

**CLAIM TO URBAN SPACE:**  
A STUDY OF HAWKERS (STREET VENDORS) WITHIN THE  
CENTRAL BUSINESS DISTRICT OF NAIROBI- KENYA.

BY

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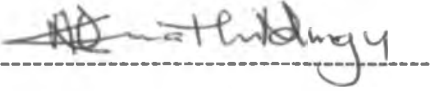


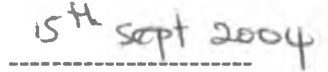
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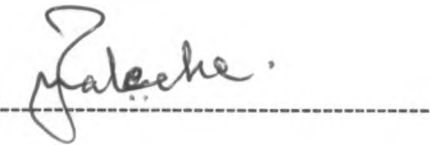
  
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### DECLARATION BY SUPERVISOR.

This thesis has been submitted for examination with my approval as the university supervisor.

  
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MR. ZACHARIAH MALECHE

DATE

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## DEDICATION

*This work is dedicated to Mum and Dad who taught me to care and reason. To my Brother, Sisters, Cousins, Aunts, Uncles and Friends for there continued support and understanding. Be blessed.*

## ABSTRACT

Some of the biggest challenges facing urban centres in Kenya today is how to tackle the issues of unemployment, through the provision of viable areas for self-employment opportunities as well as improving the quality, standard of living and infrastructure. The urban spaces are not designed to empower people or provide vibrant places where opportunities for small entrepreneurs and informal activities (hawkers) can trade and manufacture at viable locations.

Most urban centres in Kenya are faced with the challenge of trying to deal with hawkers (street vendors) within their Central Business District (CBD). In most of the cases hawkers have not been allocated space to operate from. Though ignored by planners and harassed by the Local Authority enforcement officers, the hawkers within urban centres, have tended to acquire and control space informally. The situation in the CBD of Nairobi has reached crisis stage. This raises critical questions; who designs cities? What procedures do they go through? What are the empowering agencies and laws? What role do these assign to hawking and street vending activities?

The study examined the problems besetting developments that underestimate and ignore the “hawkers” role as a powerful agent in the development process and space utilisation in urban centres, assuming that environments should be designed for those who use them or are affected by them, rather than for those who own them (Jacobs and Appleyland, 1987).

The research put into perspective the elements of power, control over space and the conflicts that emerge with regards to urban space utilization. This stem in part from the fact that most planning projects are implemented with missionary zeal (to remove hawkers from the CBD) and bear little reference to hawkers’ needs and priorities.

The study defined the role of civic authorities in present “issues”, and prompted them to re-examine conventional concepts in urban design. This was done by considering architecture and urbanism as disciplines based on knowledge of space instead of an endless battleground for conflicting and shifting opinions on transforming and transformed urban space.

The study also endeavored to develop a framework for the spatial requirements for hawkers operating within the CBD of Nairobi. This was prompted by the inadequate identification of an appropriate methodology and criteria in the relocation process of hawkers to the back lanes and alleys. The issue of managing the hawking activity after relocation was emphasized. The identification of an appropriate Local Authority (LA) department, planning, legal and financial framework was expected to provide a fundamental basis for the policy formulation and the relocation process.

From the fieldwork and data analysis, spaces the hawkers were allocated were not suitable for the development and operation of their business. It was also noted that, whereas the LA was concerned with providing “proper” or “ideal” trading spaces for hawkers, so as to resolve their claim for space within the CBD, the hawkers had reorganized the sizes of the spaces “allocated” to them, in their desire to have “ideal” spaces that support their business activity better.

The lanes and alleys where they were relocated to had not sufficiently resolved the conflicts the hawkers faced with formal businesses and NCC enforcement officers.

The study concluded that even with all the policies and strategies in place, without proper enforcement methods, ways of evaluating and monitoring the way forward, the city will continue to face the same challenges it is facing now only at an increased magnitude because of the number of unemployed who want to engage in the activity to earn a livelihood

The study further observed that, the same spaces, if they were redesigned, could potentially empower, inform and spatially define more appropriate urban spaces and streets along designated pedestrian corridors or mobility routes, providing suitable conditions and capacity to react and respond to the needs of the hawkers. This would certainly fill a vital gap in knowledge and effectively develop useful information, when planning for hawkers operating in Central Business District of most urban centres in Kenya.

The study makes a number of both long term and short recommendations. The long term recommendations include the development of periodic markets through the effective utilization of urban spaces, evaluation of the urban fabric so as to create a pedestrian precinct and lastly land acquisition within the CBD and in the residential neighbourhoods to try and provide suitable trading environments for the hawkers and to resolve the conflicts that have developed and will continue to take place within the CBD if the issues relating to hawking are not addressed. The short term recommendations are change of altitude and NCC recognizing the potential of hawking in generating revenues and also providing employment. Improving the infrastructure that are in place to try and harmonize the operation of both the formal activities and the hawkers. Also the idea of allocating traders sufficient trading spaces and providing mechanism for the hawkers to be represented in decision making and lastly reviewing the rules and regulations that hinder the development of the activity



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## ACRONYMS AND ABBREVIATIONS

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AAK	Architectural Association of Kenya
CBD	Central Business District
CBO	Community Based Organization
CSO	Civil Society Organization
GIA	General Improvement Areas
GOK	Government Of Kenya
ILO	International Labour Organization
ITDG	Intermediate Technology Development Group
KANU	Kenya African National Union
KIP	Kenya Institute of Planners
KLTIP	Kenya Local Government Reform Programme
Ksh	Kenya Shilling
KUTIP	Kenya Urban Transport Infrastructure Project
LA	Local Authority
LAs	Local Authorities
LATF	Local Authority Transfer Fund
MOLG	Ministry of Local Government
MSE	Medium and Small Scale Enterprises
NARC	National Rainbow Coalition
NCC	Nairobi City Council
NGO	Non-Governmental Organization
OMO	Open Market Operation
PRSP	Poverty Reduction Strategy Paper
PSP	Private Sector Participation
R&D	Research and Development
SME	Small and Medium Enterprises
SWG	Stakeholder Working Group
UDC	Urban Development Corporation
UNCHS	United Nations Center for Human Settlements

## DEFINITION OF KEY TERMS

**Being Poor:** will be defined as not being able to afford to be openly unemployed, and almost any job may seem to be better than no job.

**Hawkers or Street Venders** will be used interchangeably. This will refer to people who engage in informal activities and operating within the C.B.D. this will refer to economic activities that,

1. Are not protected or supervised by an government authority and operate autonomously,
2. Are not restricted by any laid down entry or exit criteria, but rather by personal abilities.
3. The act of spreading or displaying goods in open space with intention of attracting buyers and make sales.
4. Are labour intensive
5. Are characterized by a high degree of vulnerability

**Street Traders** will refer to traders who are licensed by the Business Licensing Department (NCC) and they have a permanent location

**Unemployment:** the ILO definition of unemployment will be adopted. According to the ILO it means those with zero incomes and seeking work (1972:57)

**Respondents** will refer to individuals/ members or hawkers who trade in the back alleys and lanes and were administered with questionnaire to facilitate collection of data.

CHAPTER ONE.  
**INTRODUCTION**

**1.0 Overview**

In Kenya the process of urbanisation has created many problems. These include poor housing, family breakdowns, hopelessness, crime, lack of recreational facilities and unemployment (Oloo, 1969:25). These problems have resulted mainly from rapid urbanization that has taken place over the past years (Todaro,1976:10 Akerele, 1979:2) resulting to large number of people moving into the urban centres in search of employment.

Once in the urban centres, not all the people seeking employment are employed. This is due to the fact that the rate of job seekers exceeds the rate of urban job creation and also greatly surpass the capacity of both industry and urban social services to absorb this labour effectively (Todaro, 1976:2). The formal sector has largely failed to meet employment creation challenges of the country. In 1995-1999, formal sector employment growth averaged 1.8% while the labour force grew by an average of 3.5% (GOK, 2001:25). Those unable to secure employment, some take up various type of income generation activities including informal ones. The research looks at informal (hawking or street vending) activities within Nairobi CBD.

The study focus is Nairobi's Central Business District (CBD) (map 1.0) and how the actors/ people who engage in hawking (plate 1.0, 1.1, 1.2.) within the CBD have colonized the urban space. This is so that they can have or earn a dignified life, in a secure and safe environment, with access to a range of opportunities for urban living. It also puts into perspective the elements of power, control over space and the conflicts that emerge with regards to space utilization.

The research aimed to examine the practices related to urban space and how it's utilised in everyday scenarios, its re-uses and functions manifested in these spaces the hawkers occupy. The study will discuss the

ideas and perceptions of the “authorities” and “hawkers” who make possible (or create) their spaces for ordinary functions within the urban fabric. The crux of our argument is that space is not neutral, and through the use of power and resistance, space can be manipulated and can acquire different meaning and interpretations.

**Plate 1.0. Hawkers Displaying Their Ware along Taveta Lane**



The study advocates for the understanding of urban space and the actors (local authorities and hawkers) who define the space they occupy, the optimum use and how space (its meaning) changes over time. It addresses critical urban management issues at threshold areas or spaces and along streets. It looks at the conflict of space and its meaning and tries to create some spatial hierarchy within the urban fabric to facilitate cohesion between all actors. It is meant to identify the poor spatial qualities and give meaning to urban space so as to accommodate all actors within the same spatial framework, unpacking issues of resourceful urban space: Where every individual/ hawker or street vendor has the potential to effect and become part of the architecture or form leaving their trace in the creation of spaces and activities within the urban space they utilize. Thereby addressing sustainable and multifunctionalism of urban space at the same

time looking at rationalising Nairobi's urban spaces/ back streets and alleys.

The study commences by conducting literature review on issues related to hawkers and hawking or street vending within the CBD. Also put into perspective is the historical development of relocation of hawkers to back lanes and alleys (see plate 1.1 & 1.2) within the CBD of Nairobi. It looks at the importance of hawking or street vending as an urban economic commercial activity that should be allocated space, developed, failed cases, approaches and theoretical perspectives with regards to the activity in an urban context.

The study further discusses and analyses the relocation of hawkers in Nairobi CBD. Was this a “planning” or “political” initiative? That took place within the CBD, so as to provide the hawkers with areas for them to conduct their businesses and the City Council of Nairobi implemented it.

**Plate 1.1 Hawkers along Timboroa Lane**



**Plate 1.2 Spatial Arrangements**



Secondary data was obtained from various libraries, resource centers, internet sources and government agencies. The primary data was collected through physical and social surveys on the study area, which was selected through random sampling the activities and later clustering them. The units of observation included the target group and all the spatial and sectoral aspects of the lanes and alleys. The sample size constitutes all the stakeholders involved in hawking/ street vending.

### **1.1 Background to the Study**

The concept of informal sector first appeared in the early 70's with launch of the World Employment Programme by the International Labour Office (ILO ) The hawking or street vending has been termed "informal sector" activities a term which was used by I.L.O mission to Kenya (1972) to define a "target" population part of a strategy to increase employment.

The International Labour Organization (ILO) mission (1972:6) was the first to undertake a major study of informal activities in Kenya. The missions report identified ease of entry, reliance on indigenous resources, family ownership of the enterprises, small scale operations, labour intensive and adapted technology, acquisition of skills outside the formal school system and unregulated and competitive markets as the characteristics of the informal sector.

The ILO mission recognized the potential role of informal activities in the country's development. It was quick to point out the constraints under which the informal sector operated and from which its potentials could be realized. It was observed that the informal sector lacked Government recognition and hence no government assistance in form of credit, training and legal protection.

Consequently the mission recommended that the system of trade and commercial licensing be revised, that the Government increases its purchases from the informal sector, the formal sector be encouraged to



sub-contract labour intensive processes to the informal sector and that research relevant to strengthen the linkages between the informal and the agricultural sectors be intensified.

The Government of Kenya accepted the ILO recommendations in 1973, publishing Sessional paper No 10 on Unemployment, which is defined as those with zero incomes and seek work, (ILO, 1972:57). It's main intention was to officially respond to the finding and recommendations of the ILO Report. While the recommendations were acceptable wholesome the government did not give an outline of the strategies to be taken to realize these objectives. What it said was that ways would be found and feasibilities be determined in order to achieve those recommendations.

Subsequently, the National Development Plans (1974-1978, 1979-1983, 1984-1988, and 1989-1993) have showed strong inclinations towards the mission's policy proposal, (Killick. 1989). The presidential committee on employment 1982/83 (1984) recommended that the activities should be given legal status and recognition and that infrastructure be built for it to thrive and attract more people.

Haggins (1969) (quoted in Muench 1977) referred to informal activities as the "traditional " or "retarded" sector in which techniques of production were traditional or highly labour intensive but with corresponding low productivity. Street vending (hawking) were economic activities that were at their core fundamentally permissible and are carried out in ways that were not compliant with the current government laws (Hernado De Solo 1989). They did not have licenses because they had not fulfilled the bureaucratic form required by local authorities, (Kiteme 1992).

In 1986 Sessional paper No 1, on Economic Management for Renewed Growth, the informal activities were seen as having a vital role to play in the renewed growth of Kenyans economy. It was expected to create 400,000 employment opportunities by 2000. The need to generate employment to keep pace with the fast growing population had been

emphasized in the 1984-1988 Development Plan. The National Development Plan 2002-2008 GOK, 2002:4) stated that, “as the formal sector employment decelerated, informal sector employment increased at a rapid rate over the last three decades”.

However, no specific attention had been paid on the demand side and spatial requirement for informal activities (hawking) within the urban centres. This had left a gap in our understanding of the activity, its spatial requirements and demand for space, forcing the activity to operate along streets within urban centres.

Most authorities do not normally allocate hawkers trading sites. Most of the hawkers operate on open ground, with no shelter or basic services. The authorities were reluctant to allocate sites within the CBD. They argue that the CBD is not planned to accommodate hawkers and that it would cause congestion and insecurity. Hawkers are also seen as a threat to formal business, which pay license fees and other charges to the local authorities.

This perception is changing. The City Council of Nairobi identified possible sites for hawkers to perform their businesses. This intervention by the authority was geared to poverty reduction and creating “proper” environments to enhance and support livelihood strategies for the hawkers. But the most problematic component was achieving integration and co-ordination with the hawkers, in the way the authority delivers services and relating this to how hawkers configure their livelihood and coping tactics.

The making of positive urban environments requires the exercise of both freedom and constraint and environments are never complete entities. (Peled, 1979:254) The reaction to the capacity of streets to generate a feeling of exposure, independence and enjoyment depend on ones values. Hawkers prefer operating in the CBD, where they have easy access to customers, their own methods of identifying and allocating sites. This exposes them, however, to harassment by the authorities. They are arrested by enforcement officers, their goods confiscated and their structures

demolished without notice. They are also evicted to allow planned development to take place.

The overriding strategy for this research is to help bring sanity into the whole spectrum of urban commercial activities in the city with reference to hawkers. This is because hawkers are not just driven by the market and customers but by the existing difficult economic conditions, which have made many people jobless. A lot of Kenyans have turned to hawking, which is seen as the easiest activity with almost no entry barriers in terms of money or education. Also contrary to popular belief, there are a lot of employed people who engage in hawking to supplement their income.

## **1.2. Problem Statement**

The most common phenomena of urbanization that has attracted much attention include such problems as lack of adequate housing, unemployment, uncontrolled settlement, transportation and hawking or street vending in our urban centres. Also Local authorities lack the capacity to expand their resource base so as to provide services. Policies to guide the operation of some of these activities, especially issues relating to hawkers occupying space and source of revenue to LA in the urban centres are lacking. One of the striking features of most of our towns is the influx of hawkers to the urban centres. In these urban centres most of the urban spaces have been invaded by the hawkers.

In order to achieve proper and orderly urban intervention in our urban centres, policy guidelines that should be concerned with effective use, allocation and development of the urban centres must be formulated to address all the players and users of urban space. This should address issues of spatial integration and aim at resolving endless conflicts and movement of hawkers within the urban fabric.

From the persistence and increase of hawking in the face of harassment by the authority, does it suggest that this is a viable form of employment that

needs protection and even further development? What indeed is the nature of hawkers that keeps them in the street against all odds? Lets us face it, most of the streets, for example, Moi Avenue at Tusker Supermarket and at the Railway matatu terminus, are crowded with hawkers’

The purpose of this study was to investigate and examine spatial operations and requirements in the areas where the hawkers have been located. At the same time, examine and try to understand the relocation initiatives. Thereafter prompt the authority or plan to reorganise and make provision or suggest suitable locations for hawkers, ending their claim on urban spaces and planning for their activities, guiding their growth and development in an organized pattern

### **1.3. Objectives of the Study**

The research will examine the present urban structure, policy guidelines regarding the recent urban intervention of relocating hawkers within the CBD, for them to conduct their business. It will establish a policy framework or guidelines creating scenarios and define spaces where hawking or street vending can take place within a desirable urban setting.

The objectives of the study are as follows;

1. Identify and classify the existing types of hawker or street vendors within the C.B.D of Nairobi with respect to type, location, operational space use and functional relation with operations of formal activities within their surrounding and requirement for support infrastructure and services
2. Examine the (existing) criteria used in guiding their location and operations, performance, growth, policies, regulations control and standards and guidelines for street vending in the C.B.D.
3. Examine problems, conflicts, etc, of location, growth, control, guide and environmental impact of hawkers in the C.B.D area.

4. Propose ways and means of planning, legitimising and rationalizing the location, space use, operation and relation with surrounding formal activities, infrastructure and services requirement for efficient operation and growth of hawkers within the C.B.D

#### **1.4. Hypotheses**

The study was undertaken with the following hypothesis.

1. The harmonious and ordered integration of the hawkers or street vendors in the CBD in future will only be achieved if movement systems are rationalised to promote urban integration by transforming a number of mobility routes into activity streets.
2. Hawking or street trading will continue to grow and expand, thus the urban planning process will continue to be in a state of dilemma unless these activities are recognised and planned for as urban land users within the CBD. Instead of viewing them as a nuisance and interfering with the CBD land use and urban space.
3. The claim to urban space will only be resolved if hawking or street vending activities are integrated and new income generating potential and entrepreneurial activities within the CBD are diversified and strengthened. In particular, identify areas of opportunities and choices for informal activities, generate public markets and lower the threshold of entry to the economy of the informal sector.

#### **1.5. Assumptions of the Study**

The following assumptions were made with regard to the future of hawkers and space in the CBD of Nairobi while carrying out the study:

1. That the population of hawkers in the CBD will continue to increase in the foreseeable future.
2. That the population will require extra urban space upon which they will conduct their activities.

3. That as the population of the towns increases the pressure exerted on the existing urban infrastructures and services will be greater hence the need to expand these facilities to cater for the extra demands
4. That the economic activities will expand thereby creating more employment opportunities in the CBD. This will in turn require guidelines in defining the spatial needs for the various activities.
5. The hawkers and street vendors have not received the due recognition in urban land use plans and there is need to plan for the sectors activities

### **1.6. Justification and Significance of the Study**

This study was concerned with highlighting the present characteristic of hawkers. It recognised the relocation initiative as an attempt to legalise the activities as an urban land use. It sought to establish the characteristics that can act as guidelines during the planning process to determine conducive environment for locating hawkers' activities.

Business was at its peak in the evening. This was when the hawkers "parade" themselves in the streets to sell all sorts of wares. These range from food stuffs, fruits, wrist watches, clothes, shoes, to mobile phone cases and holders. The hawkers shout the prices of their wares, calling out possible customers. The areas the hawkers are located is a haven of other activities, i.e., matatu terminals, access routes and service lanes or fronts of shops and restaurants.

This created the need for study, by understanding and analyzing hawking, the spatial consideration, requirement, location, its capacity as an urban informal activity that can be integrated wisely with other land use activities, its source as a revenue base for the Local Authority and the role it plays and may continue to play in providing employment. Sinclair (1978) attributed the emergence of informal activities as a response by the urban unemployed to the unemployment crisis. A crisis brought about by the failure of the manufacturing and the service sector to absorb the labour

supplies. Elliot (1975) refers to the participants of informal activities as the “urban excluded”.

