. These meetings were very agitated and punctuated with cries of joy and anger. The demonstrations and other activities maintained pressure on both the representatives of vendors and those of political and administrative authorities.

The final document of this forum containing the resolutions and recommendations was not given to participants, but the Minister used the document in the decrees that he issued in 2011. The decrees covered, among others, the rate of levies to be paid by vendors.

Negotiations over levies

In DRC vendors do not pay tax. Instead they pay two kind of levies, namely the levy on remuneration (display fee) and fiscal levy (the license). Other fees paid by vendors are the result of agreements between trade unions and local authorities to improve service delivery to vendors.

The rates of levies are set administratively by governors of provinces and enforced by municipal mayors, heads of districts and administrators of urban and municipal markets in collaboration with social partners (trade unions and other associations).

In 2011 the display fee rates were 200 Fc and 100 Fc respectively for urban and municipal markets. Government announced that the rates would increase to 500 Fc and Fc 300 respectively. Vendors felt that market administrators did not take good care of their occupational health in the markets. They refused to pay the new rates and sent letters to all relevant authorities asking for a review.

Their efforts did not get a good response. After two meetings, the vendors decided to take turns in a sit-in in front of the city governor's office in Kinshasa. They spent about two hours in front of the city hall of Kinshasa. Some vendors and shop stewards were arrested. It took the intervention of the representatives of trade unions and officials of the ANR to initiate dialogue that enabled the Governor's Assistant to receive a delegation composed of three vendors and two trade unionists.

The city authorities then instructed its officials to collect levies according to the old rate while the Minister investigated the matter further. It was not until 2012 that the Governor of Kinshasa issued a decree reducing the rates to 300 Fc and 200 Fc for urban and municipal markets respectively. This decree resolved the crisis. In 2012, these rates are used in all markets in Kinshasa.

Assessment

The protests and subsequent victory strengthened the power of the unions. Vendors now ensure that they are accompanied by shop stewards and union representatives when engaging with government officials on collective issues. For personal problems they also draw on the assistance of union advisors. The officials take vendors' issues seriously because they are worried about the reaction of trade unions in the media and in the community and the disciplinary actions that may follow from within the bureaucracy if things get out of control. They know that unions can trigger large-scale industrial action paralysing the economic and social life of the city as happened with the "dead city"-days and days without market in 2011 and 2012, created by vendors and public transport operators.

In addition to the rate of levies, negotiations have brought changes in other areas including the organisation and functioning of markets, the procedure for the collection of levies, the harmonisation of opening and closing hours of markets and standardisation of rates, etc.

The unions and associations developed a list of demands and were able to convince the Government about the need to meet regularly to solve everyday problems of vendors and other economic operators. The Permanent Consultative Framework system was established, as noted above. However, meetings are held irregularly whereas participants in negotiations had hoped that meetings would be regular, rather than waiting for problems to arise before embarking on negotiations. All participants can request meetings, but the Minister has the power to decide whether they will take place.

From the side of the vendors, there is often poor attendance at report back meetings due to vendors' need to earn money. This prevents effective feedback and causes distrust.

Failures include the multiplication of protocols on the exercise of informal trading in violation of the law governing the sector. For example, in addition to the levies, a flat participation fee for safety and security of vendors has been created. Local government and union representatives share responsibility for this development which is, in effect, a levy that violates the law.

Street traders in Nakuru, Kenya

Background

Nakuru District lies to the north-west of Nairobi, Kenya's capital. Nakuru town is the main town of Nakuru district. In 2009 the town had a population of nearly 300,000.

Nakuru Town is under the control of the Municipal Council of Nakuru (MCN), a local authority established under the Local Authority Act. This law gives local authorities the power, among others, to control trade and occupations; to refuse, grant, renew and cancel licences; to plan; and to make by-laws for the maintenance of the health, safety and well-being of inhabitants.

Street trade has increased in importance for poor people in Nakuru as formal employment has declined. It has, in addition, grown in importance for the Municipal Council of Nakuru (MCN) as a source of revenue, while for other sub-sectors it has important forward and backward linkages. Its downside is that a range of parties perceive it as causing congestion, with a number of undesirable consequences.

MCN's strategic structure plan of 2000 envisages addressing the development challenge of street traders and hawkers not through forceful and arbitrary evictions, but instead through thoughtful planning. According to MCN it wants to ensure the Municipality is a good place for all to live in the future. Examples of MCN's efforts that affect street traders and hawkers include construction of the wholesale Wakulima Shopping Complex; construction of a modern four-floor building business complex at Mashambani Stage; and promotion of the informal sector as a means of alleviating poverty.

Organisation

The Nakuru Street Traders and Hawkers Association (NASTHA) was established after two representatives of street trader associations attended a conference in Nairobi organised by the University of Nairobi and StreetNet International. On their return they organised a meeting that brought together leaders of 17 associations. NASTHA registered with the Registrar of Societies in 2003 but was issued a certificate of registration only in 2006. The three year delay was due to interference by politicians, who felt threatened by the traders being organised. Registration occurred only after the Catholic Diocese intervened on behalf of the traders.

Street traders and hawkers are registered with NASTHA through their respective traders associations. By June 2012 there were 17 associations registered with NASTHA, covering more than 1200 traders and hawkers.

NASTHA is a member of Kenya National Alliance of Street Vendors and Informal Traders, a national umbrella organisation of local urban street traders and hawkers associations. By June 2012, 13 local urban associations were registered members of KENASVIT.

Developments preceding the negotiations

The start of serious bargaining action between MCN and the street traders and hawkers of Nakuru can be traced to the year 2000. At that time, the MCN and the provincial administration joined forces to get informal traders out of the central business district (CBD). In the mornings, the informal traders would wake up to confrontations with the administration police officers (APs) and council askaris. The two government agencies were determined to get the informal traders out of the CBD and the informal traders were determined to **secure** space in the CBD.

The street traders and hawkers organised and strategised to take forward the “struggle” with the municipality. They began with the town councillors, who comprise a mix of elected and nominated persons. The bargaining power the traders had was that they could vote the elected councillors out in the next election if they did not address their plight because traders formed a considerable voting bloc in Nakuru. After being lobbied by the traders, the councillors informed the provincial administration that MCN was withdrawing their askaris from forcible eviction of the traders from the CBD.

For a month the APs continued to confiscate the traders’ wares. However, the traders would pay a fine of Ksh 200 to get back their wares and go back to business. After a month of this practice, the traders made plans for a demonstration. Before they could demonstrate, the Provincial Commissioner called the traders’ representatives to a meeting where it was agreed verbally that the traders could trade within the CBD but under certain conditions, such as avoiding trading in front of established firms. The traders continued to trade in the CBD but ignored the conditions.

In 2002, the informal traders realised that the councillors would send askaris to arrest them and then be at the forefront in agitating for the release of the traders. They did this to get the informal traders to elect them in the elections which were to be held in December 2002. The informal traders found out about this strategy when it was revealed to them by some of the askaris. This increased their determination to join forces and speak as one.

In 2002, prior to the national elections of December 2002, the informal traders would be arrested by council askaris, and only released after agitation by councillors. The councillors did this to encourage the informal traders to elect them in the December 2002 elections. The informal traders found out about this strategy after the general elections when some of the askaris who were sympathetic to their cause revealed the councillors’ strategy. This increased the determination of the traders to join forces and speak as one.

Meanwhile street traders continued to be harassed by MCN. The street traders paid a daily fee to the Council to be allowed to operate for the day. The daily fee made the street traders vulnerable because their work station positions were not permanent.

In 2004 elections to select a new mayor were held. The traders played a critical role in the elections. One of the councillors who wanted to be elected as the new mayor talked to the

traders about their challenges and how best to resolve them. The traders mobilised to influence the election in favour of this councillor by lobbying other councillors.

The new mayor, on being elected, initiated dialogue between MCN and the street traders and hawkers. The result was that harassment of the traders by MCN was stopped, payment of monthly fees was introduced, and a public relations office was established. Traders could use this office to channel their concerns to MCN. These were important gains, but there was no written agreement, only a verbal one.

In August 2006, a new mayor was elected and harassment began again. This situation continued for a year until the next new mayor was elected in 2008 and harassment decreased again.

In 2009, MCN got a new town clerk. He wanted the street traders and hawkers out of the CBD, but did not provide an alternative worksite from which they could operate. Harassment began once again.

On 1 June 2010, a public holiday, the provincial commissioner announced that all street traders and hawkers trading in the CBD should be evicted. At this time the number of street traders and hawkers in Nakuru District had increased as a result, among others, of people from elsewhere fleeing into MCN because of post-election violence. The commissioner's announcement re-energised NASTHA and it called for a peaceful demonstration. It also started to lobby Councillors and the area's member of parliament.

The politicians started voicing their opposition to the eviction order, which resulted in the called-for peaceful demonstration not taking place. However, based on past experience, the traders were wary of politicians. NASTHA also now knew that public statements by politicians were not binding.

Immediately after the commissioner's announcement, the traders commenced with gathering evidence of professional misconduct in MCN from an insider sympathetic to the traders. NASTHA sent this evidence to the Minister of Local Government, the main Kenya Anti-Corruption Commission, and the media. This resulted in threats to the chairperson of NASTHA and the Criminal Investigation Department had to come to his aid.

Negotiations

On 10 August 2010 the town clerk of MCN called for a meeting between NASTHA and MCN. The meeting was attended by the town clerk, mayor, municipal treasurer, and chairperson of NASTHA. In the meeting the MCN officials informed NASTHA that they were under pressure from the provincial administration to evict the traders from the streets prior to a big national sports event. The MCN team presented proposals for solving the stalemate, including relocation to the outskirts of the CBD. They also sought alternative proposals from NASTHA. In response NASTHA's chairperson made

proposals on maintaining the informal traders in the CBD, but under certain conditions which he persuaded the MCN team to view as beneficial to both parties.