### **1.7. Scope and Limitations of the Study**

Nairobi is a city facing many critical challenges as a modern metropolis including public health issues, insecurity, environmental degradation, pollution and aesthetics. An immediate concern is the great contribution of hawkers to these challenges. When NCC askaris patrolling the streets appear, there was a “mad rush with the hawkers fleeing in all directions, some trying to save their goods and escape arrest.

Woe unto you if you get arrested, for you are beaten senseless, tossed into a lorry and your goods confiscated. In the CBD, the hawkers have defied all odds and had previously invaded every available space in the streets, pavements and walking alleys before they were relocated.

The Nairobi City Council made a positive move and registered at least 6,000 hawkers and identifying back streets and alleys from where the vendors would operate, in a move aimed at easing congestion in the CBD. So why were the hawkers back on the streets? Because the sites they were allocated did not attract customers. But was this enough to end the hawkers menace in the country’s capital city and centre of business operations?

This long-running problem had been worsened by the absence of a policy to legalise and govern hawking activities. There had also been lack of an established framework to facilitate dialogue between local authorities and the hawkers.

The study looked at the issue of urban space and the conflicts that arose in relation to its utilization and ownership in the CBD and who had claim over what. It looked at the development patterns that had taken place in relation to the nature and process of urban intervention and issues of

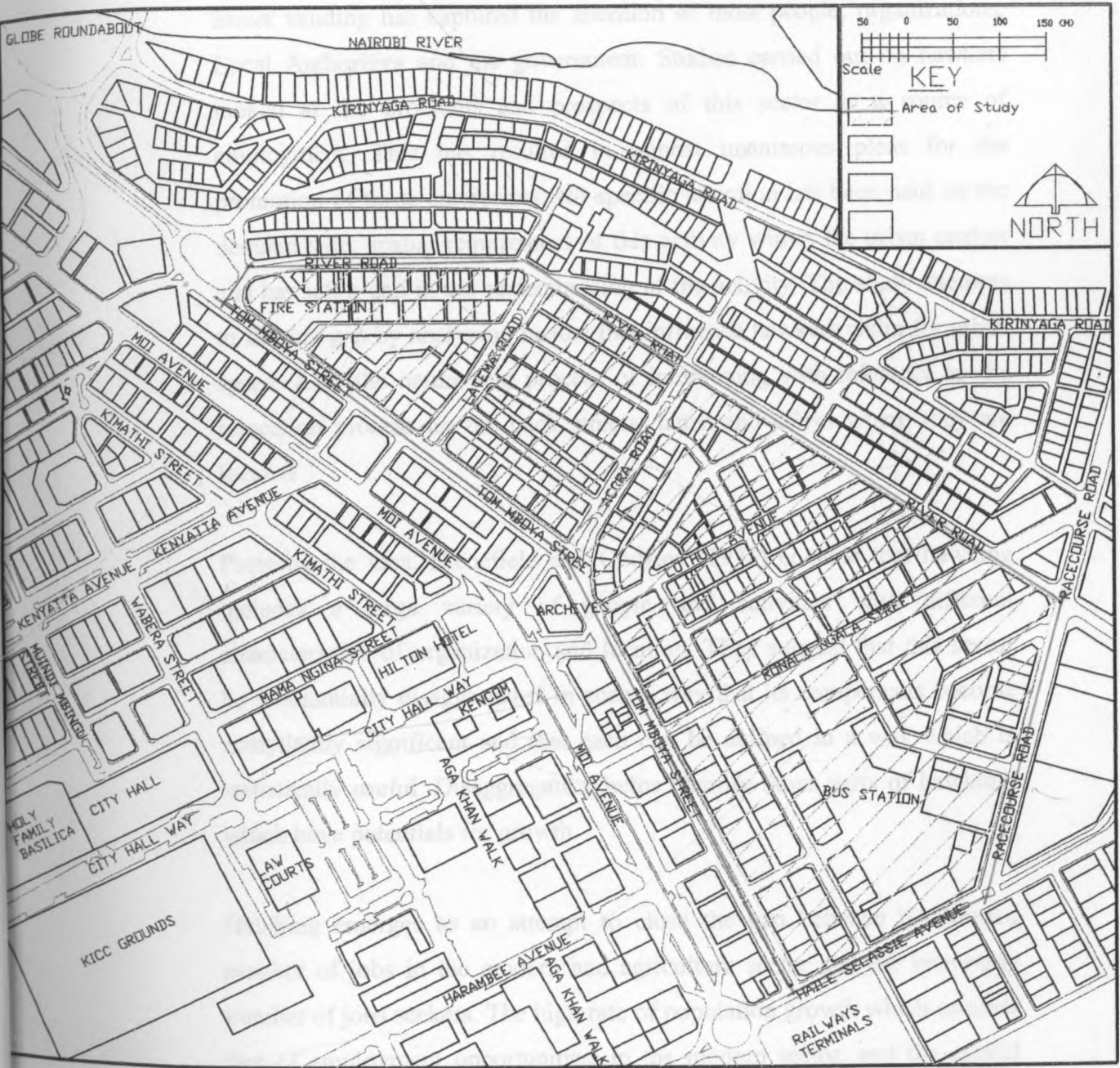
control of space. The study took place within the CBD of Nairobi. It was to focus on the areas hawkers had been located within the city. These areas were the alleys and back streets between Tom Mboya Avenue and River Road (Map 1.0). (Strauven, F, 1998: 356) The overall generating ideas of the research was the understanding of the appropriate integration of different activities into a single built environment creating an environment rich in diversity, identity, opportunities and “spatial organization, which defines the spatial relationships in the environment by means of geometric measures” (Tzimir, 1979:84).

The study was organized in seven chapters. Chapter One is an introduction to the study; Chapter Two is the literature review which looks at what other scholars have done on the subject also in this chapter there is the theoretical framework. This will enable me analyze the areas of study and underpin key issues. Chapter Three is research design and methodology used in the study. Chapter Four gives the background to the study area as well as the development of informal activities. Also institutional, policies framework and regulations that regulate hawking within the CBD and their implications. Chapter Five contains the detailed data presentation and analysis of hawkers in the study area. It highlights the respondents’ views, which were collected using different research instrument. Chapter Six looks at the planning implication, evaluate and critical discuss the findings from chapter Four and Five in relation to the objectives, hypotheses and assumptions, highlighting problems identified during the field work and policy implications of recommendations and suggestions will be made. Chapter Seven will conclude the research and suggest direction for further research in the area.

Several limitations were experienced during the study. Some hawkers initially part of the sample to be surveyed were highly suspicious of the intention of the study , hence refused to release any information , to certain questions relating too space acquisition and procedures followed in space acquisition.



# Map 1.0 Area of Study



Source: NCC. Town Planning Section, Drawing No NUSG 215/1(1977).

CHAPTER TWO.  
**LITERATURE REVIEW AND THEORETICAL  
FRAMEWORK**

**2.0. Introduction**

Street vending has captured the attention of most people, organizations, Local Authorities and the government. Studies carried out on hawkers looked at the problems and prospects of this sector as a source of employment. This has resulted in almost unanimous pleas for the promotion of these enterprises. No specific attention has been paid on the demand side, spatial requirement of this activity within the urban centres and has left a gap in our understanding of the activity. The study attempts to fill that gap by analyzing factors that influence hawkers claim for urban space. Also the nature and process of intervening with reference to the relocation process on the back streets, lanes and alleys where they are located

Pursuing the idea, Bieneffield and Godfrey (1978) contend that hawking includes a large variety of people and activities with different characteristics of organization and location. They suggest that this sector be substantially disaggregated in such a way that its components become analytically significant and that each can be defined in a way which is statistically useful. Disaggregating helps identify those parts of hawking, which have potentials for growth.

Hawking emerges as an attempt to close the gap between the limited number of jobs in the modern and agriculture sector and the increasing number of jobs seekers. The high rate of population growth which exceeds that of employment opportunities, in the modern sector, and the capital intensive technique of production applied in this sector leaves bulk of unemployed, who must seek alternative source of earning their livelihood.

Killick (1977) contributing to the discussion of the informal sector says that it helps to close the gap between urbanization and employment

opportunities and the discrepancies in income distribution and landlessness. In his policy recommendations, Killick points out that interconnection between the informal sector and the wider economy are important and complex and that a system's approach to informal sector policy would be highly desirable.

### **2.0.1 The Nature of the Urban Centre**

Crane (1960) argues, it is time for the street to be a subject of conscious design or "the street wants to be a building" to make the street into a channel of symbolic intelligence, where the streets start playing larger social, economic and ecological roles. Jacobs writes "if we can develop and design streets so that they are wonderful, fulfilling places to be, community building places, attractive public places for all people of the cities and neighborhoods, then we will have successfully designed about one third of the city directly and will have had an immense impact on the rest."

In other words, there are physical environmental, behavioral and psychological means to achieve privacy. The designer or planner can only affect the physical environmental means but be aware of the other means, and take them into account in order that these physical elements complement rather than interfere with the behavioral and psychological means. (Churchman, 1979:247)

Does the urban space receive its form implantation from external circumstances, even if it furnishes the content (the missing detail)? "As tentative measures, the hawkers will mostly be confined to the lanes and back streets in the CBD which are usually not busy and they will be restricted from encroaching on the pedestrian streets and shop pavements"(Mulaa, 2003:2). Or is it there and transforms in an area where discipline is manipulated. In the present conjuncture, which is marked by a contradiction between the collective mode of administration and an individual mode of re-appropriation, these questions are no less important.

This should lead to everyday practices and of lived space in the disquieting familiarity of the city of Nairobi, CBD

Who has claim, power or control on urban space, the authority or the hawkers? “Street hawkers operating in Nairobi’s Central Business District had a historic meeting with Government and City Council officials to seek a lasting solution to their problems” (Mugo,2003:6). How does one define it in relation to space? “Each place is experienced by the observer as having a potential of relations, to generation of a certain meaning, too which he will respond according to his overall life plan. The identity of a place is experienced as reflecting on the identity of the institution it belongs to; through the creation of places society transmits the goals and values of its institutions. Spatial aspects like the size and occupancy of space, zones, enclosures and exposure or warmth of ambience, are experienced as aspect of the institution to which the place belongs- its dominance, degree of self sufficiency, the involvement expected form participants”(Peled,1979:252).

In these context where the Local authority is trying to expand their revenue base, control and guide change and everything, including space, is contested - development planning now involves creating new institutional arrangements, inventing financial strategies, influencing public opinion and crafting interfaces between diverse sources of change and invocation.

In most instances, this means less government or authority through privatisation, outsourcing, deregulation, etc and more of the taking of ownership. But the irony of state restructuring globally is that less government and greater participation from all individuals, appear to go together in the modern era. (Tzamir, 1979:83) This phenomenon stems from the great mobility of modern man necessitated by his patterns of economic and social activities. But what impact does it have to the hawkers as it embraces these trends. In the case of rising unemployment, poverty and job loses.

## **2.0.2. The Importance of Hawking Within the CBD.**

Urban street vendors/ hawkers are integral to the process of economic transformation and development. They are a prerequisite for the creation of a diversified economic base capable of generating employment opportunities. Many new jobs will need to be created in urban areas. Cities currently generate more than half of national economic activities worldwide. If other factors, such as growth of the population of cities and migration to cities, are addressed effectively through, inter alia, urban planning and control of the negative impacts of urbanization, cities could develop the capacity to maintain their productivity, to improve the living conditions of their residents and to manage natural resources in an ecologically sustainable way. Industries together with trade and services, provides the main impetus to this process.

Henning (1975) regards the informal activity (hawkers) as an employer and also a provider of services to the urban population. Child (1973:76) views that the activity has a potential to contribute to economic development as a whole since it is labour intensive, efficient and has a high out-put capital ratio in comparison with the formal sector. He recommends that the growth of the sector can be encouraged. Muench (1977) sees the activities as capable of generating high quantity of employment especially in the cities.

Street vending provides employment and income to a large number of traders in Kenya, many of whom are women. For a long time, urban authorities have viewed hawking within there urban centres as illegal traders and as a 'nuisance', which is bound to disappear. However, most local authorities have now recognized the need to integrate hawkers into urban planning.

The lack of clearly defined government locational policy means that there is no locational guidelines for the allocation of trading space to hawkers within the CBD. Generally the hawkers play a significant role in the life of

the city. It is this reason that the government through the MOLG instructed NCC to relocate them to the lanes and alleys with the intentions to support these activities.

However, this is subject to the conditions deemed necessary if hawkers have to operate and coexist with other urban land users. These conditions are stipulated in the Nairobi Central Business District Street Vendor's permit, (appendix VII). The NCC by-laws empowers the council to prohibit or control peddlers, hawkers or street vendors. It is in accordance with these regulations that the NCC enforcement officers (askaris) keep on ridding the city of the unlicensed hawkers.

There is the potential of these informal street activities contributing to and expanding the revenue generation base of the Local Authorities. This could provide a further legitimacy for the sector's activities being deliberately provided with legal recognition and sites or "spaces" for their operation hence planned for.

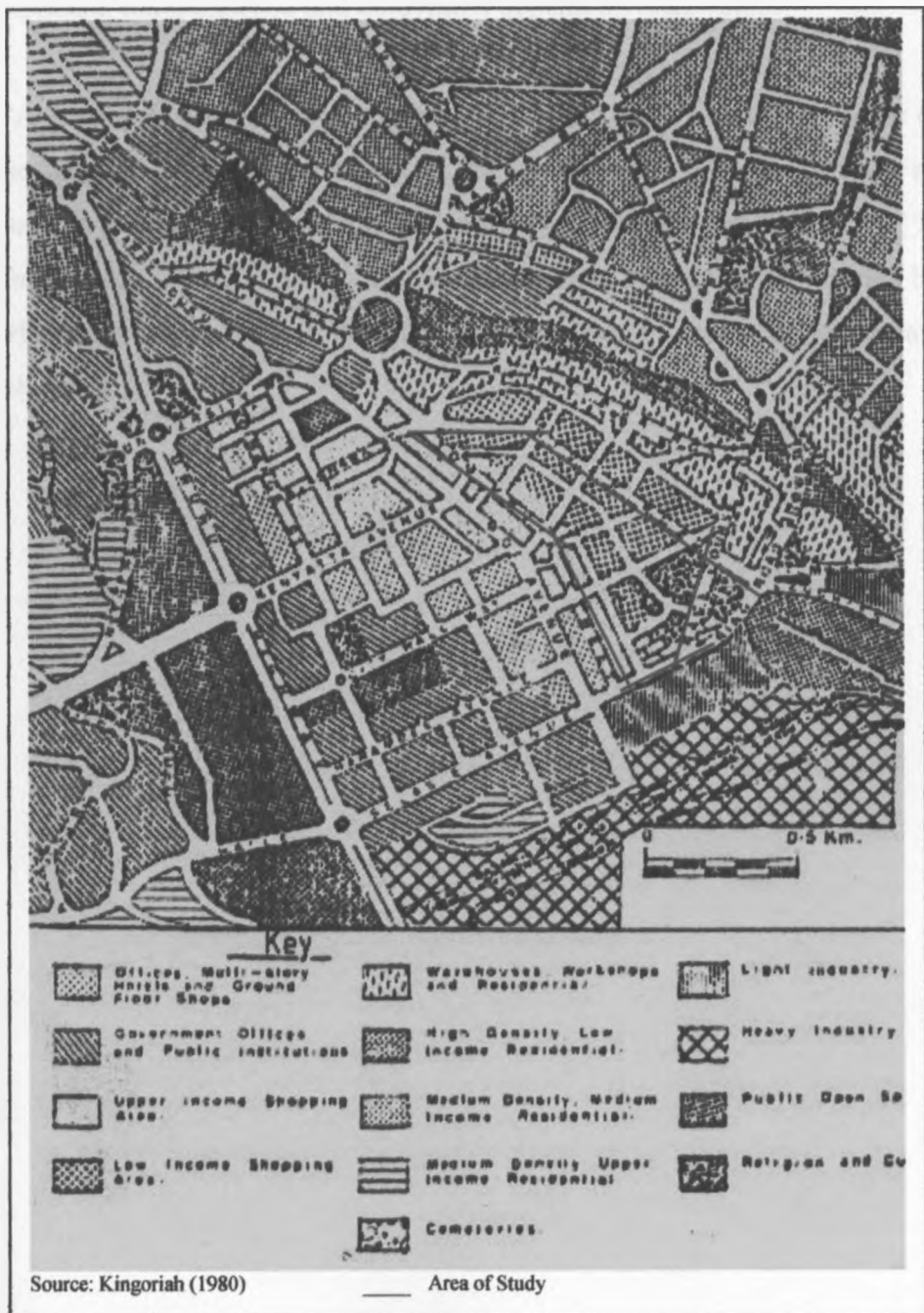
### **2.0.3. Land Use Conflicts**

Alexander (1987: 28) writes, in a city where thousands of people cooperate in the creation of the city, there must be some practical system of rules and procedures, which allows people to approach at least an approximation of the rule, so that they can get on with the practical task of building. (Mutegi, 1998:15) "Nairobi with a high concentration of land use activities, see map 2.0 that shows the different land use activities within the city at the same time activities located in the area of study.

The CBD experiences pressure from arrival of more cars, cyclist, hand carts, etc which in turn results to attracting pedestrians on walkways the increase of pedestrians have simultaneously attracted the informal commercial activities entrepreneurs like newspaper and magazine vendors, fruits and vegetable vendors florist, maize roasters, cigarettes and sweet vendors shoe shine boys etc. these activities have invaded the pedestrians

walkways, pavements, streets and any other open space available.” The issues are just an indication of existing locational problems of hawkers. The only solution that could help contain hawkers would be choosing a location having all the characteristics favorable to them. Any other effort to assist the hawkers tend to be short lived if their work locations still remain uncertain. Goods and services can easily be accessible to consumers. They have the ability to identify gaps in supply of goods and to responds to change in the market.

**Map 2.0 Different Land Use Activities Within The City**



The process of confining hawkers to the back lanes and alleys within area of study, by the authority was geared to poverty reduction and creating “proper” environments to enhance and support livelihood strategies. But the most problematic component is achieving integration and co-ordination with other existing formal land users, namely commercial enterprises and also in the way the authority delivers services and relating this to how hawkers configure their livelihood and coping tactics. The making of positive urban environments requires the exercise of both freedom and constraint and environments are never complete entities. (Peled, 1979:254) The reaction to this capacity of the street to generate the feeling of exposure, independence and enjoyment depend on ones values.

“And trouble looms between matatus operators and the hawkers. Some of the lanes identified by the council for the hawkers have been taken by matatus which ply routes outside Nairobi” (Correspondent, 2003:23). “In short, space is a practiced place. Thus the street geometrically defined by urban planning is transformed into a space by walkers” (Certeau, 1984:117.).



## 2.1. Theoretical Framework

The theoretical framework is based on the analysis of Nairobi CBD and how the urban space has lead to;

1. Opportunities being scattered and are mostly embedded within the commercial fabric and lack integration with other activities.
2. Issues of urban space and who controls what
3. Degraded and poorly structured urban space
4. Urban space lacks the potential to act as generators of other activities
5. Public facilities are isolated and poorly integrated with each other
6. Resources are extremely limited
7. Poverty, unemployment, hawking activities is a reality.

These issues form the bases of understanding the issues relating to having claim to urban space. It gives leeway for creating and identifying special high impact areas within the CBD, which plays an important role in achieving the intention of addressing the needs of hawkers. However, through planning one can integrate and provide spaces for their activities within the urban centres.

The framework understands and studies public movement patterns and modes within Nairobi CBD. Also, how through spatial integration of support infrastructures and formal activities, it can address the spatial cohesion of the hawkers (informal activities) with the rest of the city (Land use activities) and beginning to plan and address issues of hawkers with respect to their quest for trading spaces so that they can earn a livelihood within the CBD

## 2.2. Conceptual Framework

The understanding of issues on “tactics and strategy” allows one to analyse the conflicts that develop and manifest themselves within the urban space. In terms of “who” produces the space? What motivates them in producing space in its particular form and from which side does one intervene or get ideas to facilitate space formation or transformation? These ideas on space formation are meant to correct an excess or a lack of it, but in relationship to what?

The hawkers in their areas of operation, will be understood as generators and definers of space, creating a dialogue between the spaces they colonize and the other actors (the authority, pedestrians, private formal business entrepreneurs, and their customers) with the space being seen as a free passage of interpretation and use. It is in these spaces where a meeting between different realms takes place, where different urban activities overlap. Where they are simultaneously present and not forgetting they are in competition with each other over the demand/ claim for space.

The “hawkers” and the “authority” should be understood as being bodies that have critical roles when it comes to space perception, development and utilisation. One might also argue that, although the recent urban interventions by the authority to relocate the hawkers remain dependent upon the possibilities offered by circumstances, they do not obey the law of the place, for they are not defined or identified by it. In this respect, they are not any more localisable; they seek to create places in conformity with abstract models. But what distinguishes them at the same time concerns the types of operations and the role of spaces: the authority are able to produce, tabulate, and impose these spaces, when those operations take place; whereas the hawkers can only use, manipulate, and divert these spaces, (Tzami, 1979:85). We may assume that people – unlike planners – do not construct internal land use maps; their mental organization is less sophisticated and less analytical and is based on direct sequential experience, which often takes place within the public space network, these

includes roads, pedestrian paths, open spaces and public facilities of different kinds, are the physical skeleton, the main functional context and the symbolic meaning of urban life.

It also enables one to see the ways in which spatial forms can exercise control, or try to shape people into particular ways of acting and being. Conceivably, by checking for signs of resistance in spaces developed by the authority (NCC) through strategy one is able to see evidence of hawkers (tactic) at work in defining the same space to what it perceives as "proper". "In short, space is a practiced place. Thus the street geometrically defined by urban planning is transformed into a space by walkers" (Certeau, 1984:117).

The utilisation of space by hawkers constitutes a way of defining it (contexts of use) and also taking ownership of the place within a time frame or period. "We have tended towards greater precision of activity timing, and greater time specialization: weekends, office hours, peak travel, and the like. Many spaces are used intensively for certain periods, and then stand empty for longer times." (Lynch, 1981a:452) The final point remains to be determined: does time articulate itself on an organised space? What constitutes the implantation of memory in a space? Do the authorities or hawkers insert themselves into the space they encounter by chance, resulting to conflict? "And trouble looms between matatus operators and the hawkers. Some of the lanes identified by the council for the hawkers have been taken by matatus which ply routes outside Nairobi" (Correspondent, 2003:23)

It is in the field of urban design that "positive" transformation in the built environment and the empowerment of previously marginalized urban street vendors / hawkers in the society can be realised. This can be made possible by the making or remaking of the public spaces through desired intervention. These interventions have human beings and their activities as the focus of concern. This implies a shift from authoritarian planning to consultative, people-oriented methods in all urban design projects. A new

spirit should permeate all levels of urban land users in the present day and legislation should lay down spatial development frameworks for sustainable redevelopment that cater for the hawkers. Architects and planners are faced with these challenges in addition to the spatial implication of their intervention.

But how can the recent intervention of relocating the hawkers to the back lanes and streets of shops sustain ultimate human contact, what geometric pattern do they need? Kimathi (2003:9) writes in the Sunday Standard, the hawkers overbearing presences has been associated with insecurity in the streets, not to mention low tenancy in high rise office blocks. And he questions, does City Hall honestly understand the hawkers' context? Just how much muck they generate per day? How it will be collected from those back alleys? Whether they should be at liberty to trade in everything under the sun? Of course, no amount of geometric pattern in the environment can overcome the problems they are experiencing by itself. They are social and psychological problems of massive dimension; they will only be solved when people decide to change their way of life. But the physical environment needs changing too. People can only change their way of life if the environment supports their efforts.

The Local Authority or the government allocated these areas (back lanes and alleys) to the hawkers, on the basis of urbanism. "Local Government Minister Karisa Maitha said the relocation of thousand of hawkers would start immediately after the repair of street lights and other amenities in the new areas designated for their business." (Mugo 2003:6) But their knowledge of urbanism which is the heightened quality of life resulting from the multiplication of opportunities inherent in the spatial agglomeration of people is questionable.

Present day planning should build on what exists and suggest small but strategic and well placed interventions that would contribute towards a more varied, balanced and vibrant built environment. "The protection and creation of livable streets is not simply a matter of increasing the comfort

or safety of urban living. The street has other functions. As the place where most children grow up, it is a crucial mediator between home and the outside world, where the child learns to confront strangers and environments on his own. It should be a receptive and reasonably safe environment that the child can explore, manipulate and use as a setting for all activities" (Appleyard, 1981:9).

The overriding strategy for control by the authority, is to help bring sanity into the whole spectrum of economic activities (formal and informal) in the city. Through "tactic" and "strategy", from both hawkers and the authority, space can be formed or transformed. The "authority", is defined as a powerful element in society- the City Council of Nairobi. It exercises, maintains, controls and extends its power through the manipulation and allocation of space according to what it perceives as "proper". This is perceived as a strategy.

The hawkers and street vendors are the subjects of control, the users of space, ordinary people who try and run their lives. Who make do or resist control by the authority through the process of "tactics"? By "tactics" I mean method used by hawkers to resist a spatial or institutional localisation by the authority thereby creating and defining their own space to what they perceive "proper".

## CHAPTER THREE.

### **RESEARCH DESIGN AND METHODOLOGY**

#### **3.0 Introduction**

The research looked at the hawking activities within the CBD and all the actors (hawkers and local authority, NCC). It was concerned with the location and planning of urban space so as to address the need of all the urban land users. Through an appropriate methodology, it re-examined the relocating of hawkers to back lanes and alleys and began to question the initiative and parties concerned with the relocation process at NCC.

The field survey was carried out after preliminary studies were made from related literatures, of the International Labour Organization reports, republic of Kenya Sessional Papers and Development Plans. All these documents were of special assistance in giving guidance to methods and direction of the overall research.

This section looks at the way and who was addressed to help unpack and address the objectives stated earlier. This study used the following methods for gathering primary data: mapping/ measuring, photography and sketching of conditions in the back street and alleys, administering of questionnaires to respondents, (appendix I, II and III).

In some cases informal discussions were used where the author felt the respondents were ready to give more information in the absence of questionnaires. Even though the process took a lot of time, it seemed to please the interviewer and the interviewees alike. In some cases repeat interviews were conducted in order to clarify certain issues. It suffices at this point to add that the process went beyond a simple rapid appraisal. It engendered spending a substantial period of time to collect all the necessary information.

Secondary data was collected from preserved document at the Local Authority (NCC), Ministry of Local Government and the physical planning libraries, from newspapers and other print Medias.

### **3.1. Area of Study**

The detailed study area, Map 1.0 was defined by the area enclosed by Tom Mboya Street, River Road, Haile Selassie Avenue and Race Course Road. In the selected study area, the subjects of observation were the spaces hawkers were occupying and activities (business venture) hawkers were engaged in, justifying the need for the study. Both the space occupied and allocated will be considered to be representative of the claim or demand for trading urban space for hawking within the CBD of Nairobi.

The target population for this research were all the hawkers who trade in the back lanes and alleys in the study area, and the NCC (Local Authority) departments as the authority that had claim to all urban space and utilization in the CBD of Nairobi. Also formal businesses operating or using the alleys and lanes where the hawkers were allocated space for whatever reason.

### **3.2. Sampling Procedure**

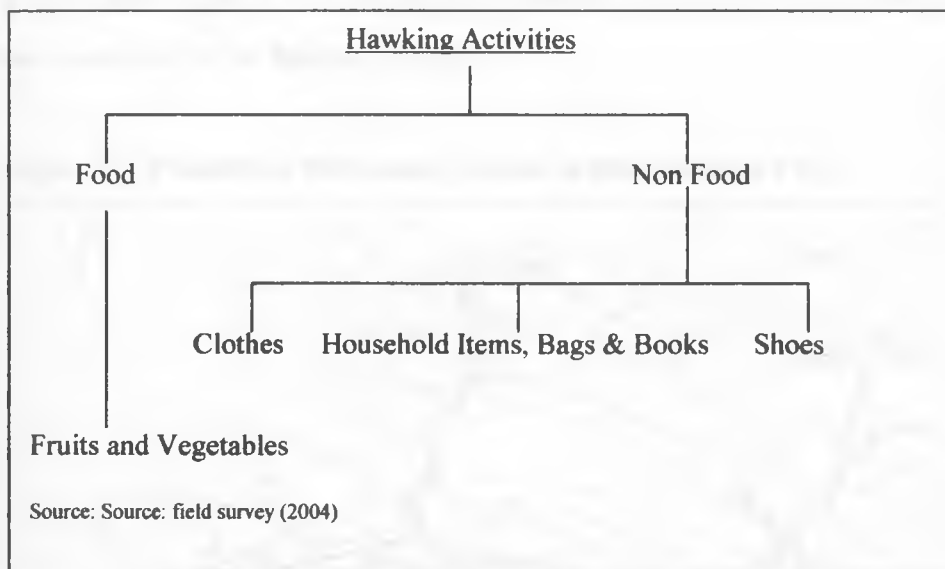
The first attempt this study took was to peruse secondary data with an aim of getting a sample frame of informal activities operating within the study area. The Nairobi City Council recently made a positive move by registering at least 6,000 hawkers and identifying back streets and alleys from which they would operate

Random sampling of the activities was undertaken in the area of study. Due to financial resources, time constraints and the wide range of activities and business ventures the hawkers engaged in, it was found prudent for stratification of the activities into two broad categories, namely those trading in food and non food activities,(figure 3.0).

In selecting the categories for consideration stratified random sampling was found necessary. The category for hawkers trading (figure 3.0) in food was defined by the sub group, fruits and vegetables hawkers. The others category (non food) was defined by the sub groups:

- a. Clothes (secondhand and new ones),
- b. Household items, bags and second hand books
- c. Shoes

**Figure 3.0. Categories of the Different Hawking Activities**



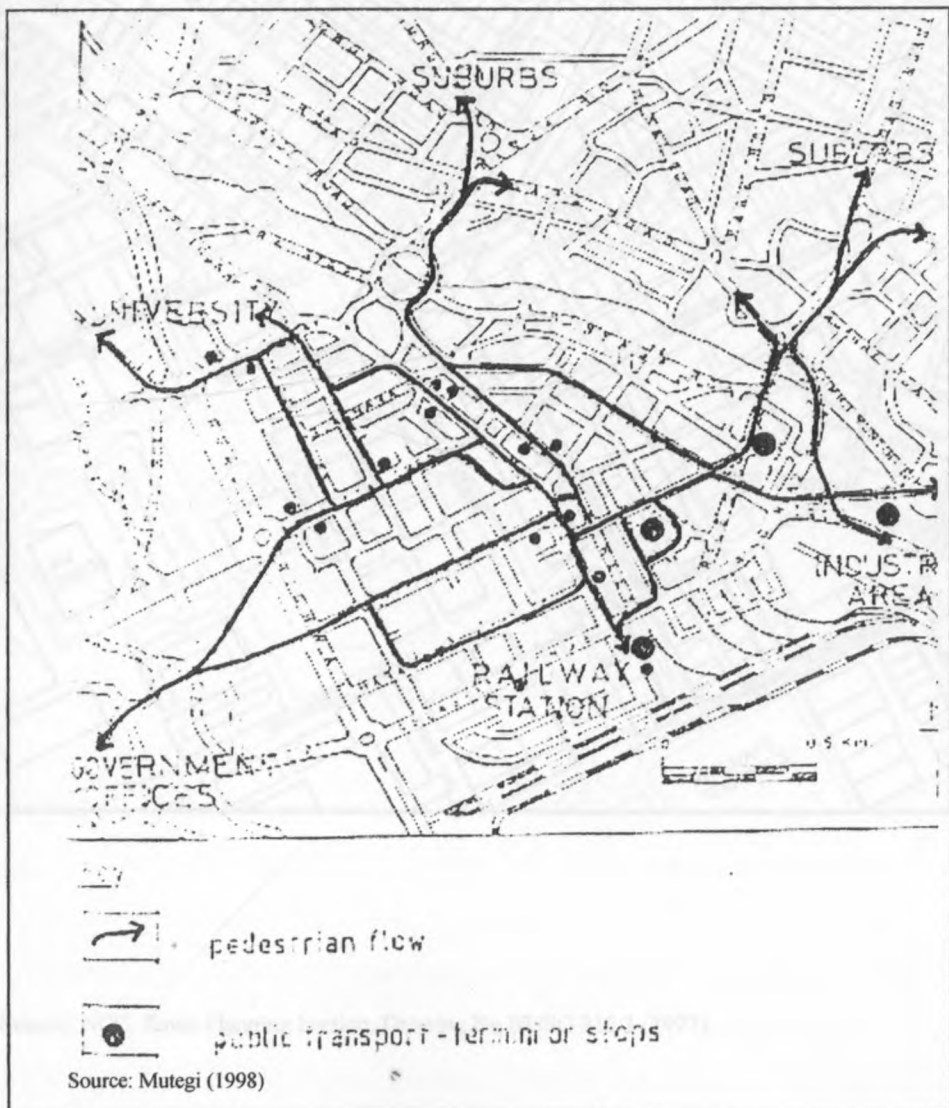
The listing of subgroups helped identify additional activities, which operated in the same category. The sub group defined the main activities the hawkers were engaged in. The reason for categorizing the business activities into subgroups was to allow the study to deal with each sub group whose activities were “relatively” homogeneous. In this study activity classification was important especially in terms of distinguishing the spatial needs of each activity (sub group).

The sample frame constituted all the spatial, physical, environmental, social, economic and institutional framework aspects that characterized the hawking activity within the CBD of Nairobi. This was observed from the study area in order to examine the everyday use, reuse, occupation and allocation of the urban space.

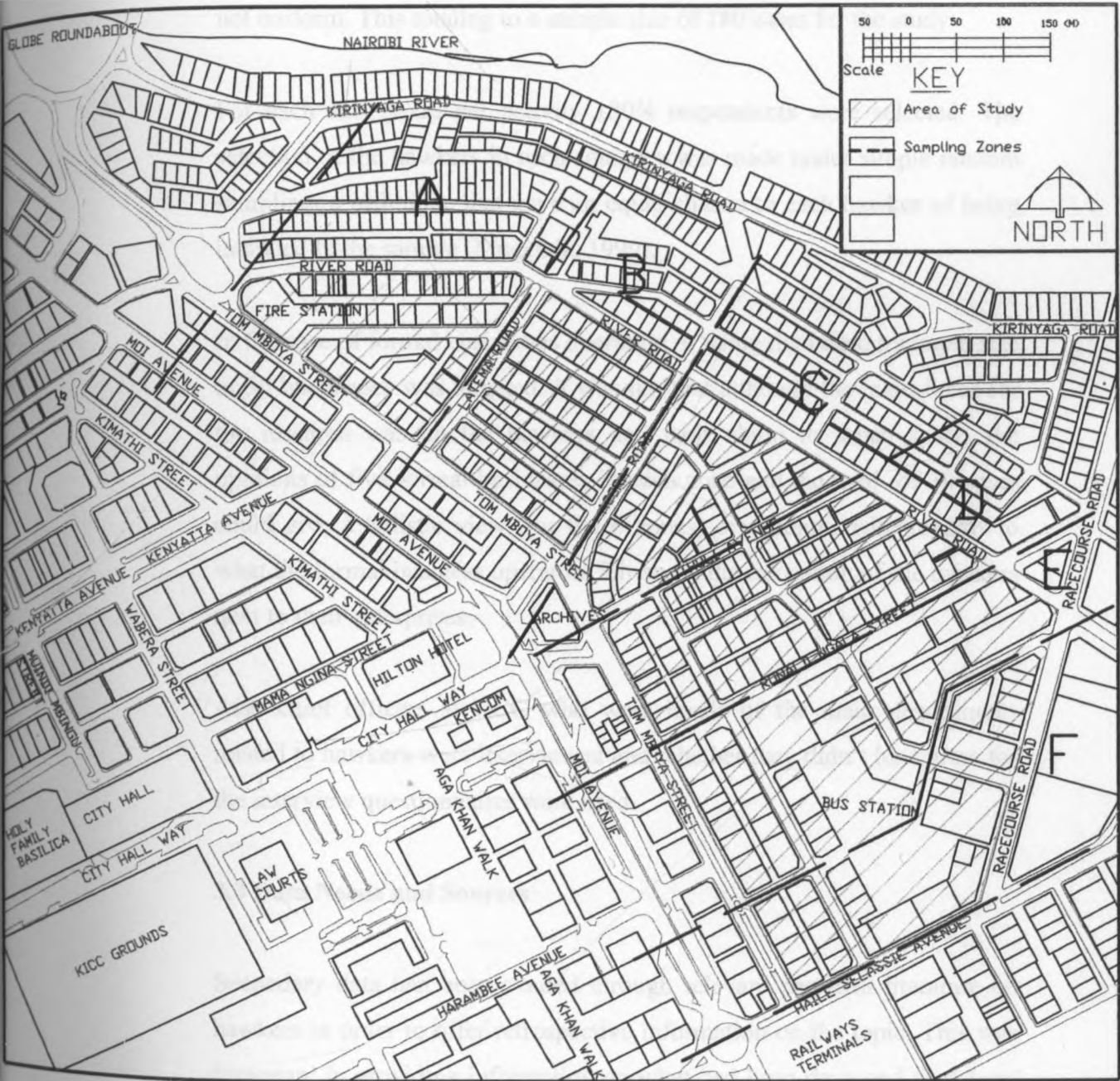


The fieldwork was carried out in the C.B.D of Nairobi in the areas/ lanes shown in map 3.0. The research was carried out between March 2003 and January 2004. The units of observation comprised of 180 hawkers. This number was arrived at after dividing the area the hawkers had occupied into 6 zones. (See map 3.0) It was felt that the conditions and challenges facing the hawkers within each zone were homogenous. These conditions to name but a few are first, the public service vehicle terminals that link one zone to the other. Secondly the major streets which join cut across the area of study. Third the pedestrian flow along Tom Mboya Street and River Road (figure 3.1) allowing for pedestrian movement from where the two roads join to the Railway Station.

**Figure 3.1 Pedestrian Movement Routes within Nairobi City**



### Map 3.0 Sampling Zones within the Study Area



Source: NCC. Town Planning Section, Drawing No NUSG 215/1 (1977).

In each zones (A, B, C, D, E, F) shown in maps 5.0, 5.1, 5.2, 5.3, 5.4 and 5.5, 30 respondents/ hawkers were selected. The hawkers selected operated in the lanes or alleys that were in these zones. It was felt that 30 respondents per zone would be sufficient to represent the zone and more so the different activities as per the sub groups because spaces occupied were not uniform. This totaling to a sample size of 180 cases for the study

For each sub group per activity 180/4 respondents were selected. The selection of the hawkers in each category was made under simple random sampling, a technique that gave an equal chance to each hawker of being included in the sample (Mugenda, 1999).

In the case of formal businesses operating or using the lanes, a sample size of 30 businesses was targeted. It was felt that although the main focus for the research was on the hawkers and their claim to urban space, the opinions of five formal businesses in each zone and the total of 30 cases could give a holistic view (for the 6 zones) or opinions with regards to what the formal business operators felt about the relocation of the hawkers next to their enterprises.

Also chief officers at NCC who were heads of the main departments related to hawkers were interviewed and whether they didn't have time for the interview questionnaires were used.

### **3.3 Data Needs and Sources**

Secondary data had been availed through relevant pertinent literature on hawkers in order to offer retrospective information on the topic. This was important in providing information on what had been done and found out about the relocation process of the hawkers to the back lanes and alleys.