The MCN team requested NASTHA to draft a memorandum of understanding incorporating the agreed-upon points, and to present the draft to the town clerk by 11 August 2010 for MCN's comments.

On 11 August 2010, the chairperson met with some members of NASTHA. He tabled to this group of NASTHA members the draft MoU for discussion, and the issues he had highlighted were agreed upon unanimously without amendments or additions. The issues covered were the national games, worksite cleanliness, eviction of street traders, reduction of permit fees, decongestion of the CBD through narrower tables, street lighting, a census of hawkers and establishment of a trader database, formation of a market development committee, the monthly fee for traders, and construction of Wakulima Market as an alternative future site for traders.

On 12 August 2010, the town clerk sent out letters to the mayor of Nakuru Municipality, members of the municipal council, the director of social services and housing in MCN, the area councillor and NASTHA members inviting them to a breakfast meeting the following day. On 13 August 2010, the memorandum of understanding between MCN and NASTHA was signed. Over 200 members of NASTHA witnessed the event, which took place at the City Hall.

No other institutions and persons were involved in the negotiation. The negotiating partners were wary of political interference. They were also wary of other institutions such as the provincial administration and the established business community as they had opposed the traders operating from the CBD.

Harassment of street traders by council askaris persisted after the agreement was signed, although it was not as serious as previously. Also at the time the research was undertaken one of the agreed-upon issues, formation of a market development committee, had not yet been implemented. This committee is conceptualised as a permanent committee made up of all stakeholders to ensure proper planning for the town. Despite these failures, the mayor and town clerk were cooperating well with NASTHA at the time of the research.

Neno Town in Malawi

Background

Neno district is located in the Southern Region of Malawi, 145 km to the north-west of Malawi's commercial capital, Blantyre. In 2010, Neno had a population of just over 100,000 people out of a total Malawi population of more than 13 million. Neno is a poor district with 56% of the population living below the poverty line. More than 85% of economically active people in Neno work in subsistence farming. Commercial activities are dominated by informal small-scale retail trading.

Organisation

The Malawi Union For Informal Sector (MUFIS) was registered in 2004 and organises street traders, market vendors and hawkers country-wide. In Neno town, 65 of the 500 informal traders are members of MUFIS in 2012.

In addition to MUFIS, the Neno town flea market also has a market committee. This committee is similar to those established by local government authorities in markets all over the country to assist with administration of the markets. The market committee engages with the district assembly on issues such as allocation and demarcation of places; sanitation; revenue collection; and settlement of disputes among informal traders. The market committee is also responsible for the general welfare of the traders, for example during sickness, death, and bereavement.

As in other towns, the Neno market committee has more members than MUFIS as all informal traders are viewed as members of the market committee. However, unlike MUFIS the market committees do not have a national structure that brings together all the committees in Malawi. Instead, each committee's activities are restricted to a particular market. The market committees are also not registered legal entities and do not have constitutions.

In contrast, MUFIS is registered with the government and has a constitution. Representatives of MUFIS branches are sometimes invited to attend workshops and meetings organized by the national MUFIS secretariat where they are able to interact and share experiences with colleagues representing other MUFIS branches.

At national level MUFIS is affiliated to the Malawi Congress of Trade Unions. This allows for networking and collaboration with other unions in the country. The negative consequence is that the ruling party, some government officials, and traders who support the ruling party see MUFIS as an agent of the opposition political parties. This results in MUFIS sometimes being excluded from meetings in which government engages with informal traders. It has also resulted in divisions among informal traders. In Neno, however, the division between the two structures is not absolute as the secretary of MUFIS Neno branch also serves as the chairperson of the market committee.

Government institutions

According to the Local Government (District Councils) Act of 1998, Neno's district assembly should have by-laws covering issues such as evictions and compensation relating to developments. However, the district assembly has never formulated by-laws because there are currently no councillors. In December 2000 the first local government polls to elect councilors were held in Malawi. The tenure of office of the councillors expired in April 2005, but no further local elections have been held. One reason lies in the fact that over 60 per cent of the councillors elected in 2000 were from opposition parties. Government also argues that local government elections are too expensive.

The district assembly secretariat is headed by a district commissioner who is appointed by the Minister of Local Government and Rural Development. As in all other districts of

Malawi, three structures can directly influence the drafting, passing, amendment and implementation of by-laws.

- The district executive committee has 40 members who work as heads of government departments and non-governmental organisations (NGOs) in the district. It serves as a technical advisory body to the district assembly.
- The area development committees operate in each of the four traditional authorities. These committees are responsible for deciding on developmental interventions, mobilising community resources, and monitoring and managing the implementation of activities.
- The area executive committees provide technical advice to the area development committees. They bring together the extension workers of government agencies and NGOs that work in the area concerned.

MUFIS is not represented in any of these three structures.

In terms of revenue, the informal traders contribute significantly to the district assembly's budget through payment of market fees and rentals. For instance, in 2011, Neno district collected about MK 9 million as annual revenue, of which 90 per cent was contributed by the informal sector.

The Local Government (District Councils) Act of 1998 empowers the district assembly to maintain and manage markets, market buildings and premises that are located within its jurisdiction. The 2008 negotiations were triggered by a dispute over the construction of a flea market structure in Neno town. The construction project was part of the implementation of the national government's three-year Urban Structure Development Programme through the district assembly. The construction was also in line with the district development plan for Neno for 2007-2010. In October 2008, the government of Malawi, through the district assembly, issued an order for the immediate eviction of all informal traders to pave way for the commencement of the construction work.

The negotiations

The negotiations centered on the following issues:

- The district assembly's order that the informal traders be evicted from the land on which the new market would be constructed;
- Valuation of the structures owned by the informal traders which were earmarked for demolition;
- Compensation for the demolished structures.

The district assembly order gave traders only a seven-day notice period and did not offer any alternative land. Further, only the well-established formal traders were scheduled for compensation. About 56 structures were earmarked for demolition without compensation thereby affecting approximately 400 informal traders.

The informal traders engaged with the District Assembly through the market committee and the MUFIS Neno executive. The traders proposed an extension of the notice period, compensation and temporary alternative land.

While waiting for the official response from the district assembly, the market committee and local MUFIS executive resolved to seek the intervention of the national MUFIS secretariat. Before the expiry of the seven-day notice, MUFIS' top leadership arranged to meet with the officials from the district assembly to get feedback on the concerns and to map a way forward.

A one-day meeting chaired by the district assembly's director of planning on behalf of the district commissioner was held in the district assembly hall. There were five delegates from the informal traders who between them represented both the MUFIS and market committee executives and two delegates from MUFIS national secretariat. The district assembly was represented by two officers including the director of planning.

The meeting ultimately agreed to the following:

- Extension of the seven-day notice to 30 days;
- Commissioning of a study to value the property and structures owned by the affected informal traders;
- Compensation for all informal traders affected by the construction of the flea market;
- Provision of another area with adequate sanitation facilities for the informal traders to occupy while awaiting the allocation of spaces in the new flea market.

The agreement on these issues was verbal.

The day after the meeting, the chairperson of the MUFIS Neno branch together with the chairperson of the market committee (also the Secretary of MUFIS branch) reported back to the affected informal traders.

After the negotiations

The valuation process was conducted by the Ministry of Ministry of Lands, Housing and Urban Development. MUFIS, the market committee, and the affected informal traders were not consulted and the inspections that were part of the valuation process were conducted during a weekend when most of the informal traders had closed their businesses. The affected informal traders were only informed at the end of the valuation, with no opportunity offered for negotiations on the recommendations. This left the informal traders disgruntled with the method and outcome of the valuation process.

Further, it took four years for the informal traders to obtain the compensation although the values assigned were certified as valid for only six months from the date of inspection. Four year later, the real value had declined due to increases in the price of construction materials.

A further source of complaint was that while 56 structures portioned into compartments were demolished, there were only 24 kiosks available in the new market. Since the new

market did not fill the whole area from which the informal traders were evicted, some informal traders re-occupied part of this area and built make-shift structures.

Further, most of the kiosks in the new flea market were not allocated to the informal traders who were directly affected by the construction of the flea market. Instead, many of those who acquired spaces in the new market were local politicians of the ruling party, government officials, or others who had connections with ruling party politicians or had allegedly bribed the District Assembly officials.

Assessment

As a result of the inadequate compensation, delayed settlement, shortage and misallocation of space in the new market, about 51 businesses owned by the informal traders were forced to close.

In 2012, after five years, the construction of the flea market had not been completed. Of the five toilet buildings constructed, three had collapsed, and the district assembly required the informal traders and buyers to pay to use the remaining two public toilets. There was no running water within the premises of the new market. There was poor security particularly after business hours since the market was not fenced.

On the plus side, following the negotiation process, the membership of MUFIS at Neno town increased from 60 to 260 members within a short period of time. Furthermore, the relationship between the district assembly and the informal traders improved. The district assembly and the informal traders subsequently engaged in dialogue on several further issues. However, the district assembly preferred to communicate with the informal traders through the market committee rather than through the MUFIS branch because the market committee was instituted by the assembly. The existence of two parallel structures representing the informal traders in the market rendered the informal traders vulnerable to manipulation by party politicians and government officials.

Unfortunately, neither the MUFIS secretariat nor the informal traders in Neno kept records of the collective bargaining action that took place, and there was limited, if any, monitoring of the agreement. Further, after the negotiations in October 2008, informal traders in Neno (including MUFIS members) did not have any interaction with officials from the MUFIS secretariat up until May 2012 when this study was conducted. This could help explain why membership of MUFIS Neno branch subsequently declined from 260 to 65.

Health security for self-employed workers in Nicaragua

The focus of the collective bargaining

In mid-2006 the Confederation of Self-employed Workers of the National Front of Workers in Nicaragua (CTCP-FNT) presented a proposal to the Ministry of Health (MINSA) in respect of health services for their affiliate workers. The proposal was made

during the government of Enrique Bolanos when structural adjustment measures had reduced social spending, including on health, drastically. The agreement was only signed in January 2007, after the new Sandinista government had come into power and started working towards policies for free health and education.