Also secondary data gave an insight on the historical evolution of Nairobi and the development of hawking activities and planning activities within the CBD. This enabled the identification of the trends of development

within the CBD and necessary institution or organizations involved. Historical documentation on Nairobi and specifically that of the hawkers and informal activities was useful in providing background information on the development of street trading. The changes that had taken place on the time-scale in the city centre were important.

Also, worth reviewing were the various approaches towards and undertaken during the relocation of the hawkers to the back lanes and alleys. This included the processes that were applied in providing “successful” solutions to the problems hawkers were causing in the CBD.

The underlying causes to the failure of some of the approaches was useful in analyzing why hawkers still operated in areas that are not designated for their activities. This formed a fundamental basis for the researcher’s personal conceptualization of the appropriate framework for undertaking the study.

Primary data was availed from the study area in order to provide empirical evidence of the existing status and the immediate problems, felt needs, space utilisation and concerns. The aspects to be examined included the existing physical and environmental situation in the backstreets/ lanes, the spatial need of each respondent and activities and infrastructural support facilities.

Most of the information for the study was gathered from;

1) Field observation, of the existing physical environment

This involved walking within the study area and observing how the hawkers related to the urban space identifying and selecting key areas that were critical for the study. (Areas of conflicts and what lead to the conflicts especially with the formal or planned land use activities) it also involved observing the road network system and pedestrian movement (fig 3.1)

2) Taking photographs of the activities as well as critical areas and on the issues that would be addressed

3) Field survey and developing maps of the area (maps 3.1-3.6 using a base map the researcher got from NCC Planning department, dated 1977 which was the only comprehensive map available that showed the whole of Nairobi's CBD)

4) Libraries research (Secondary Data)

By the use of this method the study attempted to explain the development of Nairobi and how hawking had developed within the CBD and looked at previous studies done in relation to hawking and urban space. By analyzing physical facts and opinions of various works, information was obtained regarding relocation of hawkers, policies hawkers and urban place making it possible to address the purpose of the study. The information was obtained from books Acts of Parliament, development plans Nairobi City council reports and various unpublished thesis on the issues.

5) Questionnaires

More quantitative information was obtained by the use of drafted questionnaires which mainly were open ended structured questions. (Appendix I,II,III,). Hawkers undertaking different hawking activities were served with the questionnaires addressing the respondent opinion on the nature and process of space acquisition, needs, adequacy, nature of business and its everyday utilisation.

6) There were scheduled face to face interviews with the planners at both Ministry of Physical Planning and City Council of Nairobi as well as departmental chief officers working in the following department within

NCC; Inspectorates, Business Licensing, Development Control, Social Services and Housing.

Opinions on key issues was gotten where the researcher felt the respondent either hawkers or NCC departmental chief officers were willing to disclose certain issues relating to the relocation of hawkers as an urban development initiative or a political initiative and the suitability of the areas. The interviews were carried out by use of interview schedules or general questions directed by the interviewer. The questions related to the nature, rationale and process of relocation of hawkers to the lanes and alleys, planning and recommendations with regards to the development of hawking as an area that can offer decent employment and expand the revenue base for NCC. Also issues relating to the cause and effect, how and why the hawkers had or were affected by the urban space. The interviews highlighted factors other than infrastructure provision and space utilisation, which were affected both positively and negatively by the relocation initiative.

7) Random Interviewing of pedestrians and formal business operators for insights on their activity, conflicts and linkages, so as to get a general idea of the impact of the hawkers and whether the recent relocation process or the present location of hawkers was ideal.

### **3.4. Quantitative Data Collection Methods**

The main tool for quantitative data collection for the field survey was a structured hawker's questionnaire. (Appendix I) Observation method was used to determine identify and get fist hand data on the hawkers, type of goods, services, areas of conflicts and infrastructure and other land uses. Photographs, drawings, maps and a measuring tape were useful in supplementing the method as a way for collecting data on the spaces each respondent was using and allocated.

Open-ended questions and interview schedules with NCC official concerned with hawkers and key informants such as the hawkers' spokes-persons were useful in offering an in-depth understanding of the activities claim to urban space.

For the formal business operators the overriding strategy was to get information by conversing with them, on how they felt about the activities and relocation of the hawkers to the back lanes and alleys.

### **3.5. Qualitative Data Collection Methods**

The tools for qualitative data collection were interview schedules and detailed questionnaires (appendix I-III). Additional qualitative data was gathered from personal contact with previous researchers on both the topic and the study area. These overall qualitative data was relevant in finding out how to resolve the difficulties of the space allocated and its present use and trying to integrate other urban activities within the same spatial setting and to understand the urban space conflicts. This gave the research a holistic picture and a complete perception of the hawkers and Local Authority on the appropriate urban space utilization and claim.

### **3.6. Data Analysis Methods**

At the end of the fieldwork all data collected from the structured questionnaires was coded, cleaned and analyzed using the Statistical Package for Social Science (SPSS). In order to examine the emerging characteristics of the space sufficiency or occupation, activity and allocated space, cross-tabulation of the data was undertaken. The analysis of both the qualitative and the quantitative data collected was presented using simple frequency distributions and analytical tables. The analysis of the qualitative data collected was presented by use of maps, plans, sketches, illustrations and photographs.

Sketches and photographs were equally used to illustrate data, which had been discussed in descriptive analysis. The in-depth interviews, reviews of policies and regulations dealing with hawkers were then analyzed and organized. The overall information and findings were finally interpreted and synthesized to facilitate the writing and composition of this research thesis.

### **3.5. Limitations of the Research**

The major problem faced was that not all the hawkers who were selected for the study answered or responded adequately to all the research questions. Especially on issues relating to the space they were occupying and the procedures they followed in acquiring or relocating to the space they were operating from. There was general suspicion especially when one would randomly select the respondents and the other hawkers who were left out would complain or crowd and demand to be interviewed or an explanation as to why they were skipped. This in some cases meant clarifying over and over again to them the purpose of the study, why and where it was undertaken. More so when it came to taking photographs and measuring the space occupied. Due to the fact that most of the hawkers were suspicious that one might be gathering information for the local authority or government agency.

Also the issue of names, or the name of the respondent appearing on the questionnaire was a big issue, even with formal traders and hawkers, who were willing to provide the much needed information. That section, had to be omitted, and instead names of lanes or alleys where they were trading and activity were used.

One major limitation of the research was field work funds. Although the researcher had acknowledged the contribution CETRAD had made to this research through NCCR North –South Research Fellowship. The money, amount even the timing as to when the funds were to be availed, to enable or facilitate the research left a lot to be desired. Due to these limitations,



availability of personnel for data collection and the time aspect became major constraints to the study.

### 3.6. Analytical Framework

Research Objective	Type of Data	Sources of Data	Techniques for Analysis	Expected Outcome
1. Identify and classify the existing type of hawkers or street vendors within the C.B.D of Nairobi with respect to type, location, operational space use and functional relation with operations of formal activities within their surrounding and requirement for support infrastructure and services.	Physical and spatial information	Maps Site surveys Interviews	Mapping Visual interpretation Sketching	Spatial variations. Space utilization Activity requirements
2. Examine the (existing) criteria used in guiding their location and operations, performance, growth, policies, regulations control and standards/ guidelines for street vending in the C.B.D.	Functional physical changes. Attributes of the relocation process Remedies to the relocation process	Site surveys Interviews	Visual interpretation of the sites	Nature and cause of the issues associated in planning for street vendors. Likely and possible interventions Quality of the environment to guide the development of the sector.
3. Examine problems, conflicts, etc, of location, growth, control, guide and environmental impact of hawkers in the C.B.D area	Perception of pedestrian and vehicular movement routes. Formal activities	Interviews	Sketches Visual Interpretations Descriptive statistics	Possible areas of conflicts Reason of the problem Magnitude of the problem
4. Propose ways and means of planning, legitimising and rationalizing the location, space use, operation and relation with surrounding formal activities, infrastructure and services requirement for efficient operation and growth of hawkers within the C.B.D	Physical developments. Reasons for the relocation Opportunities available	Maps Site survey Interviews	Mapping Sketching Visual interpretation	Planning and design strategies for a desirable environment

## CHAPTER FOUR.

### **BACKGROUND TO THE STUDY.**

#### **4.0 Introduction.**

Kenya like many industrializing countries faces a major problem of unemployment. The problem is worsened by the kind of education received, which is strongly biased toward the “white collar jobs” hence mass migration to urban centres in search for wage employment.

Economic development has in the past been seen as a process of expanding the modern sector, transferring labour from the traditional to the modern sector, as rapidly as capital formation in the latter would permit.

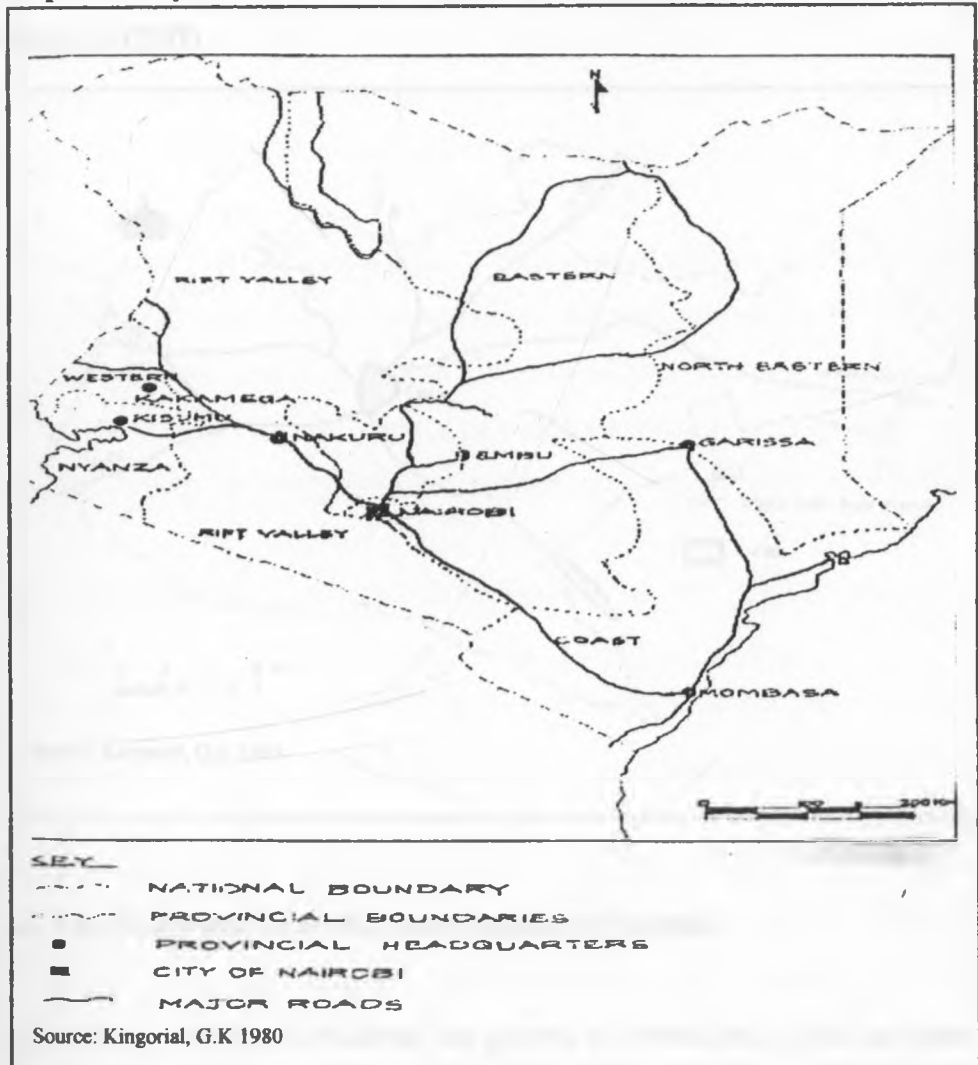
An important characteristic of the informal sector is that it usually develops spontaneously rather than from overt public policy. It appears most obviously on the periphery of the urban centre, and includes commercial activities; repair, food services, small scale manufacturing as well as street hawking. Most of these activities are carried out in the open and inadequate spaces. This would be attributed to the fact that, street hawkers have not had the recognition of the planning authorities and therefore not accommodated sufficiently in the urban land use plans.

Due to the continued growth, the informal sector is no longer exclusively confined to the periphery of the towns but the activities (hawking) have invaded the Central Business Areas of towns, occupying such spaces as building frontages, streets and pavements. With this invasion a number of associated problems have arisen including impeded vehicular as well as pedestrian movement, noise, litter and garbage, sprawling along streets and increased accident risk. The hawkers are often the subject of harassment by the authorities.

#### 4.1 Location (Geographical Setting) and Linkages

Nairobi lies approximately half way from Mombasa at the coast to Kisumu, (map 4.0). To the west, Nairobi is bordered by the Aberdares. To the south and east are the Athi plains while the Kikuyu plateau lies to the north.

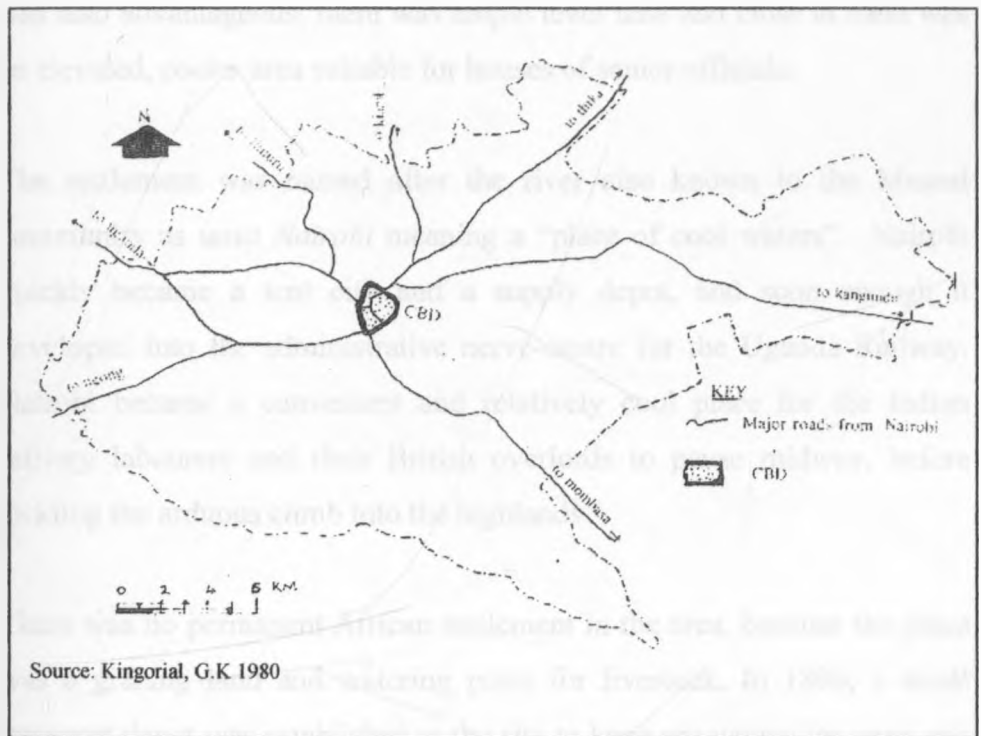
**Map 4.0: City Of Nairobi: It's Location In The Republic Of Kenya**



As well as being the capital of the Republic of Kenya, Nairobi is also the principal urban centre of a registered population of 2,143,254 people (1999 census) in addition, it is also the social, economic and communication's hub of the country, thus a classic primate city.

Nairobi has a well-developed communication system and is a focus of the major national and local land routes, (map 4.0, 4.1) connecting Nairobi with the rest of the country. The railway line is also of importance linking Nairobi with the coastal region and western region. Nairobi is also linked to the rest of the world through the Jomo Kenyatta Airport. The Wilson airport caters for local air or flight trips

**Map 4.1: City Of Nairobi: Major Roads from the Central Business District (CBD)**



#### 4.2 The Historical Growth, Development Of Nairobi

In the more developed Nations the growth of towns and cities has been preceded by growth of industry. In third world countries, Kenya included, urbanization has occurred far in advance of industrialization. Nairobi in particular has an even more peculiar background in having a railway encampment as its pre-urban nucleus. The history of Nairobi as a concentrated human settlement started with the construction of the Uganda Railway from Mombasa in 1896, by 1899 the railway had reached the site halfway the distance from Mombasa (origin) to Kisumu (destination). So

far it had traversed a relatively easy terrain of Athi Plains. Ahead lay much steeper slopes and the Rift Valley Escarpment which posed great construction problems. Hence a suitable stopping point before ascending the escarpment was essential.

Nairobi offered many advantages to the railway engineers. "The physical characteristics of the site, and its relationship with the surrounding country combined to make Nairobi an excellent choice for the purpose for which it was intended" (Morgan, 1967:p 100). The topographical nature of the site was also advantageous; there was ample level land and close at hand was an elevated, cooler area suitable for houses of senior officials.

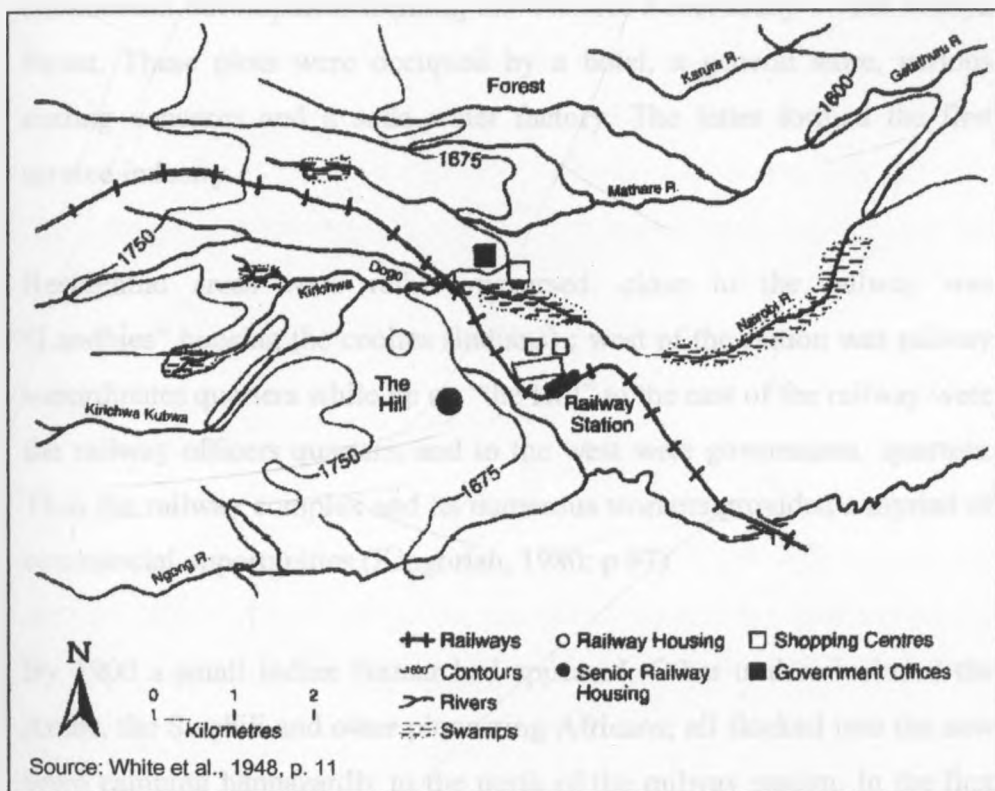
The settlement was named after the river also known to the Maasai community as *uaso Nairobi* meaning a "place of cool waters". Nairobi quickly became a tent city and a supply depot, and soon enough it developed into the administrative nerve-centre for the Uganda Railway. Nairobi became a convenient and relatively cool place for the Indian railway labourers and their British overlords to pause midway, before tackling the arduous climb into the highlands.