The agreement provided for implementation of MUS (urban health mutual) in respect of prevention of diseases and the promotion of healthy consumer habits and environmental friendliness. The MUS was used by CTCP-FNT affiliates during the first years of the agreement while the health services were not yet operating fully. The MUS provided direct support from a physician, priority health assistance for members in hospitals and health centres, and delivery of essential medications at low cost.

The CTCP also reached agreements with a range of other institutions. These included the mayor's office of Managua from which the MUS obtained coffins for deceased affiliates; the National Technological Institute which provided scholarships for technical studies for members and their families; the Municipal Corporation of Market Places of Managua with which it coordinated the development of cleaning days and preventive health in the market places; private clinics which agreed to preferential prices for assistance not covered by MINSA; the Nicaraguan Social Security Institute (INSS) in respect of a proposal for special insurance for self-employed workers; and the Ministry of Labour (MITRAB) with which the unions were registered and from which hygiene certificates and work security were obtained.

Historical background

In 1957, a social security ruling was issued for public and private sector workers. This ruling did not include self-employed workers, who were only allowed to join in 1981 during the Sandinista popular revolution. During this later period the health system was developed to serve the general population through public health centres and hospitals as well as campaigns on vaccination, malaria control and the like. The World Health Organisation declared revolutionary Nicaragua a "role model country" in health care.

The subsequent neoliberal governments privatised basic services, including health. Government spending on health decreased from 63 dollars per person in the revolutionary period to 12 dollars per person in 1995. The INSS stopped rendering services itself, and instead worked through private pension and medical companies. Poor people again had to pay for health services and medicine.

The CTCP-FNT was established in 2002 and began to organise self-employed people working on the streets. Unemployment rates were high due to government policies in respect of public service delivery, employment and land. More than 500,000 rural workers and artisans had become unemployed, semi-unemployed or squatter poor over a very short period.

In 2006, 21,000 FNT-affiliated health care workers – including doctors, nurses and aids – got together to demand salary increases and the elimination of payments by users in the

private sections of hospitals. They achieved some gains, but the majority of the population remained excluded from the private-dominated health care system.

In January 2007, the Sandinista government returned to power. There were 30 trade union deputies in the national assembly, and new opportunities opened for excluded sectors. The new government's National Plan for Human Development of 2008 guaranteed free and universal access to health services, and promoted healthy practices and life styles. Health spending increased from 12.2 per cent of gross domestic product in 2005 to 14.7 per cent in 2010. This allowed significant improvements in the public health system in terms of both infrastructure and staffing.

The agreement

In 2005, the CTCF elaborated a five-year framework agreement proposal for MINSA on MUS. The proposal included optional special social security for self-employed workers. The negotiations began in the middle of 2006. Between 2005 and 2007, when the agreement was signed, a team of CTCF leaders promoted and organised among the workers demanding access to services and the signing of the agreement.

Already in 2003-5 the CTCF, along with other excluded sectors, such as rural workers, supported mutual organisation for ensuring access to health services and social security. Their work resulted in creation of the MUS as an instrument to fight for access to health services for self-employed workers. Their struggle received support from the FNT and financial aid from the Belgian Development Cooperation Fund and the Socialist Mutual in Belgium. FNT had been established in April 1990 as a Sandinista union organisation. In 2012 it has about 200,000 affiliates and has national coverage, bringing together central unions, confederation and federations in the commercial and production areas.

The MUS of the CTCF-FNT was created in May 2003. It began operations in the neighbourhood of Ciudad Jardin in Managua but subsequently expanded to other areas. In 2007 it was legally registered.

At the beginning, the MUS was conceived mainly as providing access to clinical services. Subsequently it also became a dispenser of generic medicines. Currently the service package includes medical attention, essential medication, laboratory tests, funeral assistance, health training, maternity services, and subsidies for common illnesses and minor surgeries.

The MUS is based on signed agreements with MINSA, INSS, MITRAB, the municipal mayoral offices, and allied organisations such as the Federation of Health Workers. The agreement provides, among others, for:

- Provision of medical services
- Use of the facilities, such as health centres, transfers to national and international health systems, and preventive services
- Inclusion of the mutual committees in the district health councils
- Training in community health issues and hygiene

- Equipment for the MINSA staff who are assigned to the MUS
- Registration and estimates of members.

The CTCP-FNT also worked towards implementation of two laws, the Framework Law for the Mutual Fund and the Law on Social Medication Dispensary as these two laws are important for the functioning of the mutuals. In the 1990s approximately 600 social medication dispensaries emerged in response to the cutbacks in MINSA's provision of free essential medication to the more vulnerable sectors of the population. These dispensaries offered between 50 and 150 essential drugs at low cost in places with the least access. In promoting the two laws, the CTCP-FNT lobbied the board of directors of the national assembly, the leaders of the parties and the independent deputies. CPCP-FNT also had several meetings with the member of the economic commission of the parliament.

The negotiations

Three people participated directly on behalf of the CTCP, namely the general secretary and two of its directors. On the other side, prior to the coming into power of the Sandinista government, the Minister of Health and her assistant were involved in the negotiations on behalf of MINSA. For the signing of the agreement with the Sandinista government, the MINSA delegation included the Minister of Health, her deputy, and the general secretary.

During the period of the government of Bolanos the negotiation involved many meetings, some of which were cancelled, but made no progress. In total about 70 meetings took place with different government officials at diverse levels in the health system, with ministers and general secretaries from MINSA, with local government officials, with the directors of the health centers of Managua, and with representatives of the district health councils and neighbourhood committees.

There were also meetings with organisations considered as allies by the CTCP. The CTCP met with all the mutual committees and with the directors of the market place organisations, especially the ones where the MUS was located.

Other key actors participating in the negotiation process included officials from the mayor's office in Managua, and representatives from the INSS and the Planning Ministry. The latter was important when the question arose as to whether signing the agreement would require a larger budget from government. The outcome was that the budget was not increased but government agreed to make a greater effort to prioritise medical attention for self-employed workers.

While the negotiation was taking place, the CTCP kept base organisations informed as to what was happening. For example, the general secretaries of the federation informed their union bases. In addition, there were other meetings, for example with the municipal council of Managua and with the hospital and health centers directors to keep them informed on the activities of the CTCP and the contents of the agreement. These

meetings were organized by the mutual committees and the general secretaries of the district union councils of the CTCP. There were also meetings with union members and with organisations aligned with the interests of the workers such as the Federation of Health Workers.

Those who were in favour of signing the agreement with the new government included MINSA, representatives from the INSS, the municipality, and FNT. Those who opposed the signing of the agreement were the temporary medical clinics and private medicine more generally.

Subsequent developments

To some extent approval of the agreement was obtained when the need for it no longer existed, since the new government had introduced a more comprehensive health programme. Some aspects of the agreement were therefore eliminated, such as having a permanent physician to provide services for the organisation's members. Nevertheless, the agreement was important because CTCP knew that the new government needed some time to implement its full proposals in respect of free health care.

In 2009, when government's plans were more fully implemented, the CTCP proposed changes in the MUS to change the agreement from provision of health care to a preventive approach. With this new orientation, CTCP leaders and technical personnel were trained in health legislation, social security and delivery of medicines, and there was awareness raising for affiliates on, among others, promotive and preventive health care.

The CTCP does not expect to renew the agreement in 2012, for it is now clear that the government, through MINSA, should be responsible for health insurance for self-employed workers. However, the CTCP-FNT is continuing with advocacy with MINSA, INSS, MITRAB, local government and other institutions since workers cannot wait for everything to come automatically from the government, even if it is a progressive government.

In 2011, the mutual organisations came together to establish the Association of Mutual Organisations of Nicaragua. At that time there were 12 health mutuels nationwide, which provided access to care to more than 30,000 people. For a monthly fee of 50 cordobas members can access a package of services that includes health services, laboratory exams, medications, etc. The MUS also provides a way for self-employed workers to access social security.

However, the mutuels in Nicaragua do not intend to substitute for the Ministry of Health or the INSS, but instead constitute a complementary project, under the INSS, to the policies and programmes of these institutions.

Assessment

The CTCP's achievement in respect of the health agreement facilitated the signing of further agreements, as follows:

- With the INSS on the inclusion of workers in social security provisions
- With the municipalities to avoid evictions of workers from their places of work
- With the transport authority to regulate transportation with the federations of inter-urban transport
- With the rural Bank CARUNA in respect of financing.

The agreement was important because it was the first one that CTCP entered into with the national government. There were, however, some weaknesses, as follows:

- It was not possible to reach agreement at national level
- The agreement did not integrate broad preventive work in the MUS from the start
- The necessary regulations for the two accompanying laws are not yet in place
- The MUS is partly reliant on outside funding
- Some users feel that generic drugs are of lower quality.

Informal traders in Senegal

Background

Senegal lies in the west of the African continent. The population in 2007 was 12 million. The population is concentrated in urban centres and in the west where the major economic and religious activities bring together 65% of the total population in an area representing 18% of the country geographically.

Dakar is the political and economic capital of Senegal. Administratively, Dakar region is divided into four departments, four cities, three municipalities, and 43 local municipalities and two rural municipalities. In 2004, the population of the city of Dakar was estimated to be just over 1 million.

Economic policies introduced by government, often with support from the World Bank and International Monetary Fund, have worsened the poverty situation of many Senegalese people. In 2012, the unemployment rate in urban areas is estimated at 12.9%. In Dakar region it is 18.6%.