There was no permanent African settlement in the area, because the place was a grazing land and watering point for livestock. In 1896, a small transport depot was established at the site to keep provisions for oxen and mules (White et al., 1948, p. 10). The railhead reached the site in June 1899 and by July the same year, the railway headquarters moved from Mombasa. Nairobi became the Kenya Uganda Railway (KUR) headquarters (Boedecker, 1936; White et al., 1948; Hake, 1977, p. 20; Obudho and Aduwo, 1992). By the end of 1899 the Government of Kenya (GOK) had selected a site on the high ground on the northern side of the Nairobi River and away from the railway station to be the administrative headquarters (Morgan, 1968; see figure. 4.0). In August 1899 the government administration of Ukambani Province, in which Nairobi laid was transferred from Machakos to Nairobi. To avoid the imminent clash between these two authorities the rail and the administration, especially in

matters of land, Colonel Ainsworth, the officer in charge of government administration established his offices on a site north of Nairobi River away from the railway, on the present day Ngara.

In April 1900, the Nairobi Municipal regulations were published to guide in matters pertaining to the town. Whereby a township was defined as "the area within a radius of one and a half miles from the offices of the sub-commissioner of the Ukambani Province" (Morgan, 1976, p. 100; see map 4.2) this marked the first boundary of Nairobi, which was a completely arbitrary one.

**Figure 4.0: Layout of Nairobi in 1900**



A small number of settlers had begun settling in the urban centre by then and, with the construction of the KUR on the move, it became essential to designate a mid-way site where a well-equipped maintenance depot could be built. When Nairobi was founded, its intended function was nothing more than a railway town. But immediately thereafter the trend of change was spectacular. With the completion of the railway, the relocation of its

headquarter from Mombasa to Nairobi, establishment of the Colonial administration, small settlements around the area and the capital of the British Protectorate, the future of the city on the swamp was assured. Once the railway was up and running, wealth began to flow into the city.

The growth and development of Nairobi revolved around the railway centre as the growth nucleus, the railway was the richer and consequently could afford to have its own doctors, magistrates, police force plus a highly developed technical and administrative staff. Its buildings were also numerous and substantial, as opposed to the government administration which had few staff who were miserably accommodated. By the turn of the Century the railway had a section which included some plots for commercial development fronting the Victoria Street today's Tom Mboya Street. These plots were occupied by a hotel, a general store, various trading concerns and a soda water factory. The latter formed the first service industry.

Residential areas were rather dispersed. close to the railway was "Landhies" housing the coolies (Indians) ; west of the station was railway subordinates quarters while up on "the Hill" to the east of the railway were the railway officers quarters, and to the west were government quarters. Thus the railway complex and its numerous workers provided a myriad of commercial opportunities (Kingoriah, 1980: p 97)

By 1900 a small Indian Bazaar had appeared. Other traders included the Arabs, the Swahili and other pioneering Africans; all flocked into the new town camping haphazardly to the north of the railway station. In the first half of 1900, once again Colonel Ainsworth moved his offices to a site south of the swamp and the north end of Station Road (thereafter called Government Road, today's Moi Avenue). The immediate impact of this move was tension and confusion arising out of unspecified control divided between the railway and the government authorities.

An important element not to be overlooked in the growth of Nairobi is the rate at which population grew. Kingoriah (1980) writes, whereas the population of Nairobi was nearly zero in 1899. It had reached a total of 5,000 people in 1902, expanding further to 16,000 people by the year 1910 and about 23,000 in 1920. By 1948, Nairobi's population had reached a total number of over 100,000 people, (as see section 4.5 table 4.0 Nairobi's population for selected years 1906-2004). This rapid growth had a far reaching implication and doubts as to the suitability of the site for the growing population.

Majority of the people were accommodated in buildings of very low standards, the water supply was not adequate and the area lacked a proper drainage system. Consequently in 1902 there was a plague outbreak in the Indian Bazaar resulting in the burning down of the area. This however, did not solve the problem which became rather chronic, breaking out again in 1904, in 1911, 1912 and yet again in 1913 and hence threatening the very existence of the township. There were heated debates calling for the removal of the town to a new settlement further into the highlands which had deep soils suitable for both the building and drainage.

The railway authority was however opposed to the idea of shifting. The compensation value was very high rendering the exercise hard to achieve. In 1906, the Bransby William commission which was looking into the matter endorsed an official site the bounds of the practical politics. In spite of these, suggestions were made calling for segregation of the Asiatic and African communities from the Europeans. This was deemed necessary due to the sanitary habits of both the Asiatic and African communities, making them unfit persons to take land as neighbours of the Europeans.

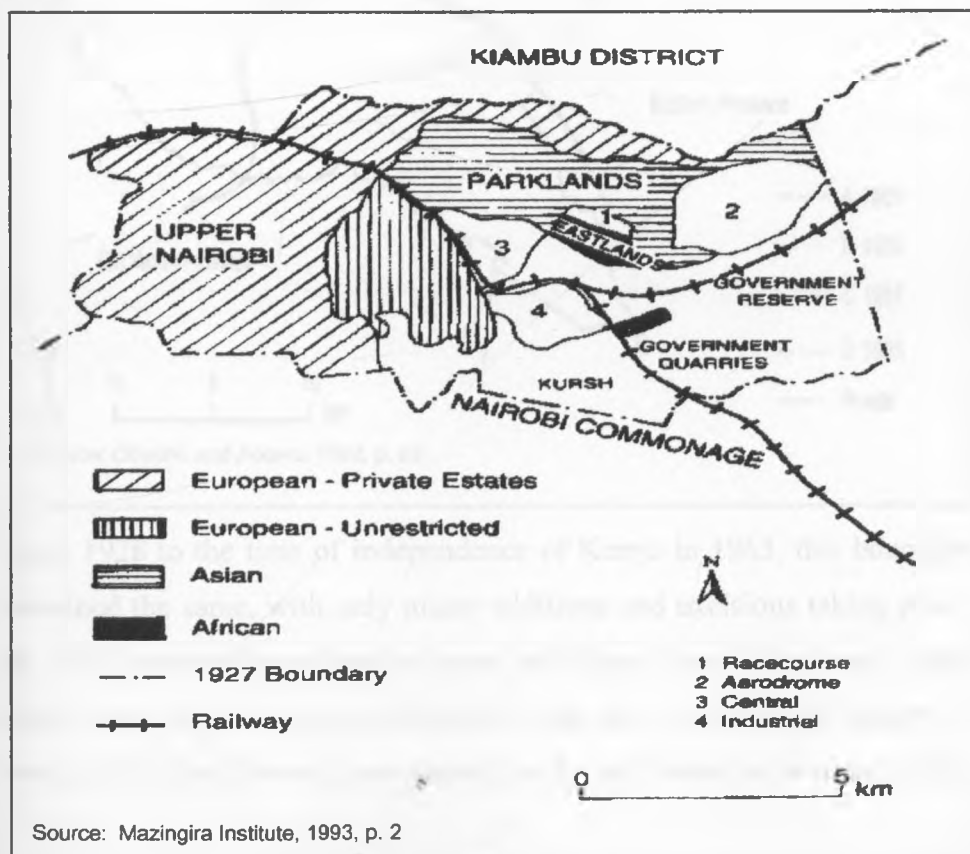
Following this policy of racial segregation, figure 4.1, an Asiatic residential was established on the north side of Nairobi river, Ngara and a trading centre on the south occupying the river road and Kirinyaga road areas. The new bazaar, which was located to the evacuates from the old bazaar in a bid to fight the plague was divided with the Europeans



occupying the area west of it. To the east was Asiatic commercial-cum residential area. The Europeans, for their residence occupied the Hill area and the suburbs of Muthaiga and others were the areas designated as the “White Highlands” solely secluded for Europeans. The Africans except for railway workers were left to find their own residences, either in the Native Reserves or on road reserves of the township. The railway authority took responsibility of housing its workers, mainly on Landhies Road for junior staff while the senior officers were housed in the “Hill Area”. Much of the road network had been established by 1909.

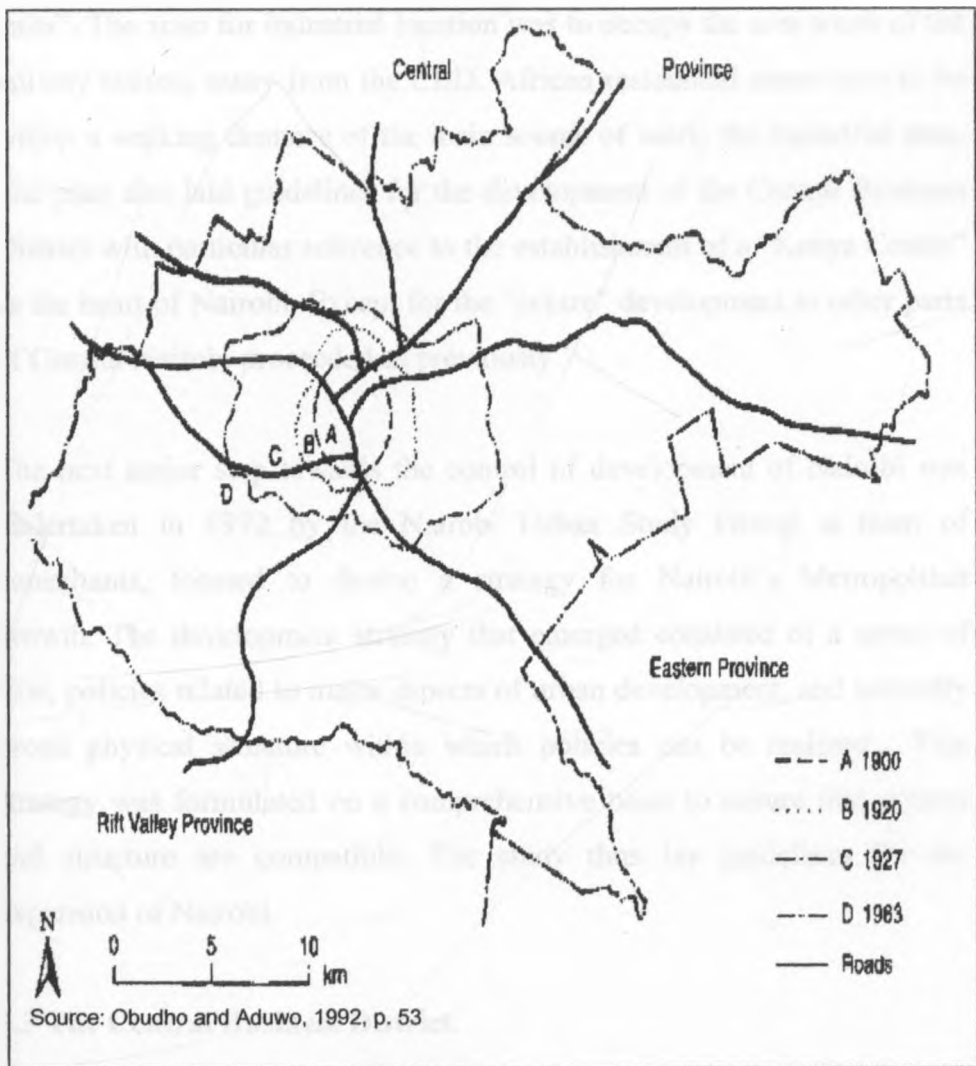
In 1919 Nairobi became a municipality with corporate power. At the same time the boundary was extended to include peri-urban settlements, like Parklands (Croix, 1950, pp. 23-24). The Corporation embarked on public housing schemes for the lowest income groups, in the eastern part of the city like Kaloleni and Pumwani. The boundary was again extended in 1927 to cover 30 square miles to include autonomous residential areas like Muthaiga, (White et al., 1948; see map 4.2).

**Figure 4.1. The Segregation of Residential Areas In Nairobi, 1909**



The settlement's administrative boundaries were extended as its population increased from 8,000 in 1901 to 118,579 by 1948 (map 4.2). At the time of independence in 1963 the population had grown to an estimated 350,000, although much of the growth was due to the major boundary extension, which increased the urban administrative area to 690 (km<sup>2</sup>)

**Map 4.2. Nairobi: Boundary Changes, 1900-1963**



From 1928 to the time of independence of Kenya in 1963, this boundary remained the same, with only minor additions and excisions taking place. By 1950, permanent residential zones had already been demarcated, very much along the lines first established in the early years of the century. It was in 1950, that Nairobi was granted the Royal Charter to become a City.

In 1963, the boundary of Nairobi was further extended and remains the same today (map. 4.2), to encompass an area of 630 square Kilometre.

So far the growth of Nairobi was left at the hands of chance. It was not controlled by planners but under forces of racial segregation policies. In 1945 a complete planning group led by professor Thornton White was found. His team prepared a master plan for Nairobi in 1948, outlining the main physical planning guidelines for a harmonious functional arrangement of the town. It thus adopted the concept of “neighbourhoods units”. The zone for industrial location was to occupy the area south of the railway station, away from the CBD. African residential areas were to be within a walking distance of the main source of work, the Industrial area. The plan also laid guidelines for the development of the Central Business District with particular reference to the establishment of a “Kenya Centre” as the heart of Nairobi. Except for the “centre” development in other parts of Central Nairobi proceeded as previously

The next major step towards the control of development of Nairobi was undertaken in 1972 by the Nairobi Urban Study Group, a team of consultants, formed to devise a strategy for Nairobi’s Metropolitan growth. The development strategy that emerged consisted of a series of first, policies related to major aspects of urban development, and secondly broad physical structure within which policies can be realized . This strategy was formulated on a comprehensive basis to ensure that policies and structure are compatible. The study thus lay guidelines for the expansion of Nairobi.

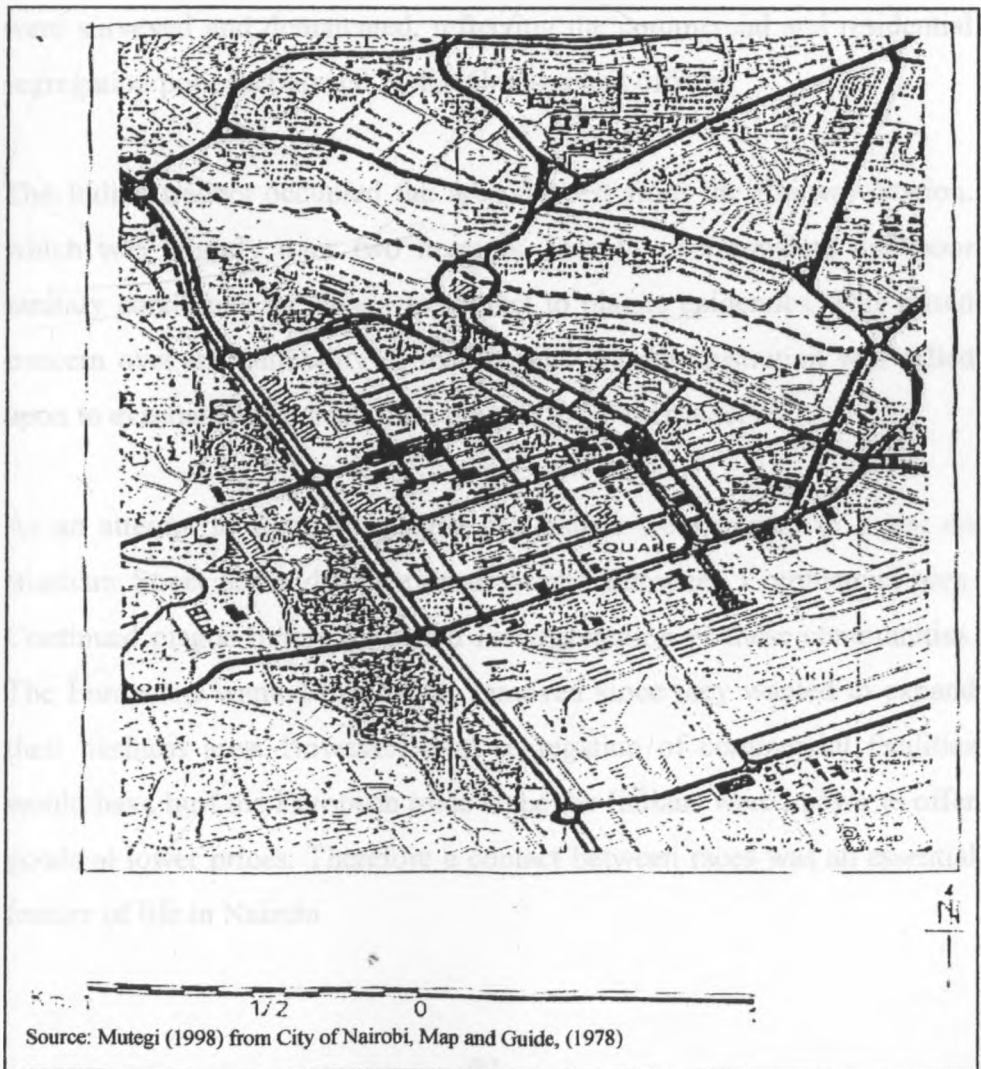
#### **4.3 The Central Business District.**

The study took place in the zone referred to as the CBD of the city of Nairobi. It is defined by Uhuru Highway and University Way complex to the west, Haile Selassie Avenue and the Railway complex to the south and Nairobi River as the northern boundary (map 4.3). The zone has major public, administration, commercial, educational, religious and cultural as

well as recreation activities and thus is a major employer though it occupies an area of only 680 square kilometers (Ondiege, 1990). The zones historical development is strongly tied to the establishment and growth of the railway complex. With the expansion of this complex many commercial enterprises were attracted to this part of the town to take opportunities offered by the numerous workers of the railway.

By 1900 the railway authority had permission to sub-divide the land between the station and the Nairobi Swamp. Thus several business plots were surveyed and alienated to commercial enterprises along the present Tom Mboya Street. This then became the centre of commercial activities but basically for the Europeans. The Asians who had applied for the plots were allocated farther up the streets within the vicinity of the present day Ronald Ngala Street.

**Map 4.3. Central Nairobi As Defined By NCC In 1977**



The result of this development was to attract a large population of potential entrepreneurs, mainly the Indian traders, Somalis, Arabs and other pioneering Africans. The railway authority being only responsible for its employees left the indigenous and other migrants to fend for themselves. Therefore Africans camped haphazardly to the north of the Railway Station or on the road reserves where there was space.

Conflicts over administration and especially in regard to land issues ensued between the Railway Authority and Provincial administration under Colonel Ainsworth. To solve these problems the Nairobi Municipal Committee was formed and Nairobi Township was placed under its jurisdiction. Consequently, the railway authority was called upon to give up land within the township that was not needed. Such land was earmarked for commercial and residential use.

Under Ainsworth the land use pattern became well defined, roads and plots were surveyed and demarcated, reflecting the commercial and residential segregation policies pursued by the Government officers

The Indian traders occupied the area farthest from the Railway Station, which was slightly over two hectares. Due to overcrowding and poor sanitary conditions the area was subject to plague epidemics. This raised concern over the suitability of the site and the administration was called upon to evacuate the Asians from the site to a better place.