The informal sector is especially important for people with limited education and skills. A 2008 study found that 83% of workers surveyed in Dakar were active in the informal private sector compared to 10% in the formal private sector and 7% in the public sector. Trade account for 47% of informal sector employment in Dakar. In 2008, the former mayor of Dakar reported that there were about 50,000 informal traders in the capital. This large numbers causes complaints that the traders create problems in terms of congestion, health and the like. Many of the traders come from other regions of the country.

Government approach to informal trading

The regions, the municipalities and the rural authorities have legal and financial autonomy and are responsible for nine transferred competencies, including population

health and social action and town planning. They receive monetary transfers for these activities from the central government.

Traders are often treated as law breakers because they are not registered and legally recognised. They work under tough physical conditions. They have difficulty accessing facilities due to the high rental fees. For example, in Sandaga the rental cost for a canteen varies between FCFA 100,000 (US\$ 0,108) for one of 1 m² and FCFA 200,000 for one of 2m² plus a deposit of FCFA 450,000. Given these high fees, informal traders prefer to construct makeshift shelters or work in the streets where they pay only FCFA 150 in daily fees, but do not benefit from public services such as water and electricity. Meanwhile government complains that it receives only 2% of the value added in the informal sector through license fees, local levies, registration fees and leases.

In recent years some local governments have started a beautification programme and/or redesign of traders' stalls using funding from private companies operating in the field. Thus, some traders have acquired more modern, safer and more attractive stalls. However, very few local governments have embarked on such initiatives, and the initiatives have involved very few stalls. Further, the cost of the beautified stall is very high, at between FCFA 700,000 and 800,000 for stalls and between FCFA 1,000,000 and 1,500,000 for the kiosks.

Organisation

There are several forms of groupings amongst informal traders, namely the *Daras* (grouping for religious purposes) and associations that are recognised by the government in terms of a 1901 law. Office bearers of non-profit associations who apply for registration must state the purpose of the association. After that, a morality survey is conducted by the police on office bearers to check their reputation and whether they have ever been convicted. If the vice squad's technical report is favourable, the Ministry of Interior grants registration. This allows the association to hold meetings and apply for in-kind or cash support from government authorities and other donors.

Traders understand that it is especially important for an association to have official recognition given that street trading is, in fact, legally prohibited in Senegal. In addition, the extent of organisation is in part due to the fact that the previous government wanted to politicise groupings so as to establish an electoral base. In 2012 there were more than 15 traders associations legally registered in the city of Dakar and local municipalities of HLM and Castors. There are also more than twenty associations with missions that extend beyond defending the interests of traders. These include, for example, groupings of people from the same area.

In June 2010 traders created the Federation of Informal Traders of Senegal (FAMATS) so as to have a single voice. At the time of its creation, FAMATS included 26 associations which had as their main objective to defend the interests of traders located between the city centre, the department of Pikine and Guediawaye. By early 2012 FAMATS had more than 40 member associations spread between Dakar and other regions. In each market, the federation has a representative whose task is to report

information to the central office to enable them to lobby if something goes wrong. Meanwhile the grassroots associations continue to operate in the various markets.

Developments in street trading in Dakar: phase 1

In November 2007, then President Wade declared that traders' occupation of the streets was illegal and he asked the authorities to ensure that it ended. The governor of Dakar then mobilised bulldozers and the police began, without notice, to chase away informal traders and to demolish canteens and souks located on the roadsides. Angry informal traders reacted by destroying everything in their path – cars, shops, public buildings, etc. The police reacted by arresting more than 200 people.

In light of the determination of the traders, the authorities then changed their position. The senator-mayor of Dakar, Pape Diop, authorised traders to return to their places on the public roads provided that they did not obstruct the traffic.

The authorities also tried to find other ways to reach a compromise with the traders. On 2 May 2009 the President of the Republic, Minister of Commerce, Prime Minister, his advisors and the director of the SME Development Agency within the Ministry of Commerce met Moulaye Seck, president of the Synergy of Traders for Development (SYMAD) and four other leaders of traders' associations.

During this discussion, the traders' leaders proposed solutions to address the increase in the number of traders and to free public roadsides. The proposed solutions were:

- Funding of micro projects on agriculture
- Establishment of norms for the installation of stalls in the city of Dakar
- Creation of relocation sites in the Plateau local municipality, in the suburbs and in the regions.

The leaders also emphasised the need to establish a framework for consultation and dialogue with the mayor and the Ministry of Commerce, who had begun to show an interest in traders' problems.

At the end of the meeting the President instructed the Prime Minister that Dakar's informal traders should be trained in the production sector. However, government did not have a reliable estimate of the number of traders located in different parts of the cities. Further, the mayor had not allocated money for the proposed training and relocation.

Pape Diop meanwhile initiated a separate intervention in partnership with the Movement of Artisans of Senegal (MADS), a private company active in the construction of canteens and building. MADS undertook to make 10,000 canteens available to informal traders by the end of 2009. This was not provided for in the budget of the Ministry of Commerce but the Ministry's SME Development Agency had a line item in its budget for "support to the informal sector" that was intended for training and support for the creation of small projects for women groupings across all regions.

Dakar city council became involved because the mayor was also the President of the Senate, which is the second highest position in Senegal after the President of the Republic. He was also number two of the ruling party. His intervention was thus intended to support the Head of State.

However, the promises remained unfulfilled both because of lack of budget and because the mayor had not yet found a site for relocation of traders. In addition, on 22 March 2009 there was a political change in the city council, when the opposition won almost all local government elections including that of Dakar city council.

Developments in street trading in Dakar: Phase 2

One of the first actions of the new mayor, Khalifa Sall, was to use police to evict informal traders from Thilène market in December 2009. The result was violent exchanges between traders and law enforcement agents.

The authorities then changed their strategy. In January 2010, Mayor Sall reiterated his determination to clear informal traders off the roads in the capital. However, he promised the affected traders that they would be relocated by his institution within, at the most, eight months. MADS would be responsible for implementation of the construction project. The mayor made these promises in a meeting that he, his team, and all relevant actors attended, namely officials in charge of health structures, traders' associations, neighbourhood leaders, sport and cultural associations, organisations for women's empowerment, and religious associations.

Several rounds of consultations between the mayor and traders were then held in the city hall. Initial meetings between traders and officials of the city of Dakar were attended by representatives of all 26 associations. In the interests of efficiency, the Directorate of Halls and Markets and Second Deputy Mayor decided to reduce the number of representatives attending meetings. In consultation with the 26 associations, the number was reduced to eight people. FAMATS and SYMAD each had two representatives, while the Dakar Young Traders Association had one. FAMATS was the only one of the three that had members across different markets and regions. Of the other represented organisations, the Collective of Women Traders of Economic Grouping of Senegal was a division of the National Confederation of Employers of Senegal, while the Coalition of Actors of the Informal Sector covered the full informal sector. In addition, the municipal team co-opted Senior Ndiaga Diop, a highly respected trader in Dakar.

The relocation programme was large-scale, involving more than 2,000 people in the Dakar Plateau local municipality. In the first days of the plan the city council bought a plot of 2,747 m² for over one billion CFA and initiated negotiations in respect of another much bigger site in the same municipality.

The city council funded a seminar for the group of eight to define tender criteria for construction of the new site and conditions for the distribution of canteens and stalls. Trader representatives then participated in choosing the contract. The city council also provided traders with a savings and credit cooperative for the city of Dakar. Traders who

opened savings accounts to acquire canteens or stalls were offered a reduction of 25% of the cost, and allowed to pay back over three years. Traders who had made the first payment could choose their canteen number on the contractor's plan.

The meetings operated through consensus, in that any item on which there was not consensus was carried forward to the next meeting. As from 2011, the group of eight organised weekly meetings with the city council to track the progress made on planned activities.

The new participatory approach involves several steps which should be repeated each year:

- The city council includes allocations for trader-related items in the budget
- The trader representatives and city council discuss and determine priorities for the budget year
- The traders define the criteria for choice of contractor and specifications
- The projects are implemented
- The city council and trader representatives monitor the progress and evaluate the projects
- Informal traders are invited to put forward ideas for further projects.

The associations have divided the area in which they operate into sectors. Each sector has a representative who reports back after each meeting. This is facilitated by the fact that traders generally hold regular meetings among themselves in their work area. Many of these meetings are related to the *tontine* (merry-go-round saving) system.

Further developments

As noted above, the opposition was at this point in power in the city council. The central government blocked the project of the city of Dakar by not making the budget transfer that is intended to enable local governments to make investments. In addition, the ruling party created trader committees to support re-election of the President of the Republic. Some organisations thus became committees of the ruling party. As a result, the traders' movement split into three camps – supporters of the ruling party, the apolitical and supporters of the opposition.

The situation was further complicated when the President established the National Agency for the Settlement of Informal Traders (ASMA) at the end of 2011. The mission of ASMA, a national agency, was to identify and relocate informal traders. ASMA also subsequently provided surety for microcredit institutions and subsidised 30% of loans, thus facilitating access to credit for hundreds of traders.

The fact that ASMA was established in the Presidency rather than in the Ministry of Trade confirms that this was primarily a political rather than a social intervention. The President established ASMA despite the fact that decree no. 76018 of 1976, made under Law no. 67.50 of November 1976, declared informal trading to be a crime, with those found guilty subject to imprisonment of up to two years or a fine of up to FCFA 100,000.

Assessment

While both ASMA and the Dakar city council provide avenues for channelling traders' demands and addressing problems, there are clear differences in the approach.

The ASMA approach is top-down. ASMA meetings with traders provide the opportunity only for information sharing, not for decision-making. There are also no representatives of traders on ASMA's board of directors. The city council approach, in contrast, is participatory and bottom-up. It involves traders' representatives in decision-making.

The city council's approach brings benefits for the council in addition to the lack of protests in that there has been a substantial increase in revenue from daily levies. This can be partly explained that, with no evictions, people are able to trade more often.

The relationships between businesses that have canteens or shops and informal traders have improved because the informal traders are now well informed about administrative laws. The relationship is facilitated by the fact that most formal businesspeople have relatives among the informal traders. In addition, the formal businesses are the main suppliers of the informal traders, who buy from them in bulk.

The NGO ENDA *Tiers Monde* has contributed to developments. In 2009 ENDA funded study days organised by traders' organisations. These study days came up with ideas for activities, such as support for credit, that were subsequently implemented by ASMA. ENDA also owned one of the sites which the city council bought for relocation of traders.

Challenges that remain include:

- The decree which prohibits informal trading is still in place.
- The multiplicity of associations – 40 in the Dakar region – as well as their politicisation creates disunity. At the time of writing some associations engaged directly with ASMA rather than doing so through FAMATS because these associations were politically close to the ruling party at national level.
- Relocation efforts have, to date, focused only on those in the city of Dakar, with no benefits for traders in suburban markets.
- FAMATS does not have any staff members. The chairperson and all other office bearers are informal traders and have to attend to FAMATS tasks in between their own income-earning activities.

Negotiations on street trading in Spain

Background

In 2010, the Spanish National Statistics Institute estimated the volume of street trade at 2,033.5 million euros in respect of 38,250 licensed street vendors and 49,114 employees. The Union of Self-Employed Workers and Professionals (UPTA) estimates that the number is 125,000 if one includes self-employed, employees and unpaid family workers

because a single stall is often managed by several individuals from the same family. The Ministry of Economy and Finance, in a 1999 paper, estimated that mobile selling in street markets on a regular basis accounted for 95% of non-sedentary selling, alongside smaller numbers engaged in mobile street vending and mobile vending in public places other than street markets.

Government structures

Spanish public administration is organised into three levels.

- The general state administration is the highest level, and covers the full country.
- Autonomous administrations: Spain is composed of 17 autonomous regions and 2 autonomous cities, Ceuta and Melilla. Each region has its own elected legislative assembly; a governing council with executive functions; and a president elected by the legislative assembly.
- Local government includes both municipalities and provinces. The municipal councils govern and administer through the mayor and councillors. The province is a grouping of municipalities, again with its own legal personality.

Municipalities' areas of competence include security in public places; management of vehicular and pedestrian traffic on urban roads; regulation, management and implementation of urban planning; housing development and management; parks and gardens; paving of urban public roads and conservation of rural paths and roads; protection of the environment; supplies, slaughterhouses, fairs, markets and user and consumer protection; public health protection; delivery of social and advocacy services and social reintegration; supply of public water and lighting; street cleaning; collection and treatment of waste, sewerage and wastewater treatment; and public transport.

Organisation and representation of street vendors

There is no specific system of representation of street traders for negotiation. Instead, such representation must happen through the national system of social dialogue.

In Spain, two seats in the national social dialogue bureau are reserved for the two largest trade unions, two for the representative organisations of employers and small and medium enterprises, and the deciding seat is reserved for the national government. All major proposals on any subject arise from this social dialogue. It is therefore important that all groups within the associative movement are linked either to a trade union or to a business organisation because when the negotiations become more specific, such as in the case of street vending, the seats are given to the sector concerned.

Street trade presents a clear example of such "linking in scale". The General Workers Union (UGT), which is a member of the national social dialogue, established a state federation of self-employed workers, UPTA Spain, which is the main organisation representing the self-employed. UPTA, in turn, formed the National Bureau of Street Vending, in which organisations and industry associations are represented at regional level. For this purpose UPTA constituted various regional street vending committees on which municipal vendors' associations are represented.

Demands and proposals can move through this pyramidal structure from lower levels to higher levels, allowing the detailed situation of each area, city and region to be heard at higher levels.

National level legislation on street vending

The regulation of street vending was poor until the implementation of the Royal Decree 1010/1985 which regulated non-sedentary vending. Before 1985 street vendors often had to obtain permits from the police or the local authorities on a daily or weekly basis. The new law established the contribution per stall or vehicle, but did not cover the tax system and access to social security.

At the end of the 1980s UGT proposed, and the Ministry of Social Affairs accepted, that given street vendors' limited capacity to join the Self-employed Workers Social Security Scheme (RETA), they could access it via cooperatives. However, this approach did not work well, and many vendors were not incorporated into RETA.

The Secretary of State for Social Security then, in response to the demand of UPTA and the National Bureau of Street Vending, supported the development of Act 27/2009. This act stated that the contribution of workers engaged in hawking in street markets and direct selling to households would be equal to 55% of the usual basic minimum contribution. This allowed a large number of informal street vendors to join RETA.

In 2006 the European Parliament and the Council of the European Union approved the Bolkestein Directive for Liberalisation of Services. This set out a framework with very general rules and left it to member states to decide how to apply its principles.

In Spain the Ministries of Industry, Tourism and Trade, Finance and Employment and Immigration had the responsibility of adapting the legislation. They called together major social and business agents and professionals in the sector for consultation on the new wording and street vendors to approve it. The UGT, workers' committees, Spanish Trade Confederation, Confederation of Owners of Small and Medium Businesses and UPTA, as well as political parties were part of the consultations.

The January 2010 reform of Act 7/96 concerning the management of trade aimed to facilitate the free establishment and practice of trade and satisfaction of consumers' needs. Because domestic trade is within the exclusive competence of autonomous regions, these regions were given the authority to regulate procedures for establishment of enterprises, including duration of licences for street vending. The latter was necessary to ensure the rotation of competitors due to the shortage of available ground.

The Directorate General of Domestic Trade in the Ministry of Industry, Tourism and Trade, also developed Royal Decree 199/2010 to regulate hawking, or non-sedentary street vending. In writing the text, the Secretary of Social Policy sought the collaboration of UPTA. The royal decree states that the various municipalities must determine the duration of the authorisation, taking into account the investment made by the business

owner. It states further that the municipalities must set out “clear, simple, objective and predictable criteria.”

Regulation of street trading at the level of autonomous regions

Usually trading activities do not require prior authorisation. However street vendors use public land and are therefore subject to conditions relating to public order, safety and health. The examples of Madrid and Castilla La Mancha, which were ruled by the conservatives and Socialist Party respectively at the time the regulations were developed, illustrate different approaches in terms of both content and process.

Castilla La Mancha developed the Trade Act 2/2010 on Commerce which gave municipalities the responsibility for establishing the time period for licences. This time period had to be negotiated by the municipalities and organisations representing the sector in a way that not only protected the interests of the municipality but also those of the vendors and consumers.

In contrast, the regulations developed by the Community of Madrid established that licences be granted for a period of 15 years, renewable for a further 15. This measure was advantageous for existing traders but prevented access of new traders and renovation of street markets. The regulations were drawn up unilaterally by the General Subdirectorate of Legal and Regulatory Development of the General Technical Secretariat of the Vice President, the regional Ministry of Culture and Sport and the office of the spokesperson of the government of Madrid. Only after the text was developed, was it presented to regional associations for approval.

Subsequently, the Directorate General of Domestic Trade of the Ministry of Industry, Tourism and Trade requested that UPTA, the most representative self-employed workers' organisation in the country, develop a municipal ordinance framework model to be presented to the various boards of trade in the 17 autonomous regions. The plan was that this would then be sent to the municipal officials concerned as a model.

The model ordinance developed by UPTA tries to strike a balance between the rights and duties of street vendors and the development of street markets, providing more certainty for both parties in respect of duration of licences, transparency of concessions, consumer safeguards, unauthorised practice and tax fraud.

Representation and negotiation for street vending in the municipalities

Street markets fall under the exclusive authority of municipal governments. The municipal councils must legislate, through municipal ordinances, the details of operation of these markets, the conditions for obtaining municipal licenses, the days and hours of vending, the transfer of licenses, etc. In order to do this, town and city halls use municipal ordinances, decrees and agreements of the plenary. As a general rule, regulations are agreed with stakeholders, in this case the street vendors, using two working tools, the committee on trade and the market board.

The municipal associations representing street vendors are represented on both the trade commission and the market board. The associations are usually linked to regional associations which, in turn, are linked to national associations or federations.

The trade commission deals with retail trade in general, with street vending as a subsector. The commission is usually composed of the most representative retail trade associations or the federation which brings together the largest number of trade associations; labour and business organisations (as issues related to employment and conditions of workers are also discussed in this forum); and consumer associations. Members are usually invited to join on a permanent basis.

The commission is an advisory structure and its decisions are not binding. However, the commission usually has political clout, as the social dialogue partners are usually represented in it through their local structures.

Market boards are structures established by municipalities, usually on the request of street traders, to allow for negotiation of optimal working conditions for both parties. Issues commonly discussed in these boards include the duration of licenses, their price and transfer, market days, opening hours, the type of products that can be sold, hours of loading and unloading, the temporary or permanent relocation of the market should the city council need to use the land for other purposes, and the opening of new areas of municipal land for vending.

The boards are composed of city council technical personnel responsible for trade, local associations of street vendors, and political leaders of the municipal area of commerce. All existing vendors associations in the city have a voice provided they are properly constituted and registered as associations. Meetings are pre-scheduled and usually happen every two months.

In larger towns there are usually too many associations for the dialogue to be smooth and efficient. In these cases, some municipalities have introduced a regulated system of democratic and transparent representation. This is the case in the city of Zaragoza, which amended its bylaws to establish a system of representation and election of members to the market board. The Zaragoza system of representation aims to ensure that all vendors are represented, whether or not they belong to an association. Thus the process provides for election of individuals rather than organisations through a “free, direct and secret” ballot in which each voter can vote for a maximum of three candidates.

Collective bargaining to develop the municipal ordinance in Zaragoza

Zaragoza, capital of Aragon and with a population of 696,000 inhabitants, has held street markets every Wednesday and Sunday for about 35 years. Currently there are 453 street market stalls and 234 flea market stalls (for antiques and artwork). The clientele is estimated at about 50,000 visitors every Sunday and close to 20,000 each Wednesday.