As an attempt to fight the plague the Asians were moved to a site on Biashara Street some distance north of the European Commercial area. Continued plague outbreaks called for segregation of these communities. The Europeans wanted the Asians removed since they wanted to expand their business area. However, total segregation of commercial facilities would have hurt the European trade since the Indians were known to offer goods at lower prices. Therefore a contact between races was an essential feature of life in Nairobi

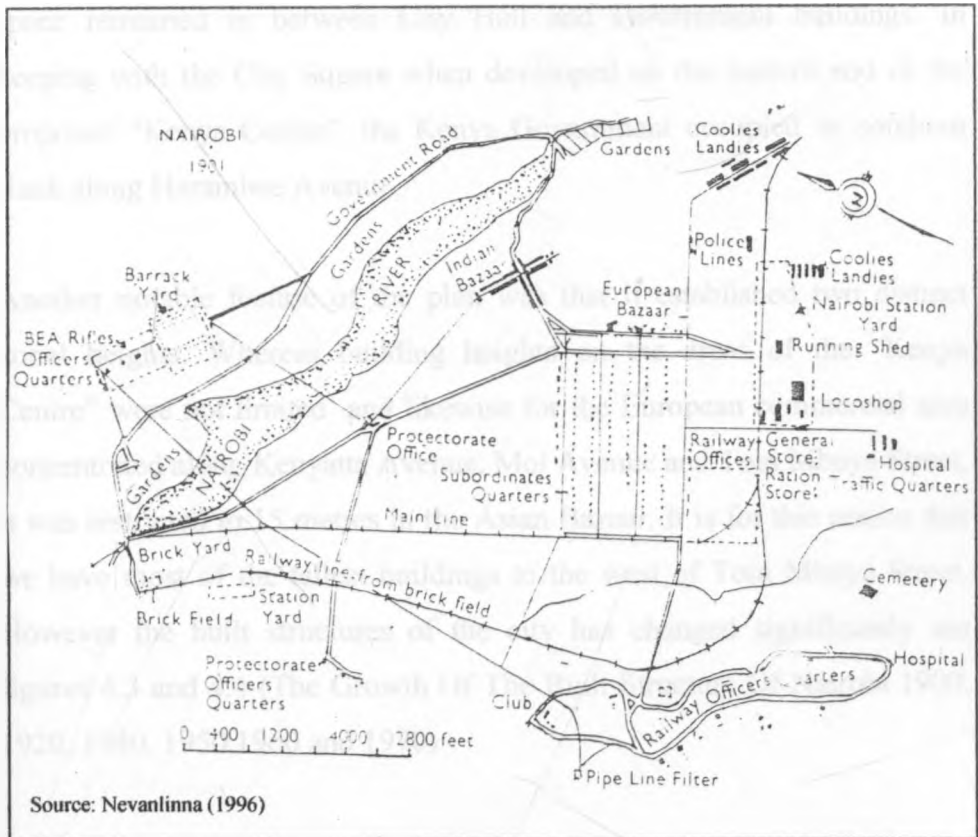
What happened was to divide the Indian Bazaar the first attempt to segregate the commercial area to the west. A European high class business area developed but with some Asian traders owning a few premises. (Figure 4.2) This zone specialized in high class merchandise. To the east of the area developed predominantly Asian and African shopping area, but the two could interact. But one thing was made clear that while the Indians may have business premises in any part of the commercial area in Nairobi, they may not live in areas open only to Europeans. Thus the area along the banks of Nairobi River was proposed for an Indian residential Bazaar. Compensation fee for repatriation of the Indians to a new area was too high so they were left. But eventual evacuation was seen as the solution to the plague problem. Hence a proposal by a Mr. Jevanjee was adopted whereby the Asiatic residential area was set up north of the River and a non-residential bazaar to the south. Consequently an Asiatic commercial area was established in the River Road and Kirinyaga Road areas and a Residential area in Ngara.

Even without a conscious attempt to plan the city, a very definite land use pattern had emerged by 1906. The Indian Bazaar occupied three streets west of the present day Moi Avenue. The most intensively developed streets had closely spaced single storied buildings serving as shops on the front and residential units at the back.

The European commercial area was extensive with wide open spaces. The residential units within the commercial area was highly discouraged in this area. This pattern crystallized and expanded with related land uses filling in the undeveloped spaces in their respective zones. By 1909 much of the road network as seen today had been established and in use in the CBD.

In 1926 however, there was a plan by Mr. Walton Jameson to give guidance and control of Nairobi. His plan was never implemented except for the zoning recommendations.

**Figure 4.2. Layout of Nairobi 1901**



In 1948, a Master plan for Nairobi was prepared and its impact is still evident today. It had as one of its recommendations that there should be as little disruption as possible in the layout of the CBD area. The most remarkable recommendation was the laying out of the “Kenya Centre”. It was the wishes of the civic leaders to have Nairobi reflect an international status like other cities of the developed world.

Within this centre there was provided adequate space reserved for official buildings. Thus the centre was to expand from the High Court which formed the eastern boundary to the “Hill Area” in the west. There was to be a wide ceremonial space surrounded by Government buildings in the north and the East African Government building on the west. Also carefully designed was a highway (Uhuru Highway) and open spaces dividing the Centre and the “Hill Area”. The Uhuru Highway was developed accordingly.

The City Council's building occupied the northern flank while an open space remained in between City Hall and Government buildings. In keeping with the City Square when developed on the eastern end of the proposed "Kenya Centre", the Kenya Government occupied its southern flank along Harambee Avenue

Another notable feature of the plan was that it established two distinct zonal heights. Whereas building heights on the areas of the "Kenya Centre" were not limited and likewise for the European commercial area concentrated along Kenyatta Avenue, Moi Avenue and Tom Mboya Street, it was restricted to 15 metres in the Asian Bazaar. It is for this reason that we have most of the tallest buildings to the west of Tom Mboya Street. However the built structures of the city has changed significantly see figures 4.3 and 4.4 (The Growth Of The Built Structure Of Nairobi 1900, 1920, 1940, 1950,1960 and 1970)

So far it is not possible to attach any economically motivated reason to the pattern the CBD was assuming. Rather the reasons were basically political, based on racial segregation.

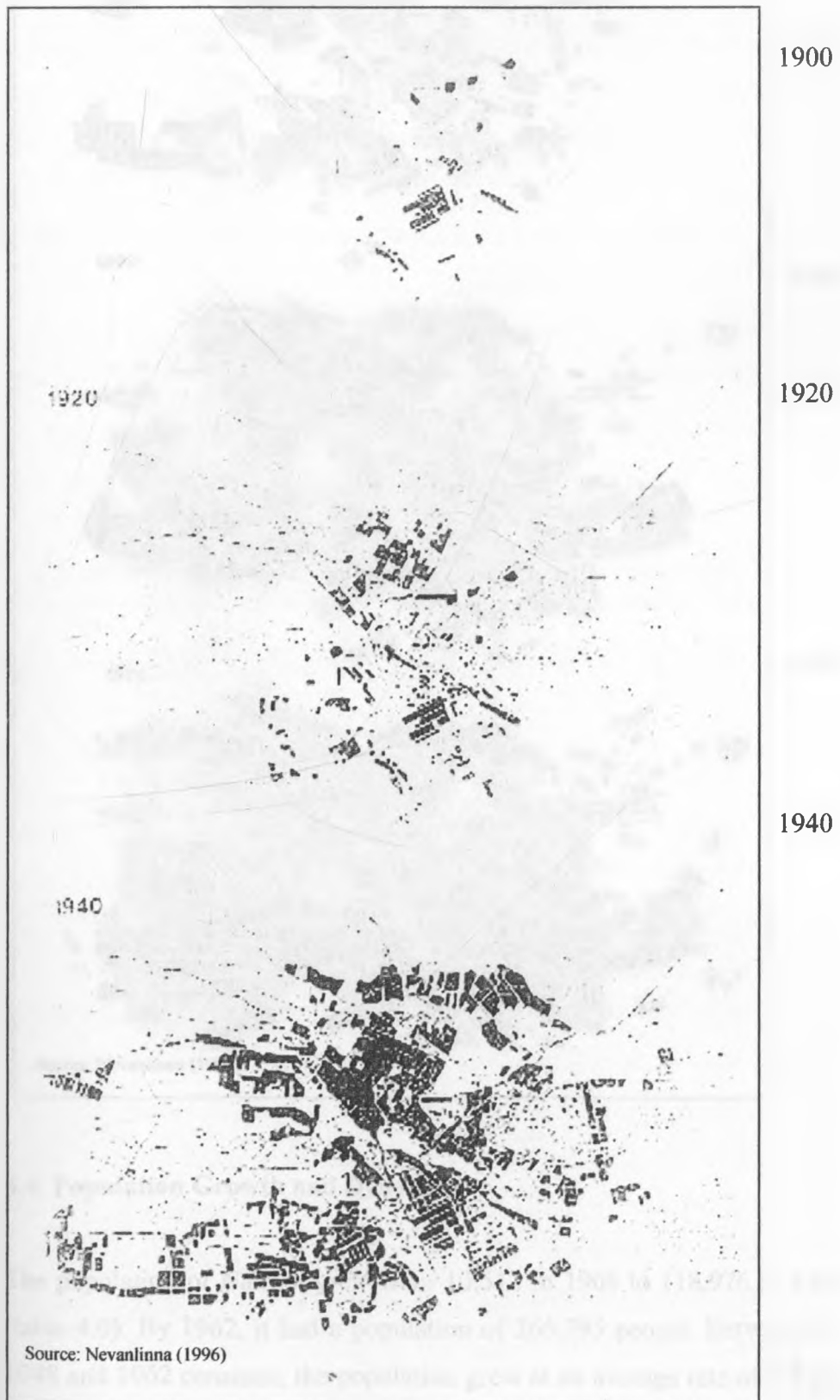
After independence economic factors came to play. The government of Kenya adopted such economic policies as necessary to attract private investors with the view of improving a serious depressed economy inherited from the colonial government. The effect of these policies was the expansion of existing business and industrial concerns which created a growing demand for office and industrial space. Hence the undeveloped or unoccupied space had to be filled up. Another factor that played an important role in development of the CBD was the growth of tourism. To cater for this multi-storied hotels were constructed. Such were the Pan Afric, Intercontinental, Hilton, and 680 hotels

Office buildings for anillary services also developed. With almost every open space filled up, the trend is now to demolish the old buildings and erect multi- storied ones. It is still notable that this high rate of

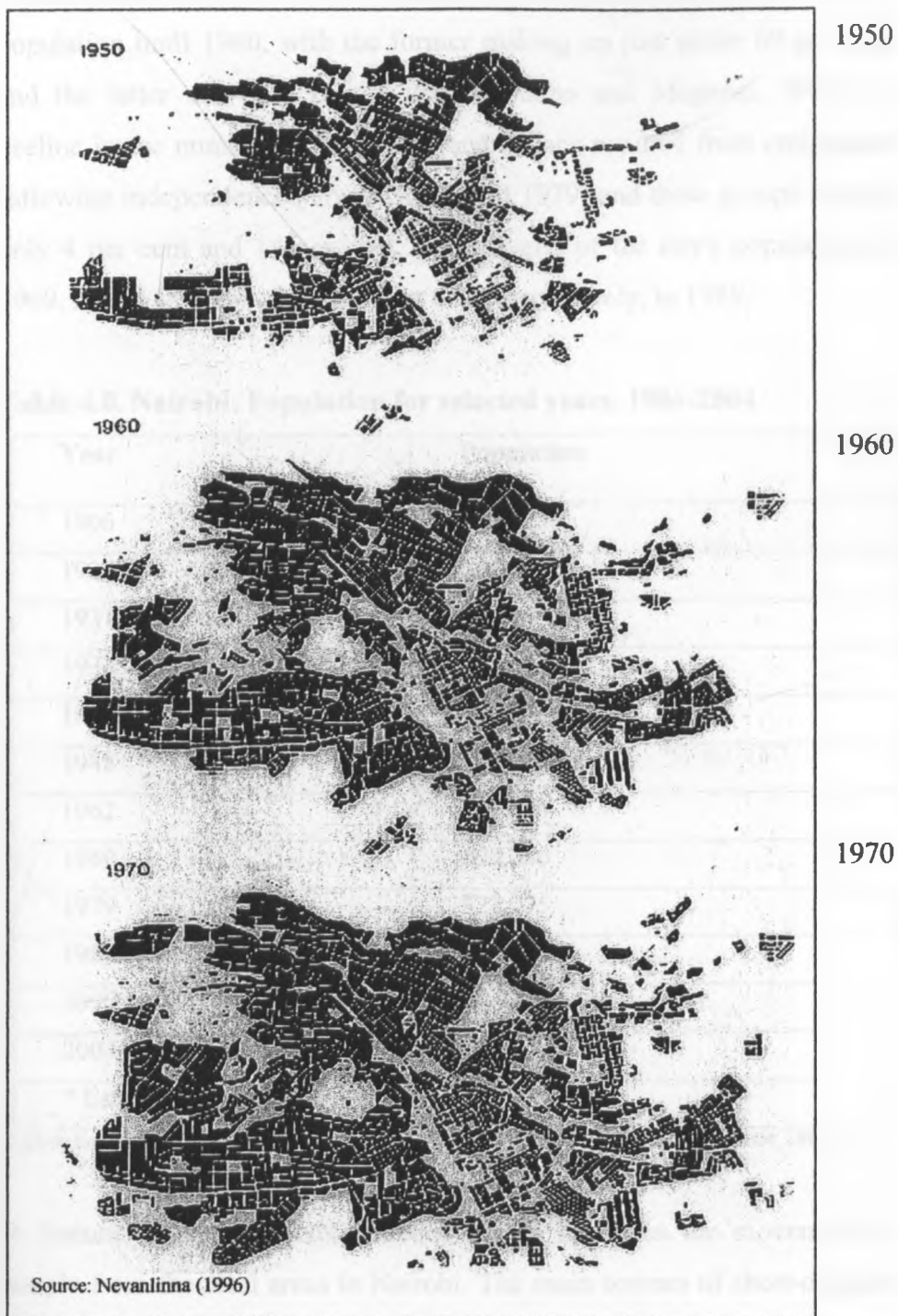


development and activity is concentrated on a limited area which has won the favour of the Government policy throughout the City's history.

**Figure 4.3. Growth Of The Built Structure Of Nairobi 1900, 1920 and 1940**



**Fig 4.4. Growth Of The Built Structure of Nairobi 1950, 1960 and 1970**



#### **4.4. Population Growth and Dynamics**

The population of Nairobi grew from 10,512 in 1906 to 118,976 in 1948 (table 4.0). By 1962, it had a population of 266,795 people. Between the 1948 and 1962 censuses, the population grew at an average rate of 5.9 per

cent per annum, compared with 7.6 per cent in the previous 12-year period. The African and Asian population grew hand in hand with the total population until 1960, with the former making up just under 60 per cent and the latter one-third of the total (Obudho and Muganzi, 1991). A decline in the number of Europeans and Asians resulted from emigration following independence (Tiwari, 1972 and 1979) and these groups formed only 4 per cent and 14 per cent, respectively, of the city's population in 1969, falling to 1 per cent and 4 per cent, respectively, in 1989.

**Table 4.0. Nairobi: Population for selected years, 1906-2004**

Year	Population
1906	10,512
1928	29,864
1931	47,944
1936	49,606
1944	108,900
1948	118,976
1962	266,795
1969	509,286
1979	827,775
1989	1,324,570
1999	2,143,254
2004*	2,504,400
* Estimated	

Sources: East African Statistical Department (1986), Republic of Kenya (1966, 1971, 1981, 1994, 1999).

A feature of the post-independence period has been the movement of people from the rural areas to Nairobi. The main sources of short-distance migrants are the districts of Central Province, while long-distance migrants come from the Eastern, Western, and Nyanza Provinces. The 1989 census put the city's population at 1.3 million, 80 per cent of whom are accommodated on 20 per cent of the land. Population from the 1999 census stood at 2,143,254 persons. Alternative projections to 2010 range from 2.8 to 4 million (Mazingira Institute, 1993; Obudho and Aduwo,

1992, p.57) see table 4.0. This increase has and will continue to exert a lot of demands on the environment unless adequate measures are taken.

Of people in Nairobi aged between 15 and 50, 63 per cent are economically active (Mazingira, 1993, p. 5). Since independence, there has been considerable growth in wage employment in the modern sector. Access to formal sector employment improved considerably in Nairobi, whereas it worsened in the rest of the urban centres in Kenya, with the result that Nairobi dominates urban formal sector employment. Nevertheless, the growth of jobs has not kept pace with that of the labour force. In 1992, formal wage employment in Nairobi was 376,200 persons (73 per cent of those working). However, there has been a decline in wage employment in the public sector in Kenya owing to the restructuring and privatization programme introduced in 1990. (Republic of Kenya, 1993, p. 55).

The livelihood of most dwellers in Nairobi comes from regular wage employment and, although it is likely that the proportion in formal sector employment is decreasing, estimates of the size of the informal sector vary. The 1992 Economic Survey, for example, showed that there were 141,877 persons engaged in the informal sector (an apparent 27 per cent increase over 1991). The high rate of growth is a consequence of increased demand for goods and services (Republic of Kenya, 1993), although the informal sector also acts as a safety-valve. The activities in this sector range from painting, carpentry, shoe making, driving, and domestic service to petty trading and hawking of various goods and food commodities. Informal income-generating activities can perhaps best be thought of as the unregulated and unprotected production of goods and provision of services by those with relatively little capital.

The informal sector contributes significantly to Nairobi's economy and has strong backward linkages with commercial and public enterprises. The creation of employment opportunities in this sector is not necessarily dependent upon direct public expenditure and commitment of public

investment in advance. The other advantages of the informal sector are that it uses simple technology appropriate to the resource base of the communities and that it produces jobs at lower costs. Despite the growth of this sector, unemployment is particularly widespread among young urban dwellers and women.

#### **4.5. The Development Of The Informal Sector In Kenya**

This section deals with the emergence and growth of the informal sector in Kenya with special reference to Nairobi. Hake (1977) states that, hawking was present in Nairobi from the earliest days. The growth in employment has not kept pace with that of population (even today) in 1939, for instance there were 23,000 African employees and in 1940 the number dropped to 18,000. Yet African population had increased by about 30,000 (Hake, 1977). The colonial government responded by enforcing control measures such as repatriation of unemployed to their “native reserves” reducing the number of Africans in the city.

After World War II and later in the 1950s after the state of emergency, there was a major population influx of the African population to Nairobi. With the removal of restrictions which were previously prohibiting many Africans from staying in Nairobi. This led to a number of job seekers coming to the city leading to the unemployment problem.

In analyzing the origin of informal or small scale enterprises in Kenya, McCormick (1988) notes that, “today’s urban small scale enterprises are however a product not only of general forces of development, but also of historical situations and relationships specific to Kenya. Like anywhere else in the world, capitalism takes root with the progressive separation of capital and labour. On the one hand, it requires the appropriation by a few of the means of production, and on the other, the creation of a class of wage labourers.”

Obudho (1984) notes that, the urbanization policy adopted by the colonists tended to favour the productive areas. He notes that, with land alienated, then many African men, left their "reserve areas" for long or short periods to work for wages either in urban areas or capitalist farms. This process he notes hastened even more when independence came and thus, Kenyan urban centres experienced more rapid urbanization than industrialization and hence the urban unemployment.

There was emphasis on hawking and the "informal" sector activities appeared in response to the growing population of the unemployed and the pattern of demand of Africans who had low incomes (Republic of Kenya, 1973). The trade has grown steadily despite the hardships encountered. In 1963 it registered a total of 15,000 licensed hawkers, 1964 the figure dropped to about 1,370 and further lower to 1,040 in 1965. Although in 1969 there were 1,414 licensed hawkers. (Hake, 1977).

It could be argued that Africans were faced with many discriminating rules during the colonial period which hindered their advancement into Nairobi. Informal activities were strictly confined to the squatter and low income settlements in the periphery of the city their education was limited; the Africans were even stereotyped as being "too backward to render themselves to prolonged wage employment even in minor functions" (white, 1948). Even after independence and abolition of these restrictions which had hitherto placed the Africans at a disadvantage in comparison with Europeans, the same trend persisted. The Africans continued engaging themselves in petty trade and even increased in number.

The Africans doing such businesses were responding to what has come to be called the employment crisis, the crisis being the consequences of the failure of the manufacturing and service sectors of the modern economy to absorb the labour supply. Most hawkers are found within the CBD of major towns

#### 4.6. The Development of Government Policies

In the second development plan (1970-1974), the government pledged to emphasize on the development of small scale industries and training of local entrepreneurs as a strategy for the alleviation of unemployment which was part of what was called Kenyanisation of the Kenyan economic strategy.

As stated earlier in chapter one, the concept of informal sector first appeared in the early 70's with the launch of the World Employment Programme by the International Labour Office and the (ILO). The International Labour Organization (ILO) mission (1972:6) was the first to undertake a major study of informal activities in Kenya. The study desaggregated the employment in Kenya's economy into formal and informal. The ILO mission recognized the potential role of informal activities in the country's development and was quick to point out the constraints under which the informal sector operated and from which its potentials could be realized.