Initially the market was known as “The *Rastro* of the Romareda” as it was set up very close to the football stadium of the same name. The early years of the Romareda market

were very difficult, as the market was located on the outskirts of the city. There was no public transport, no appropriate access, and the market lacked basic services such as toilets, cafes, restaurants, etc. There were very few houses – and thus customers – around its location.

Gradually the area was populated and provided with public transport, hospitals, services and, most importantly, houses, buildings and people. Sales began to increase, making it one of the most profitable markets in the region.

However, neighbourhood protests developed with complaints that there were too many vendors, too many visitors, too many vans parked nearby, too much refuse on the ground, too much difficulty in accessing private garages, too many problems in entering the hospital and too much noise. These problems were aggravated by the proliferation of public events such as concerts and exhibitions that were held on the football field.

For many years the issues were solved through negotiation. With no regulated negotiating tools, it was only the will of the parties concerned that solved the problems.

In 2004, the city's football team, *Real Zaragoza*, was relegated to the second division and the games began to be played on Sunday morning, at the same time as the market was held. This was the first time that negotiations between the city council and the vendors did not proceed smoothly. There were long and arduous meetings but the parties could not reach agreement. During the negotiations the city council suggested relocating the market. The idea did not, however, materialise as the football team returned to the top division a few months later and the problem was solved, temporarily.

About two years later major refurbishment of the city was needed as Zaragoza was to be the site of the International Expo in 2008. The City Council proposed development of the football field and the areas adjacent to it, including building of a shopping centre and commercial premises in the lower part of the stadium, reconstruction of the plaza and construction of two luxury apartment buildings.

The vendors began to organise, re-established previous partnerships, and began the first negotiations with the city council. The meetings were long and often tense. The City Council treated all organisations as equal and at times meetings became assemblies of large numbers of people whose primary objective was to safeguard their personal interests. The negotiations did not make any headway.

The city council proposed relocation of the market. However, they offered only two months' notice. In addition, the space that the city council proposed was again on the outskirts of the city. A group of vendors proposed that the new location should be the *Parque Grande*, the largest green area in the city. The neighborhood movements opposed this, with support from the media and opposition political groups.

Time was short and there was no consensus. The city council therefore sought a solution through a municipal decree. Because one of the associations, the Zaragoza Street

Vendors Union (UZVA), was part of UPTA, and this in turn was part of UGT, the city council agreed that UPTA should be the representative. There was only one condition – that UZVA’s appointment had to be confirmed by the market traders. The authorisation came in an assembly held a few days later in the auditorium of the chamber of commerce.

The negotiations commenced and the city council signed an agreement to make space available within the city, to consider the move as temporary, and to relocate the market either in its original area, or in another better prepared space. Further, the city council agreed to:

- Include the market as a tourist event in the tourist guides of the city.
- Double the frequency of urban transport on market days.
- Discount 100% of the contributions for the use of public space while the market was at the current location.
- Finance Sunday recreational events that would increase attendance at the market.
- Start the search for alternative sites in which to relocate the market.
- Propose that there be extra market days.
- Amend the municipal ordinances.

The new location was not ideal. The space was irregular and smaller, and did not provide equal opportunities for all vendors, as some stalls were not easily accessible. Also, on market days, one entrance to the city, as well as an important exit from the city, were closed to traffic. The neighbourhood movement therefore began to make their demands, supported by some opposition political groups.

For approximately two years, meetings continued in order to amend the municipal ordinances on street vending and to seek a permanent location for the market. Again a large number of participants attended the meetings. The City Council therefore again proposed the involvement of UPTA.

UPTA proposed the creation of a market board, whose members would be democratically elected. As a result, in 2008 the city council provided for this by amending the market regulations of 1996 through a municipal ordinance.

Finally, after the staging of the 2008 International Exhibition, the parties managed to sign the most significant and favourable agreement for vendors. The market would move to the Expo site, a strategic location because of its proximity to the train station for long-distance trains, local trains and a regular bus service, as well as urban transport. The market formerly known as the Romareda is now one of the best established and probably most profitable in Spain, with the appropriate number of vending stalls, perfectly located, a market board protecting it, and a regulation adapted to the European Union director.

Themes emerging from the research

This section of the report draws out themes that emerge across the eight case studies.

Negotiations with whom?

In traditional collective bargaining employees negotiate with employers. For many street traders, because they are self-employed or unpaid family workers, there is no employer. The body with which street traders most often need to negotiate is local government. However, the component within local government with which street traders negotiate differs between cases.

One of the determining factors is the structure of government in each country and the roles and responsibilities allocated to different levels and institutions within these levels. The case studies illustrate the complexity and diversity that exists in this respect.

Various police and security forces generally play an important role in street traders' lives. On the one hand, police may play a role in preventing street traders from operating in certain spaces. This is a difficult task as several case studies report how, after eviction and similar actions, traders return to the same spots. On the other hand, police can play an important role in ensuring the safety of street traders and their property. In some cases, such as DRC, the police and security actors attend, or even participate, in negotiations. The DRC case study notes that it is officials of the technical and security agencies that have most day-to-day contact with traders.

The nature, functions and powers of the police, as well as the level of government to which they report, differ across countries and different situations. In Kenya the relevant police include both provincial administration police officers and municipal *askaris*. In DRC the national police force is responsible for the safety and security of the vendors and the general population, as well as the security of their property. It is also responsible for maintenance of public order in the markets and surrounding neighbourhoods. In São Paulo, Brazil, the Metropolitan Civil Guard is responsible for general safety and security and municipal inspections of street vendors. In addition, in 2009 the Prefect (mayor with executive powers) contracted with the State Military Police to employ its personnel in a violent clamp-down on vendors. In Ahmedabad, India, vendors have to contend with municipal traffic police, city estate department personnel and city health inspectors as well as the regular national police.

Street trading is usually a municipal competence. However, street traders will also sometimes need to negotiate with central government. This can happen because central government is responsible for overall policy making. It can also happen because central government is responsible for particular issues, such as social security, which concern street traders.

In South Africa the Business Act of 1991, introduced when it was clear that apartheid was to end, reduced the powers of local authorities to restrict informal trading. The act allowed municipalities to prohibit trading in specified geographical areas but said that they could only do so after considering – including through negotiations – how existing traders in the area would be affected and whether there was some other way of addressing

problems. An amendment to the act in 1993 gave municipalities the power to issue and refuse trading licenses.

Even in Nicaragua, where the negotiation was primarily at national level, the negotiation built on earlier work at local level. Thus in 2003 the CTCF-FNT established the first MUS in Ciudad Jardin in Managua. This system subsequently expanded to other areas, was legally registered and now operates nationally.

The case studies illustrate how national frameworks can provide openings or place restrictions on what can be negotiated at local level. The Spain case study illustrates how broader regional provision, the European Union directive in this case, set the scene for negotiations on street trading. In India, a potentially progressive National Policy on Urban Street Vending which recognises the right to a livelihood has been in place since 2004, but policy does not have the force of law in the federal system. Vendors have been struggling at the national level to have the policy turned into law, and a Bill which will do this is before parliament as at the time of writing. Meanwhile vending organisations in Ahmedabad have used litigation to force the Ahmedabad Municipal Council to comply with the national policy.

While municipalities usually bear the main responsibilities in respect of street trade, a range of higher-level agencies might affect the situation of street traders. Besides local authorities, the Kenya case study lists five national ministries that play a role in respect of street traders and hawkers. The ministries named are Trade; Youth Affairs and Sports; Industrialisation, Cooperative Development and Marketing; Gender, Children and Social Development; and Labour. From an organisational point of view, the Ministry of Gender is important because it oversees registration of community-based self-help groups, which are a common form of organisation for street traders. The Ministry of Labour is relevant because it has a Department of Micro and Small Enterprise Development that provides services, among others, to MSE associations. In São Paulo street trade is a municipal competence, but vendors have attempted to use political influence at the national level to apply pressure for change in the hostile attitude of the city towards street vending. Municipal elections in October 2012 saw a more progressive administration come into power.

Negotiations about what?

Many of the negotiations that involve street traders are about where street traders are allowed to trade. The negotiations happen, in particular, when local authorities develop plans to evict or move street traders.

The case studies include examples of negotiations about a range of other topics. In DRC, the case study focuses on negotiations over the various levies paid by traders. However, the negotiations also focused on the eviction of vendors and artists from the central station when the government decided to erect a luxury building in the vicinity. The unions successfully negotiated for an alternative location in the *Place Royal Gombe*. In

Nicaragua, the case study focuses on negotiations over access of street traders to health care and social security. The other case studies illustrate that even where the initial negotiations centre around location, a range of other issues often become part of the negotiations.

Many street trade negotiations are reactive, for example when street traders respond to threats by the municipality that they will be removed or moved. In a few cases, however, there are examples of street trader organisations being more proactive, in that they put forward proposals. The Nicaragua case study is a clear example of this. In the Kenya case study, once a problem arose, the municipality invited NASTHA to put forward a proposal. Such invitations are only likely once an organisation has won the respect of the authorities. In Ahmedabad the Self Employed Women's Association (SEWA) has a long history of organisation and a strong tradition of negotiation, which it has used to engage at both a national and local level. In the case of the Jamalpur natural market relocation it, rather than the municipal corporation, took the lead in designing the plan and implementing it.

Nature of the street trader organisations

Trade unions traditionally organise employees. However, in most countries the majority of street traders are self-employed rather than employees. Some trade unions have been set up especially to organise street traders, such as the Self Employed Women's Association in Ahmedabad, which was registered in 1972. In contrast, some trade unions that organise employees have extended their scope to include self-employed workers such as street traders. Among the case studies, Nicaragua and Spain provide examples of how these linkages strengthen the street traders.