Subsequently, after the government published the Sessional paper number 10 on Unemployment in 1973, the National Development Plans that were subsequently prepared continued to mention the development of the informal sector. Although the implementation of their policy objectives into the sector has not been significant.

The informal sector received considerable attention in the third national development plan (1974-1978). These led to the establishment of industrial estates and rural development centres which were proposed. Also harassment of the sector's entrepreneurs by the government and local authority was to be curbed. This led to the development of informal/ small scale enterprises. Direct assistance to the sector and setting up of an administering organization for the sector was envisaged. Unfortunately none of these policy strategies was implemented.

Various measures to encourage and support small scale and rural industrial development were proposed in the 1979-1983 development plans. Limitations facing the small scale manufacturers and the potential of the informal sector were noted. These led to the establishment of Kenya Industrial Estates (KIE) in every district of Kenya at that time and Ksh 5 million was allocated to fund the informal sector, review of inimical laws and regulations, training and encouraging subcontracting between small and large enterprises. In addition the Kenya External Trade Authority was to assist handicraft producers to modify and adopt export oriented designs. The level of implementation the programmes was low.

The presidential committee on employment 1982/83 (1984) recommended that the sector should be given legal status and recognition and that infrastructure be built for it to thrive and attract more people.

The development plan 1984-1988 envisaged the establishment of a fully fledged Small Industries Division in the ministry of Commerce and Industry, to monitor the implementation of small scale development programmes and to provide assistance to industrial extension services. The informal sector was expected to create 400,000 employment opportunities by the year 2000. The need to generate employment to keep pace with the fast growing population was also emphasized in the 1984-1988 Development Plan.

In 1986 Sessional paper No 1, on Economic Management for Renewed Growth, the informal activities were seen as having a vital role to play in the country's development strategies and the renewed growth of Kenyas economy. A number of measures were proposed: setting up of a special task force to review all policies, laws and by-laws and regulations governing informal activities with a view to protect self employed people and hawkers. Reorganizing and rationalization of all technical training and vocational training, making it relevant to the sector. Making credit accessible to the informal sector by amending collateral requirements, encouraging donor funding and formation of co-operatives and



associations to represent the sector. Government was to promote schemes to provide graduates of youth polytechnics and other secondary schools with tools and working capital to start individual businesses. Assistance to the informal sector through the improvement of micro-economic policies.

Under the 1889-1993 development plan, agencies from the public and private sector were encouraged through supporting training, advising and counseling entrepreneurs in project formulation, implementation, operations, monitoring and evaluation. Within the same planning period the Capital market Development Authority (CMDA) was charged with the task of designing ways and means through which small scale enterprises and "*Jua Kali*" enterprises could expand their capital base this led to the government preparing and adopting the Sessional paper No 2 of 1992 on small enterprises and *Jua Kali* development in Kenya. The paper provided a comprehensive framework for the promotion of small enterprises and *Jua kali* development in Kenya.

Its aim was geared towards the improvement of existing policy measures and regulatory environment, gender specific issues, policy measures to improve access to credit facilities and measures to improve provision of non-financial promotion programmes. The government was to provide an enabling environment for sustainable growth and development within the small scale and "*Jua Kali*" sector. It should be noted that during this time the Structural Adjustment Programme (SAP) deregulation and liberalization came into being. This meant less government involvement in small scale enterprises but instead they would only provide physical infrastructure and information, also prioritization of need through the District Development Committees (DDC).

During the planning period of the 1994-1998, as per the development plan, issues addressed in Sessional paper No 2 of 1992 were implemented. Though there is continuous review and assessment on programmes and policies with regard to informal sectors, very little has been done in realizing the goals of previous recommendations. Currently, the National

Development Plan 2002-2008 (GOK, 2002:4) states that, “as the formal sector employment decelerated, informal sector employment increased at a rapid rate over the last three decades”.

#### **4.7. Policy Framework.**

The problems associated with the development of Nairobi call for urgent urban development programmes, policies, and strategies to achieve sustainable growth. The planning of Nairobi was done on an ad-hoc basis until 1926, when the first plan was prepared. In 1948, a Nairobi Master Plan was completed (White et al., 1948). Since the introduction of the 1948 plan, the city boundary has been extended, its population has grown beyond that projected, and a post-colonial government with a new political orientation has come to power. The Nairobi Metropolitan Growth Strategy was formulated in 1973, but it has never been implemented. Because of the lack of a clear planning strategy, the city has experienced an unplanned, haphazard pattern of development, leading to settlements containing incongruous mixtures of activities, an over-concentration of employment in the CBD and industrial area, resulting in traffic congestion and environmental pollution, and rapid growth of informal settlements. Coordinated and focused urban and regional policy strategies for the city region are lacking. In addition, there tends to be too much emphasis on the provision of services and too little on involving the people and their resources in the planning and development process.

The overriding objective of urban development must be to contribute productively to urban, regional, national, and spatial development. There is a need for a series of specific operational objectives that should comprise the building blocks for achievement of a long-term urban planning strategy for the city. City planning must provide a series of policies and a spatial framework to guide social and economic activities, coordinate and integrate development activities, and mobilize the involvement of residents in the planning and development process. The planning of Nairobi, despite past planning mistakes, should take into account and protect various racial

and ethnic community interests, be cost-effective, be sensitive to the environment, and be consistent with broad regional and national urbanization policies. Owing to the severe shortages of trained staff, fiscal resources, and administrative capacity, major programme objectives clearly cannot be achieved in the short term. Instead, incremental improvements are needed on various fronts.

Because policies and programmes to control rural-urban migration, rising levels of unemployment and redistribution of population have not been successful, there is an increasing recognition that the growth of Nairobi is inevitable and that the solutions to the city's problems depend heavily on their effective management. The main issues faced by Nairobi are gaining greater control over the urban growth process; improving its financial and institutional structure and management; providing shelter, basic urban services, and infrastructure; strengthening the role of the informal sector; and formulating environmental policies and programmes.

Kenya's informal sector provided an estimated 936,000 jobs over 2001-2002 while the formal non-agricultural sector lost 18,000 jobs in 2001 but gained in 2002 registering 21,500 jobs . Since it is unlikely that the formal sector will annually create 500,000 jobs over the medium term, the bulk of employment creation will continue to be small enterprises. Therefore the policy focus during the recovery period will increasingly be on the small business enterprises. Over the period 2003 -2007, a total of 2,636,130 jobs are expected to be created, out of which 12 per cent will be from the formal sector and the balance of 88 per cent from small business enterprises. (GOK. 2003:8)

This section will proceed to discuss the aspects of the Local Government Act (Cap 265) and others legislative Acts which apply to hawkers before presenting the policy and regulation situation within NCC.

#### **4.7.1. Local Government Act with Regards to Hawking**

The local Authorities in Kenya carry the responsibility for the day – to day regulation of urban economy , social and general activities. The primary law used to regulate activities include hawking is the Local Government Act Cap 265 ( appendix IV for extracts of the Act applicable to hawkers) Section 167 of the Act requires LAs to perform some mandatory functions such as provision of primary education , maintenance of roads, public health and burial grounds and collection of waste.

##### **4.7.1.1. Fees and Charges**

Depending on the council's administrative and financial capability, and subject to approval by the MOLG, the council can perform other functions in line with this, Section 148 of the Act empowers LA to impose fees and charges which if not regulated by law may be imposed by resolution of a given LA with consent of the MOLG. Pursuant to this provision, LA impose fees and charges on a wide range of activities , trades occupation premises and persons whom or which the LA are empowered to control or license.

LAs do not draw their finances from the exchequer's kitty. Instead, they are expected to be self-sustaining by deriving their revenue from rates and licenses. Section 161 (d)(ii)(a) of the Local Government Act gives power to LAs to prohibit and control peddling, hawking and street traders. While, street traders are further regulated and barred from obtaining licenses because trading and hawking is prohibited and controlled by the same Section 161 (d)(ii)(a). Street vendors selling second hand goods are worse of, since Section 161 (d) (ii)(d) gives the LA powers to control the trade in second hand goods. This provision has implication on hawking, since apart from those selling fresh produce, most other categories of street vendors sell second hand goods. Plate 4.0.

A typical case of highly prohibited or controlled vending is food, especially fish mongering and frying. Section 161 (d)(ii)(f), of Local Government Act gives powers to LAs to prohibit or control fish mongering and fish frying. Thus those engaged in this type of trade are more likely to face strict Municipal regulations unlike other cooked food vendors. Further, the same Act categorises the same type of trade under businesses of an offensive nature, meaning that the vendors would be further regulated. Indeed, in a number of councils, fish mongering and frying is not allowed and those doing it are operating illegally

**Plate 4.0. Second Hand Goods**



**4.7.1.2 Business Premises and Structures**

Business premises are an important consideration in licensing. The availability of a business premise is a precondition for compliance with various statutes relating to trade. Statutes outline standards that have to be met as regards businesses and physical facilities. Licensing of businesses in LAs gives individuals and or groups permission to lawfully occupy land, otherwise it would be viewed as trespass.

A license does not authorize the licensee to operate without following required planning regulations. The Land Planning Act outlines the levels

of development permitted in any site allocated to a licensee. The Act also controls the form of development, taking into consideration public health, public safety and required amenities.

Section 147 (b) of the Local Government Act prohibits obstruction in or on public places and provide for removal and sale of any obstruction and for the disposal of any monies derived from any such sale. On the other hand, Section 259 empowers police officers or any other officer charged with the responsibility to arrest without warrant any person who commits an offence under the provision

The section requires the officer making the arrest to be in uniform. However this is not the case, officers come dressed in plain clothes in order to ambush hawkers. Although this is a contravention of the Act and an offence, it is deliberately done in order to make it difficult for the hawkers to identify the officers, who in reality are only after bribes. Although most hawkers are ignorant of these provisions, should they resist arrest from the plain clothed officer, they get penalized for willful obstruction of an officer, who is executing duties under Section 266

Section 265 gives the officers powers to enter into any premises at “all reasonable hour” for the purposes of the performance of their duties. The practice, when dealing with hawkers operating in some structures, is to demolish the structures in the night when the hawkers are least suspecting such a move. Often no warning is given, thereby denying hawkers an opportunity to salvage the little they have. The statement “reasonable hour” is thus used to bring down structures and destroy goods of hawkers. There are no provisions for any appeal by the hawkers and most hawkers suffer in silence, including closing business.

The Local Government Adoptive By-law (Building Code) of 1968 and Local Government Adoptive Grade 11 Building By-laws order of 1968, provides for standards for building and approval requirements for building plans and prohibits the construction of illegal (unauthorized) structures.

The structures constructed by the hawkers largely fall in this category. Since the majority of the hawkers are not licensed, while those operating pay daily charges, they can not risk putting up expensive authorized structures. While it is important that LAs permit all traders and occupations that they are empowered to control, some aspects of the Act are problematic to hawkers.

The hawkers are generally viewed as a nuisance, and they cause obstruction, noise, insecurity and make streets dirty. Whereas the LAs have to control activities within their jurisdiction, denying hawkers trading permits for operating without providing alternatives or explaining the situation to the potential hawkers. The situation is more precarious for hawkers who have been permitted previously and are denied renewal of permits.

#### **4.7.2. Public Health Act**

The health requirements are key in controlling hawking, especially those handling cooked food along the roads and streets. The Public Health Act Cap 242 states that no person shall cause to exist on any land or premises owned or occupied by him / her, any nuisance or other conditions dangerous to health. Trade premises not kept clean, having offensive smells or giving rise to smells or effluvia which are dangerous to health are deemed as nuisance.

The Medical officer is given wide powers under the Public Health Act of controlling the cleanliness of eating premises, equipment and people involved in handling food. The powers of medical officers to close down premises if in their view the same do not meet the health requirements with regard to cleanliness has often been exploited by the LAs.

The Act, although justified is often used to discriminate against hawking. LA should not expect hawkers to keep clean business premises, while basic facilities like refuse removal, water and toilets are either not

provided, or inadequately provided. It has been observed elsewhere that it is the lack of basic facilities that lead to hawkers selling and handling food and other products in unhygienic manner.

#### **4.7.3. Trade Licensing Act (1967)**

Street vending falls under wholesale and retail trade items of 1967 Trade Licensing Act. This Act was originally passed to enable orderly transfer of gainful activities from non-citizens to Kenyans. The other two goals of the Act have been to control businesses and also raise revenue. Over the years, the Act seems to have lost its key aim of support for Kenyan business initiatives and raising revenue. There has been a concentration on misplaced control, by LAs which largely results in “rent seeking”. The Licensing Act has therefore been a bottleneck to small-scale business operators, with most of them not adhering to it.

#### **4.8. Institutional Framework.**

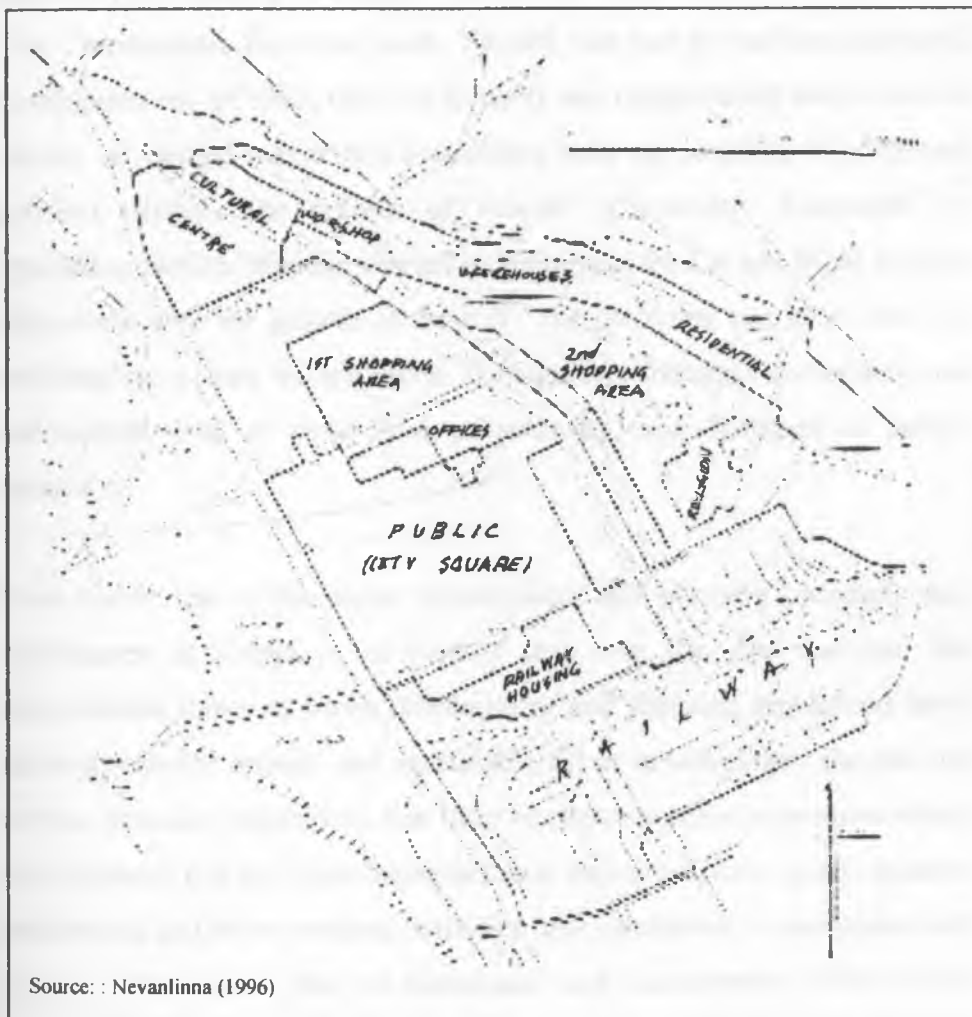
The land use patterns that exists today predominantly reflects the development of British colonization (figure 4.5) rather than traditional African settlement patterns. Nairobi is a completely modern, colonial creation and almost everything in the city, has been built in the last 100 years. Until the advent of locomotive transport in the late 19th century, Nairobi was just a boggy waterhole for the Maasai people and of little interest to the European colonialists.

In the early years planning of Nairobi was never considered seriously and development was uncontrolled and unguided. In the pervious section, that looked at the historical development of Nairobi the establishment of the railway depot in Nairobi attracted a multi-racial community of entrepreneurs which was analysed. Policies based on racial segregation were also in force. The Indians for instance were located in an area which proved far too small to accommodate their growing population.



Health issues, which called for the Authority's attention, were brought to the limelight. In 1926 some controls according to zones were introduced. The first comprehensive plan for the city was published in 1948 but was never formally adopted. It stipulated guidelines for development and earmarked land for various uses- residential, industrial and others. In 1961 another attempt was made but abandoned on the way. The planning of the City of Nairobi, therefore continued on an ad hoc basis. The concept of a comprehensive plan to direct Nairobi's growth and development emerged around 1967 from a series of sectoral pressures, leading to the present land uses as depicted in Map 2.0.

**Figure 4.5. Different Land Uses Within the CBD**



The Nairobi City Council (NCC) is supervised by the central government through the Ministry of Local Government. The NCC performs mandatory functions such as provision of public health and primary educational

facilities, maintenance and repair of urban roads, and burial of destitutes, as well as permissive functions, which include administrative activities, sewerage and drainage, water supply, collection of garbage, markets, and social welfare services. The relationship between the central government and the NCC is an advisory one, with the Minister of Local Government having veto powers. The day-to-day operations of the NCC are carried out by the mayor and his elected councillors. There are also nominated councillors who are co-opted onto the NCC. Politics has had a lot of impact on the delivery of services to urban dwellers. At independence in 1963, Nairobi was a fully fledged urban centre run by an elected council.

However, the council was dissolved in 1983 and replaced by a Nairobi City Commission. For nine years, Nairobi was run by various appointed commissioners. In 1992, the City Council was reconstituted and it is now run by an elected mayor and councillors who are members of different political parties. The politics of Nairobi is currently dominated by opposition parties. Whether elected or appointed, the LA has failed to cope adequately with the growth of the city. The problems can, *inter alia*, be attributed to a lack of resources, bureaucratic lethargy, corruption and indiscipline, lack of clear lines of authority, and disregard of public opinion.

From the review of the urban development and planning processes and experiences in Kenya, it is evident that over the past decades, the conventional forms of urban development and planning regulations have failed to provide orderly and sustainable urban development. Despite the various planning legislations that have been put in place to promote urban development, this has been haphazard and disjointed. As a result, squatter settlements and street vending activities have continued to mushroom and acquire urban space due to inadequate and incompetent development control mechanisms, poor and outdated planning standards and planning laws. Consequently, there are problems of overcrowding, inadequate water supply and sanitation, inadequate refuse collection, poor drainage, road transport and high unemployment levels.

The focus of urban development is largely set in place by national goals and development policies of urban planning and management which is decentralised through a complex institutional framework in which roles and responsibilities for planning, management and development control are delegated to various agencies. The broad objective of urban development and planning regulations is to ensure the orderly development of urban areas. These aim to make provision for an orderly and progressive development of land in both urban and rural areas and to preserve the amenities thereof, for the grant of permission to develop land and for other powers of control over the use of land and for purposes ancillary to or connected with matters aforesaid.

If we confine ourselves for the moment to the values which motivate actual development policies, or are said to do so, we still have an instructive list before us. Instructive because of the evident division between strong and weak aims and because of many loose ends which suggest numerous directions for research. (Lynch, 1981a:56). The relocation of hawkers in the CBD by the City Council of Nairobi, a strategy to try and gain control and provide “proper” environments for hawking in certain areas, was the strategic tool that seeks, over time, to “radically” transform the CBD area, structure and form to make it more equitable, integrated and efficient by providing ideal areas for hawkers.

The decision to relocate hawkers represents a sincere attempt to move beyond planning and individual opinion into positions that can be defended in terms of a logical rationale for the public good. On another level, these ideas are “logical rationale” which are open to questions.