In Nicaragua, the CTCP is affiliated to the FNT – the National Front of Workers in Nicaragua. The case study demonstrates how this affiliation facilitated linkages with health workers when CTCP was negotiating access to health care for its members. In Malawi MUFIS is affiliated to the Malawi Congress of Trade Unions. In São Paulo, some street vendors' associations are affiliated to the CUT (Unique Workers' Centre) whilst others are aligned with UGT, (General Union of Workers) and one is even aligned with the Chamber of Commerce, which is the business association.

Spain has a very developed national system of social dialogue which considers all major policy proposals. Two seats in the national social dialogue bureau are reserved for the two largest trade unions, one of which is UGT. A further two seats are reserved for the representative organisations of employers and small and medium enterprises, and the final seat is reserved for the national government. The National Bureau of Street Vending is affiliated to UPTA which, in turn, is affiliated to the UGT. Demands and proposals from the street traders can therefore move through this pyramidal structure from lower levels to higher levels. Further, when issues that specifically relate to street trading are discussed, the UGT will give the National Bureau its seat on the social dialogue.

The organisations that represent street traders in some cases organise these workers alongside other categories of workers. For example, in DRC the National Union of Congolese Vendors organises only vendors, but other unions organise a range of different categories of formal and informal workers. These unions generally have specialised departments which organise vendors and other informal workers.

In addition to unions, street traders are sometimes represented by other types of organisation. In Senegal, in 2012 there are more than 15 traders' associations legally registered in the city of Dakar and local municipalities of HLM and Castors, but a further 20 associations with missions that extend beyond defending the interests of traders. These include, for example, groupings of people from the same area.

In some cases the organisations that represent street traders and are involved in negotiation do not focus solely, or even primarily, on worker rights. For example, in DRC mutual associations provide micro-credit and other support alongside engaging in awareness-raising on rights. The mutual associations' members also initiate and manage communal projects. SEWA, which started in Ahmedabad and has spread nationally to 11 states, has its own bank which provides micro-credit to its members, and also manages rural craft cooperatives.

The challenge of having different types of organisations is that they will have varying capabilities to negotiate, and also may have conflicting interests. In at least one case – the Collective of Women Traders of Economic Grouping of Senegal – the street trader organisation is part of the national employers' association.

In virtually all the case studies there is a multiplicity of organisations. This is in part explained by geographical dispersion, costs of travel, and difficulties in leaving their business, all of which make it difficult for traders to meet with others who do not work near to them. In some cases specific marginalised groups may set up their own organisations because they feel that the general trader organisations do not take their specific needs into account. This development is encouraged by the fact that street trade, because of relatively easy entry, provides income-earning opportunities for such marginalised groups.

What is not fully discussed in any of the case studies is the extent to which certain categories of street traders may be excluded from negotiations and benefits. The DRC case study refers to this implicitly when it notes that the ordinance that regulates petty trade covers only those who operate in markets and can get a licence and pay levies. Meanwhile home vendors, door-to-door vendors and hawkers generally operate with a licence. The Spanish case study illustrates how a conservative region introduced top-down regulations that favoured established traders by providing for long-term licences. In contrast, a more progressive region had a participatory process that resulted in a system that made it easier for new traders to obtain licences and sites. In Senegal all street trade is illegal according to a law of 1976 that has never been repealed. Nevertheless, the authorities engaged in negotiations. In both São Paulo and Ahmedabad, regulations for

street vending specify minimum periods of residence in the cities for eligibility for licencing. This effectively excludes newcomers from legal entry into the profession.

Several of the studies refer to youth participation in street trade given high unemployment rates. In Senegal youth have established their own street trader organisation. The Spanish case study refers to gypsies and foreign migrants, while the Senegal case study notes the presence of migrants from other parts of the country among the street traders. The danger of establishment of separate organisations for marginalised groups is that politicians may not take these organisations as seriously as those which represent citizens who elect them.

Ethekwini in South Africa illustrates the way in which foreign traders can be discriminated against in that beachfront traders from Mozambique and Zimbabwe report that foreigners are not able to get a trading permit in their own right but instead can only trade if registered as an “assistant” to a South African trader (Karumbidza, 2011). Similarly, as early as 1994 one of the most well-known trader organisations at the time, the African Council of Hawkers and Informal Business, called for expulsion of traders from Taiwan, China and other African countries (Grest, 2003).

In some cases trader organisations take on management functions. The organisations may use this power to exclude some traders. In Cape Town in South Africa, for example, the local authority “outsourced” management of trading to some of the established organisations. Traders then paid rental to these organisations rather than to the municipality. The members of the chosen organisations were predominantly muslim people who had lived in Cape Town for decades rather than black African people who had been excluded from the city during the apartheid years. The rentals set were relatively high and it was difficult for poorer black African people to get sites. Similarly, when Johannesburg outsourced management to a private company high rentals excluded poorer traders (Grest, 2003).

The multiplicity of organisations can create difficulties in determining who participates in negotiations. It can also create difficulties in obtaining mandates and reporting back.

The difficulty of determining who participates in negotiations is reduced if the street trader organisations form coalitions or federations. In India, the National Association of Street Vendors of India (NASVI), was formed in 1998 to militate for vendors’ rights on a country-wide basis. In Senegal, 26 associations came together to form FAMATS in 2010 so as to have a single voice. By early 2012 FAMATS had 40 associations as members. In each market, the federation has a representative whose task is to report information to the central office to enable them to lobby if something goes wrong. Meanwhile the grassroots associations continue to operate in the various markets. In DRC, in contrast, efforts to establish the Inter-union of Petty Trade in Kinshasa have not yet succeeded. This has weakened the traders in their struggles. In São Paulo, in 2011 vendors formed the São Paulo Vendors’ Forum to coordinate efforts to combat the hostile actions of the prefecture.

In Kenya, NASTHA in 2012 brings together a total of 170 associations, with more than 1,200 trader and hawker members. NASTHA had to wait three years for its certificate of registration as politicians felt threatened by the traders being organised. Registration occurred only after the Catholic Diocese intervened. NASTHA is, in turn, a member of Kenya National Alliance of Street Vendors and Informal Traders, a national umbrella organisation that bring together 13 local urban street traders' and hawkers' associations.

The Malawi case study illustrates the benefits of links to a larger national organisation. Neno in Malawi has two structures that represent traders, with some overlap in both membership and leadership. The first structure, the market committee, was set up by the municipality in line with what happens in other municipalities. All traders belong to this structure. The second structure is the local branch of MUFIS, which is part of a national union organisation. At some point in the negotiation over the market, both Neno structures agreed to request intervention by the national MUFIS secretariat. The subsequent meeting between MUFIS' national leadership and officials succeeded in ending stalemate.

In some cases the organisations representing street traders are set up by the municipality rather than established by the traders themselves. This is the situation in respect of the market committee in Malawi. It was also the situation with the representative forum established in Ethekewini in South Africa.

Ethekewini's informal economy policy of 2001 recommended the establishment of a negotiation forum in which informal traders' representatives would negotiate with other stakeholders. The municipality subsequently established the Ethekewini Municipality Informal Economy Forum (EMIEF) for this purpose. The municipality developed a street committee system of representation of vendors, in which each street elected a committee and committees in each of the six regions then elected leaders to represent them in the Informal Trading Management Board (ITMB) and in EMIEF meetings. The ITMB was established at a mass meeting in the City Hall led by an African National Congress councillor with strong community links (Grest, 2003). Over time, however, the business support unit of the municipality created "working committees" which sent representatives to the EMIEF rather than all the trader representatives coming from elected delegates to the ITMB (Bikombo, 2011). Membership of these committees was compulsory for traders with permits (Çelik, 2011).

The working committees were less democratic in their constitution and functioning than the organisations created by traders and tended to reinforce the power of the local authority that created them. Traders who did not have permits could not belong to the working committees. Other organisations later asked for representation in the municipality's system but were excluded on the grounds that their members did not all have permits. Several of these organisations therefore came together to set about establishing an alternative structure for engaging in dialogue with the municipality. However, the municipality was not prepared to give them a role in decision-making.

Negotiation successes bring benefits for individual traders as well as for the organisations concerned. In Malawi, the negotiation success resulted in a surge in membership of MUFIS. However, membership has since declined drastically as there has been no follow-up by the national secretariat. In DRC, success in negotiations built faith in organisation and a realisation of the benefits of standing united and having representation. Most individual traders now ensure that they use the organisation to take up collective issues as well as for advice on individual problems.

Membership of and participation in negotiation forums

Beyond membership of organisations, there is the question of who participates in the negotiation forums.

In Ahmedabad, the Town Vending Committee that was established in 2012 has 28 members. The Ahmedabad Municipal Corporation Commissioner acts as its chair, and its members are the mayor, the collector (city treasurer), representatives from various branches of the city administration, the traffic police, the opposition leader in the council, the Chamber of Commerce, residents' welfare associations, non-government organisations, community-based organisations, and 10 representatives of vendors from different areas in the city, one third of whom are women members.

In São Paulo, the Permanent Street Vendors' Commissions set up in terms of municipal legislation of 1991 and run on a decentralised basis provide for representation of informal trading associations, the municipal administration, formal business and civil society organisations.

In Kinshasa in DRC the Permanent Consultative Framework and Social Dialogue includes representatives of trade unions and employers, representatives of associations and cross-professional corporations, and representatives of technical and security services. In addition, expatriates engaged in general business and import-export business activities are represented.

In the shorter two-week negotiations in Kinshasa, some participants wanted to exclude others but the legal advisor to the Minister insisted – after reviewing their constitutions – that all relevant associations should participate.

In the initial negotiations in Zaragoza in Spain, initially all organisations participated. However, subsequently it was agreed that the Zaragozan Street Vendors Union, which was part of UPTA, which in turn was part of UGT, should represent the traders. This arrangement was approved by an assembly open to all traders.

After the initial negotiations had been successfully concluded, UPTA proposed the creation of a democratically elected market board and the city council duly issued an ordinance to this effect. The process provides for election of individuals rather than organisation, through a secret ballot in which each voter can vote for a maximum of three

candidates. For the most part, the individuals who stand are members of organisations, but they are not elected on this basis.

In Senegal, initial negotiations with the city council involved all 26 associations. This was unmanageable and the traders thus agreed that only eight people would negotiate on behalf of all traders. Some of the organisations had more than one representative, and one of the negotiating team members was a well-known trader who was given his place as an individual.

In many of the case studies the negotiation focused on street trade and participation was restricted to street traders and the authorities. For example, in Nakuru in Kenya the negotiations involved the mayor, town clerk, municipal treasurer, and chairperson of NASTHA. The negotiating partners did not involve other parties as they were wary of interference from politicians. They were also wary of other institutions such as the provincial administration and the established business community, both of which had opposed the traders operating from the CBD.

In some cases, however, street traders may participate in negotiation forums of which the scope extends beyond street trade issues. In Spanish municipalities, for example, there are commonly both broader and trader-specific forums. Thus the advisory trade commission deals with retail trade in general, with street vending as a subsector. In contrast, market boards are structures established by municipalities, usually on the request of street traders, to allow for negotiation of optimal working conditions for both parties.

Often, however, traders may be excluded from the broader forums and structures. Thus the Malawi case study notes that the district executive committee, area development committees and area executive committees all play roles that are very relevant for street traders. Further, both types of executive committee include some non-governmental members. Nevertheless, MUFIS is not represented in any of the three structures.

In negotiations between employers and employees there are two main parties, so the negotiation is bilateral (two-sided). With street trader negotiations the most common parties are the street traders and the municipality. However, there could be other parties involved, such as formal businesses and the general public that uses streets for other purposes. In some cases these other parties will sit at the negotiation table. In other cases they may not sit at the table, but the municipality might be concerned to protect their interests.

In the case studies, the negotiations for the most part are bilateral. One exception is the Nicaraguan case study, where the union engaged with a range of different government and non-government bodies. These included the mayor's office of Managua (for coffins); the National Technological Institute (for scholarships); the Municipal Corporation of Market Places of Managua (for coordination of cleaning days); private clinics (in respect of preferential pricing); the INSS (for special insurance for independent workers); and

MITRAB (in respect of registration, hygiene certificates and work security). These negotiations did not, however, all take place simultaneously.

Permanency of the negotiation systems

The ideal situation is where a permanent system is established for regular meetings between street traders and the other key parties. This was achieved in Ahmedabad, after many years of intense political and legal struggle, with the activation in 2012 of the Town Vending Committee. In São Paulo, the statutory institution fell into disuse when conservative administrations took over the management of the city in the 2000s. However, a more common situation is that negotiations happen only when crises occur. In particular, street trader negotiations often take place when there are threats that street traders will be evicted or moved from their trading places. This can happen, for example, when an important national or international event is being planned and the trading space is needed for construction or other purposes and/or the authorities' vision of "beautification" involves removing traders from the streets.

In Spain, for example, in the first instance there were attempts to remove traders when the local sports team's regular events clashed with the market days. Later, there were again attempts to remove traders when an international expo was planned and the space was to be used for construction of a mall and other facilities.

With ongoing negotiation systems a common problem is that they fall into disuse, or operate sub-optimally. For example, the meetings may be called irregularly, or there may be no minutes or records of the meetings. This is noted as a problem in the DRC case study. Lack of a written agreement also resulted in improvements being reversed when a new mayor was elected in Nakuru, Kenya.

With one-off negotiation systems and lack of a written agreement, the danger exists that the agreements reached are breached or reneged upon. Malawi is a case in point here, with no written agreement, resulting in traders having a large number of complaints about the valuation and compensation processes, as well as the allocation of spaces in the newly built market.

Organisational considerations

If negotiations are to be truly democratic, the negotiators must promote the interests of those they represent, and must report back to them regularly. SEWA has relied heavily on its long history of democratic organisation in its negotiations with the Ahmedabad Municipal Corporation, and has managed to carry its members through a range of difficult decisions and compromises on the basis of the trust it has generated with them through sustained participatory engagement. The case studies of the relocation of vendors from main 'model' roads to off-road sites, and to a site beneath a flyover bridge at Jamalpur market, illustrate the challenges encountered and how SEWA's democratic

organisational skills were used to combat these. The Nicaraguan case study provides the clearest example of regular report backs, alongside meetings held with a range of allies and interested parties. The latter included the municipal council of Managua, directors of health facilities, mutual committees, general secretaries of the district union councils of the CTCP, and other worker organisations. In Senegal report backs to local organisations are facilitated by the fact that many of the groups hold regular meetings related to the tontine system.

If negotiations are to be successful, they generally require support activities outside of the negotiating room. These include lobbying of key actors. This is illustrated, among others, in the Nicaragua case study in which CTCP lobbying targets included a range of actors in parliament. SEWA has long experience of lobby work at all levels, and was active in the creation of NASVI as a national organisation which has lobbying as one of its key activities.

Other support activities include research and preparations for the negotiations and the mandate-seeking and report backs referred to above. SEWA has managed, over time, to create the necessary human and financial resources to enable it to engage in negotiations at local, state and national level. It has the capacity to deal with complex legal and town planning issues at a sophisticated technical level, and can draw on the expertise of lawyers, planners and architects. The Kenya case study provides an interesting example of how the NASTHA chairperson consulted with others in a situation of extreme time pressure during negotiations in that the mayor had requested a memorandum of understanding by the following day.

Support activities may also include demonstrations, sit-ins, protests and the like to keep up the pressure. Both the DRC and Senegal papers highlight how demonstrations encouraged the government authorities to negotiate. The Senegal and DRC case studies also highlight the dangers that can accompany organisation of street traders, namely imprisonment of demonstrators in DRC and threats to the lives of Kenyan leaders.

Budgets and finance

Budget and other financial issues often emerge explicitly or implicitly in street trader negotiations. The DRC case study is explicitly about finance issues in that it focuses on negotiations around the levies that traders must pay. Several of the other case studies also point to levies and similar payments as a problem. Several refer, either implicitly or explicitly, to additional or illegal payments, such as bribes, that some traders are forced to pay. In the DRC case the negotiated settlement set the levies at a compromise level but achieved a rate that was than standardised across all parts of the city-province. However, subsequently officials and union representatives agreed on a participation fee for safety and security that is, in effect, an additional levy that violates the law.

For municipalities the payments made by traders may be an important source of revenue given limited other sources of local government revenue. For example, in Malawi in 2011

the informal sector contributed about 90 per cent of the revenue of Neno district assembly.

High payments for traders can serve to exclude poorer people. For example, in Sandaga in Senegal the rental cost for a canteen varies between FCFA 100,000 for one of 1 m² and FCFA 200,000 for one of 2m² in addition to a deposit of FCFA 450,000. Faced with these fees, many traders choose to work from makeshift shelters or in the streets where they pay only FCFA 150 in daily fees. This deprives them of access to public services such as water and electricity. When Senegal upgraded the trading facilities, the costs rose to between FCFA 700,000 and 800,000 for stalls and between FCFA 1,000,000 and 1,500,000 for the kiosks.

The Senegal case study also points to the importance of the source of government revenue. This is especially important given that in most cases it is local authorities that are responsible for street trading, and typically local authorities have very limited revenue raising powers. They are thus dependent on transfers from national government. In Senegal the Dakar mayor's initiative to support a private company to construct canteens and buildings utilised a budget line item entitled "support to the informal sector" that was intended for training and support for small-scale women's projects. Ordinarily the city should have been able to use national revenue but the central government blocked the national transfer as the opposition party was in power in Dakar.

In Nicaragua the case study notes that the financial implications of the health agreement was an issue, as was the negotiation of lower contributions for social security for street vendors.

Politics

Several of the case studies illustrate how traders and their organisations get caught up in broader politics.

In São Paulo, street vending organisations came under severe pressure from a conservative city administration which effectively shut down institutional negotiation channels. An alliance of street traders lobbied for a change of government in the October 2012 municipal elections, and has pinned its hopes for a better dispensation on the new progressive Workers' Party-aligned administration elected into power.

In Senegal, policies and practices in respect of the traders changed when the opposition won the majority in the local elections. However, the ruling party continued to intervene through creation of a national agency in respect of street trade and through withholding money that the municipality might use to support street traders. The traders' movement was also split into three camps depending on the political party they supported. This type of split is likely to weaken traders in negotiations, or result in benefits for some at the expense of others.

In Kenya the political differences play out between the provincial and local levels of government, with the two sometimes having the same stance in respect of street traders and sometimes not. In this case study it seems that changes in policy and practice were not necessarily due to a change in political party. Instead, a changeover in mayor or town clerk could bring about change even without party political change.

The Kenya case illustrates how the traders used the power of their numbers as an electoral basis to extract promises from aspirant politicians. However, over time the traders realised that promises of aspirant politicians at election time may not be fulfilled once the politicians are elected. The Kenya case study also reveals how individuals in powerful positions can make a difference. Thus it was when a new mayor whom traders had supported was elected that real changes were brought about for traders. However, these changes were reversed when the subsequent mayor came into power. At a different level of politics, the Kenya case study reveals how street trader organisations can be assisted when they have allies and sympathisers inside the authority structures. In the Kenya case, NASTHA benefitted from information provided by sympathetic *askaris*, as well as from a sympathetic insider within MCN.

In Malawi the ruling party and some government officials and traders who support the ruling party see MUFIS, the trade union for street traders, an agent of the opposition political parties. As a result, MUFIS is sometimes excluded from negotiations.

In Nicaragua a major political change in national leadership when the Sandinista government came into power meant that the main focus of negotiations – for health insurance – was no longer as relevant as the new government planned to extend free health care to all. Nevertheless, the CTCP entered into the agreement on health insurance as it recognised that it would take some time for free health care to be put in place.

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