For the city to survive, we have to understand informal trade, homelessness, sustainable buildings, the new civic architecture and the global trends of today’s cities in trying to integrate and facilitate sustainable urban environments.

Administrative Procedures used in licensing and permitting or levying hawkers differ from one LA to another. The complication and cumbersome nature of licensing and permit largely correspond to the status of a given LAs. Those with higher status such as the NCC, have a number of processes to be followed before a hawkers trading permit can be given.

In cases where a number of procedures are to be followed, like the whole process is manipulated by both councillors and officers charged with responsibility. Subsequently, such councils spend huge amounts of money on fees collectors and enforcement officers but get negligent revenue from the process. There is also no visual organization of hawkers, with most street being littered and obstructed by building owners or hawkers, Plate 4.1 and 4.2 as opposed to the By-law requirements

**Plate 4.1. Littered And Obstruction Along Latema Lane**



Whereas the Local Government Act applies to all LAs, the By-laws made by the various LAs pursuant to Section 201 differ and depend on particular circumstances, needs and size of respective LA. Section 201 empowers the LAs to make By-Laws inter alia for purposes of: establishing , maintaining and controlling any activity within its jurisdiction. It also allows LAs to prohibit or prevent by prohibition , any activity it is empowered by the Act or under the Act to prohibit, and controlling and regulating any of the

things which any of the persons whom, it is empowered by or under this act to control or regulate.

**Plate 4.2. Waste Water Flowing Along Fire Station Lane**



Implementation and enforcement of powers and control appear on a number of Sections (259,265,266,267) of the Local Government Act. The sections cover powers of arrest without warrant, powers of entry into any premises and powers of providing penalties, for offences committed as reflected in appendix IV. These powers are excessive and retrogressive to hawkers development.

NCC has set aside areas for hawkers to trade, but often the areas are poorly located in terms of accessing customers. Also areas are not suitable for the hawkers to occupy and perform their businesses. See plate 4.3 condition of Dubois lane. This makes hawkers reject the sites, thereby increasing the tension between them and the LA.

A national body, Kenya National Hawkers Union (KENAHU) founded in 1998 with a broad objective of fighting for hawkers rights and enhancing cooperation with LAs is still to put its act together. The association also aims to improving the relationship between hawkers and LAs, especially

settling disputes relating to sites of operation and confiscated goods by LA askaris.

**Plate 4.3 Abandoned Trading Sites on Dubois Lane**



#### **4.9. City Council Of Nairobi (NCC).**

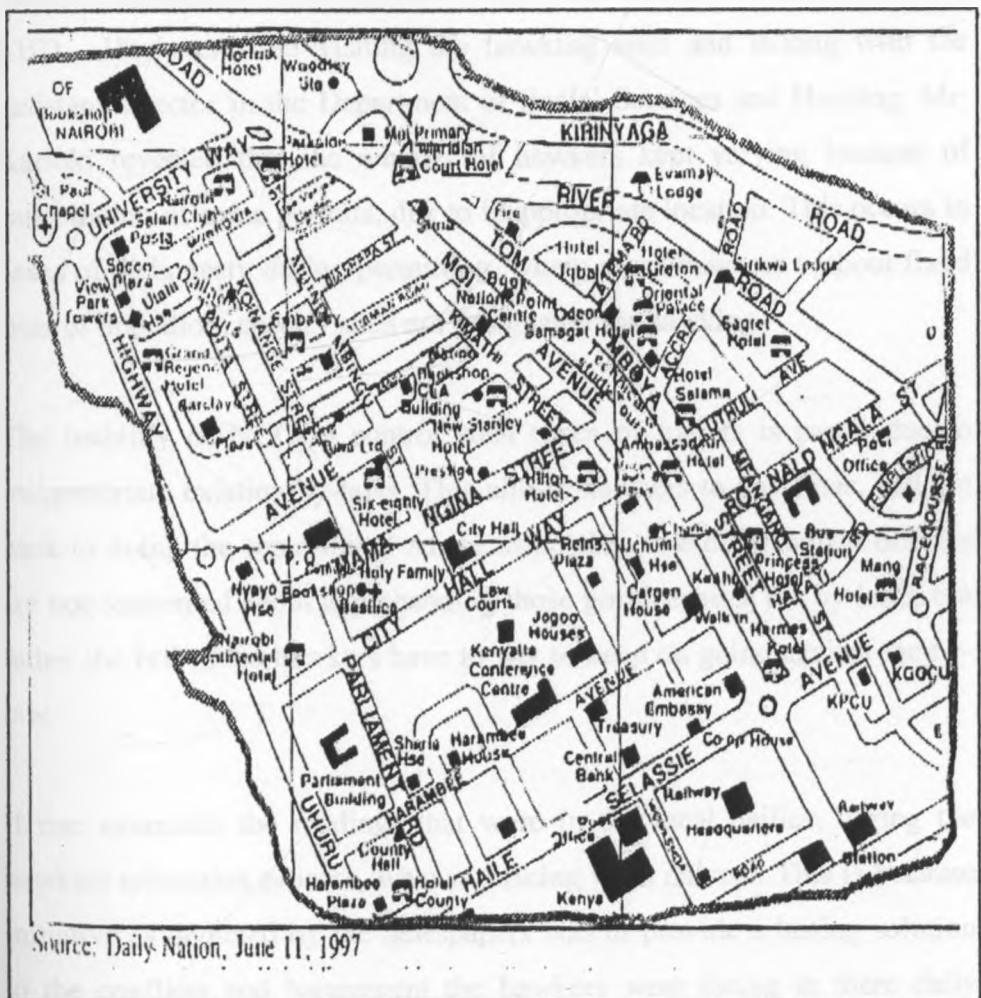
It should be noted that prior to the new government coming to power and with the above Act and regulation stipulated earlier hawking within the CBD was illegal unless one had a license issued by the Business License department (NCC) which required the trader to have a fixed/ permanent trading site. In June 1997 the government banned hawking within the CBD and published Figure 4.6 in the local daily.

The only street traders who were allowed to trade prior to the relocation of the hawkers to the back lanes and alleys within the CBD were traders who sell newspapers, shoe shiners and watch makers because they provide a service to the urban residents and their operations were and are regulated by the above Acts and regulation and NCC single business licensing office. Their activities are licensed under single business small scale informal service sector after the licensee pays a fee of Ksh 2,000 per year

and met the requirement stipulated under business licensing Act Cap 499 section 5. The license was supposed to be displayed

However, most of the hawkers cannot raise the fee required to obtain a business license. Presently, Nairobi City By-laws (appendix V) and regulations require that every operating street vendor and/ or hawker be issued with a permit (appendix VII) which is renewed annually. The permit was introduced before the relocation process so that NCC could regulate the operations of the hawkers (appendix VII)) The fee for the permit is Ksh 130:00 far less than the cost of obtaining a license which cost Ksh 2,000:00. But the permit holders have to pay a daily fee of Ksh 25:00 to the LA as levy for occupying the trading space every day.

**Figure 4.6 . The Area Hawkers are banned from operating from June 1997**



The permit allows them to trade in a wide range of goods: fruits and vegetables, sweets and cigarettes, curios and crafts, new and second hand clothes, shoes and household goods among others. Commodities not licensed although undertaken by hawkers include peeled fruits, ready cooked food at home and served at different places

Hawking of ready cooked food from home is illegal within the city and is viewed by the city authority as a health hazard. However, the city has been unable to enforce the ban and many such vendors provide cooked food, including tea and porridge to workers and other traders (hawkers). This is a popular trade for women hawkers who have no specific hawking (trading) site, but merely avail ready food at locations of work.

Although there are a number of hawkers who operate within the city, the council approximates the registered 6,000 who wanted to trade within the CBD. However from visiting the hawking sites and talking with the assistant director in the Department of Social Services and Housing, Mr. Kariuki revealed that the number of hawkers kept varying because of cancellation of some permits, due to inappropriate location. This occurs in cases of dishonesty during permitting, where some hawkers without fixed sites of operation, specify sites not designated for hawking.

The inability of NCC to control such types of traders is partly due to inappropriate existing by-laws. This allows hawkers to pay fines, and get back to doing the same thing. At the same time, the enforcement officers are not concerned about apprehending those going against the by-laws, but rather the bribes the hawkers have to pay to keep on going against the by-law.

If one examines the readings that were in the local dailies, during the hawkers relocation process, what is striking is its naiveté. This is because initiative as depicted by the newspapers was to provide a lasting solution to the conflicts and harassment the hawkers were facing in their daily operations. It was though NCC understood the hawkers' plight and the



initiates was geared towards harmonizing and planning for these activities, integrating and sustainability of the urban fabric. It was felt NCC was aiming at making, remaking and unmaking spaces through nodes and activity corridors in complex and heterogeneous areas and through planning this could make it possible for the hawkers to sort themselves out and to these “proper” areas.

The NCC (Hawkers) by-law 1963 drawn by the City Council of Nairobi as empowered by regulation 201 of the local government regulations 1963 governed and regulated hawking in the city of Nairobi. Under the By-law, hawking is interpreted as placing oneself in any street or public place or unclosed land or going about in streets or public places or from premises to premises for the purpose of carrying trade or exchange of goods, wares, merchandise or refreshment. This does not however include “the seeking or taking of orders for subsequent delivery, or delivery of goods, wares, merchandise or refreshments to premises for the purpose of resale”.

Thereafter it is the discretion of the council to issue a permit, permitting the person named therein to engage in hawking subject to such terms and conditions (rules and regulations) as may be specified in the permit, appendix VII.

The payment of a specific fee for the acquisition of the permit which is restricted to a particular area or place and locating hawkers has been the most problematic aspect in managing hawkers in Nairobi. The hawking permit costs Ksh. 130.00 and hawkers are supposed to pay a daily fee of Ksh. 30.00 or Ksh. 200.00 per week as stipulated on the permit, (appendix VII). But they pay Ksh. 25.00 per day, which is collected and receipted by NCC employees at the trading streets whether one has traded or not.

On the other hand, those who do not have a permit, operate illegally and have either pay “immunization fee”(a bribe that makes the payee untouchable when askaris who are more interested in taking bribes than enforcing regulations make several rounds.

After reading the rules and regulations (appendix VII) that are contained in the street vendors permit, one might argue that the hawkers were not consulted in developing the rules and regulations and are not aware of all the policies and regulations that apply to their businesses. This is partly because there is so little communication between them and the authorities. The way they operate in order to attract customers. There lacks an appropriate forum where they can be informed about the by-laws. Lack of information makes compliance virtually impossible. This has led most traders to be harassed or threatened with eviction.

There has generally been poor communication and lack of understanding between hawkers and NCC. There is distrust between the two parties, and NCC views hawkers as not been genuine in their operations. They are viewed as dishonest in the way they conduct their business including applying for permit. This in many cases results in harassment, which grossly affects the activities of the hawkers. Their goods get confiscated resulting in some of them closing their businesses

NCC like many other LAs recognizes the importance of hawkers. The vendors avail necessary services to city dwellers and also provide employment and income to those operating within the sector. However, the city like all other LAs within Kenya has no clear policy relating to hawking. Instead, hawkers are viewed as obstructing both streets and other businesses. This perception is influenced by the lack of public policy on access to infrastructure and space, and the issue of security.

Hawkers have been ignored by planners, left to fend for themselves yet they contribute to make the economy grow and also a source of revenue for the LA.

For hawkers to thrive in Kenya, urban policy change is needed. Policies which integrates hawking activities in planning, decision-making and

desire for trading space. Existing hawkers associations must be given recognition and support so that they can voice the needs of their members.

#### **4.10. Implication of Policies and Regulations**

The importance of the sector as a complimentary employer was first highlighted by the ILO report (1972), after an intensive research on the causes of chronic unemployment in Kenya. The report said that though people in the sector pursued similar economic activities (manufacturing and commerce) to those in the formal sector they were often ignored and harassed. And that the sector provided employment and income generating opportunities, goods and services.

The report further noted that the licensing system discriminated against the informal sector but the report was optimistic about the future of the sector. Thus the sector was bound to grow and expand to include a larger proportion of the urban labour force.

In the ILO saw the growth and vitality but also the new strategy for the development of Kenya. The report recommended that a more positive approach toward the informal sector activities be taken and this was when the government recognized, began to address and make recommendations on informal activities.

The government recognized that the informal sector had an important role in the life of the city residents and declared its intention to support the sector. This was however subject to conditions deemed necessary if the hawkers had to operate and co-exist with other formal activities. These conditions were stipulated in the Nairobi (hawkers) By-laws and the Nairobi Central Business District Street Vendor's permit (appendix VII), which empowered the council to prohibit or control peddling, hawking, street trading and to control peddlers, hawkers and street traders. It was in accordance with these regulations that the NCC enforcement officers keep on ridding the city of hawkers.

These regulations have a number of implications in the way the hawkers operate and the development of the sector. For example the permit is restricted to the holder and it's not transferable. Also it limits or specifies goods the hawkers is trading or transacting, thus limits diversification of the hawker's wares and hence narrows opportunities such as entrepreneur or employment of assistant. Likewise, it supposed to restrict the activity to a particular street or place thereby narrowing down the market.

Hawkers play a significant role in the life of urban dwellers and for the local authority as well. It is for this reason that the government and LA policies have the intention to support these activities. However subject to conditions deemed necessary to facilitate their operations and coexist with other urban land users, (see appendix VII).

It should be noted that policies and regulations enable LAs raise revenue for service provision and management of the hawking site. Also when they are developed by all the concerned persons they are able to set the necessary standards in the provision of public goods and services.

Nevertheless policies and regulations protect consumers, investors and the general public from consuming contaminated food and dumping of poor quality products in to the local market.

Hawkers are no different from any other workers except that they perform their work in unregulated and unprotected conditions. The ILO (2002) has set decent work for all as the goal for its own work. The four pillars of decent work, according to the ILO, are employment opportunities, workers' right, social protection and representation

National and local governments need to recognize the existence of workers in the informal economy, and to acknowledge their economic and social contributions. In doing so, they need to adopt measures and policies that enable these workers to make this contribution under acceptable

conditions, that protect their rights as workers including the right to social protection and to representation, and that generate increased decent employment opportunities for them.

Such policies range from institutional recognition to measures protecting workers from harassment by police and local authorities. What is needed in the recognition that the hawkers have the same rights as the formal or planned activities within the CBD. Also the implementation of “standards” is particularly difficult and requires special efforts by government and LAs so as to remove all legal obstacles.

There are two types of categories of control; prohibitive and adoptive. The prohibitive regulations have thus far inhibited the development of suitable environments where the sector can thrive. The adoptive regulations on the other hand are seen as counsels or guidelines which the planning authority can use in collaboration with all stakeholders.

Hawkers have very little social protection and access to social services, in most cases none at all. In many cases, their work is insecure, with low and irregular income. They need support education and training, through appropriate programmes that should be carried out with their participation at every stage, from planning to implementation.

From the previous sections there is are contradictions between the government and NCC, whereas the government is out to assist the hawkers the conditions set by the NCC are a constraint to the full development of the sector. If the sector has to abide by these regulations then their full potential cannot be realized.

It is therefore necessary that harmonization of the two authorities be realized so as to address the hawking issue within the CBD. In view of the changing circumstances both of them need to realize that hawkers are part and parcel of the urban economy and that they need to be properly planned and accommodated within the urban fabric.

## CHAPTER FIVE.

### DATA ANALYSIS AND PRESENTATION.

#### **5.0. Introduction**

The study had three basic variables:- the first is the measurement of the space, second the type of activity or business and third adequacy of the space occupied by the activity. All the information was obtained after administering questionnaire to the hawkers. Also the additional information with regards to the “planning process” designating the lanes and alleys for the use of hawkers was obtained from NCC officers, especially the department of Social Services and Housing which has the responsibility for providing and maintaining markets.

Other NCC departments where information was sort were the Forward Planning, Business Licensing, Development Control and Enforcement department. Although all these departments advised that the department of Social Services and Housing was better placed in providing the much desired information because the Hawkers and markets were under their docket and they act on instructions issued from the department.

Therefore most of the input with regard to section 5, will be based on the views of two departments, namely departments of Social Services and Housing and the Forward Planning Department which has the responsibility of advising NCC on planning initiatives and urban intervention.

The technique used in data analysis to represent research findings will be mainly a simple descriptive technique. The presentation techniques used will be maps, photographs, frequency tables and cross tabulation.

#### **5.1. Identification and classification**

In order to undertake the research, as stated in the chapter three Research Design and Methodology, the hawkers were identified as per their business

activity and categorized into two main clusters. The first cluster were those dealing in food items and second those selling non food items. From these broad clusters we developed subgroups figure 3.0, so as to understand the spatial requirements of different activities that were taking place within the CBD. The subgroups were to enable the researcher narrow down on the spatial and operational needs of each activity or business.

### 5.1.1. Type of Activities

Plates 5.0, 5.1, 5.2, 5.3 depicts the different hawking activities and commodities sold as per figure 3.0. These activities were located / distributed along back streets and alleys within the area of study, (see map 5.0, 5.1, 5.2, 5.3, 5.4 and 5.5, the areas hawkers occupy). During the research, 22.8 per cent of the respondents were fruits and vegetable sellers. This included hawkers who traded in agricultural products for example onions, peas, cabbages, sukuma wiki, arrow-roots, potatoes, maize, French beans etc and fruits such as bananas, oranges, lemons, pineapples, apples and passion fruits, Plate 5.0.

**Plate 5.0. Fruits and Vegetables along Lagos Road**



Hawkers selling clothes (new and second hand) constituted 25.6 per cent of the sample size. This sub group included all traders who sold male or

female clothes, new or second hand, (see plate 5.1). The category also included hawkers who traded in baby wear.

**Plate 5.1. Clothes Hawking along Taveta Lane**



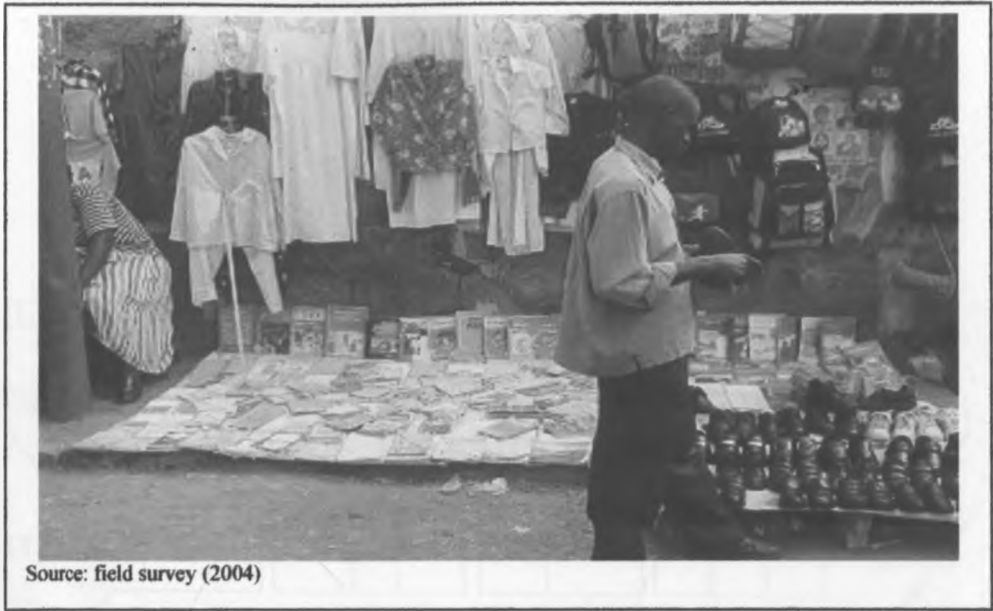
Hawker selling shoes (new or second hand) constituted 24.4 percent of the sample size, see plate 5.2. And finally, hawkers selling household items, bags and books, (see plate 5.3) constituted 27.2 per cent of the sample size.

**Plate 5.2. Shoes Hawkers along Mfangano Lane**





**Plate 5.3. Household Items, Bags and Books along Fire Station Lane**

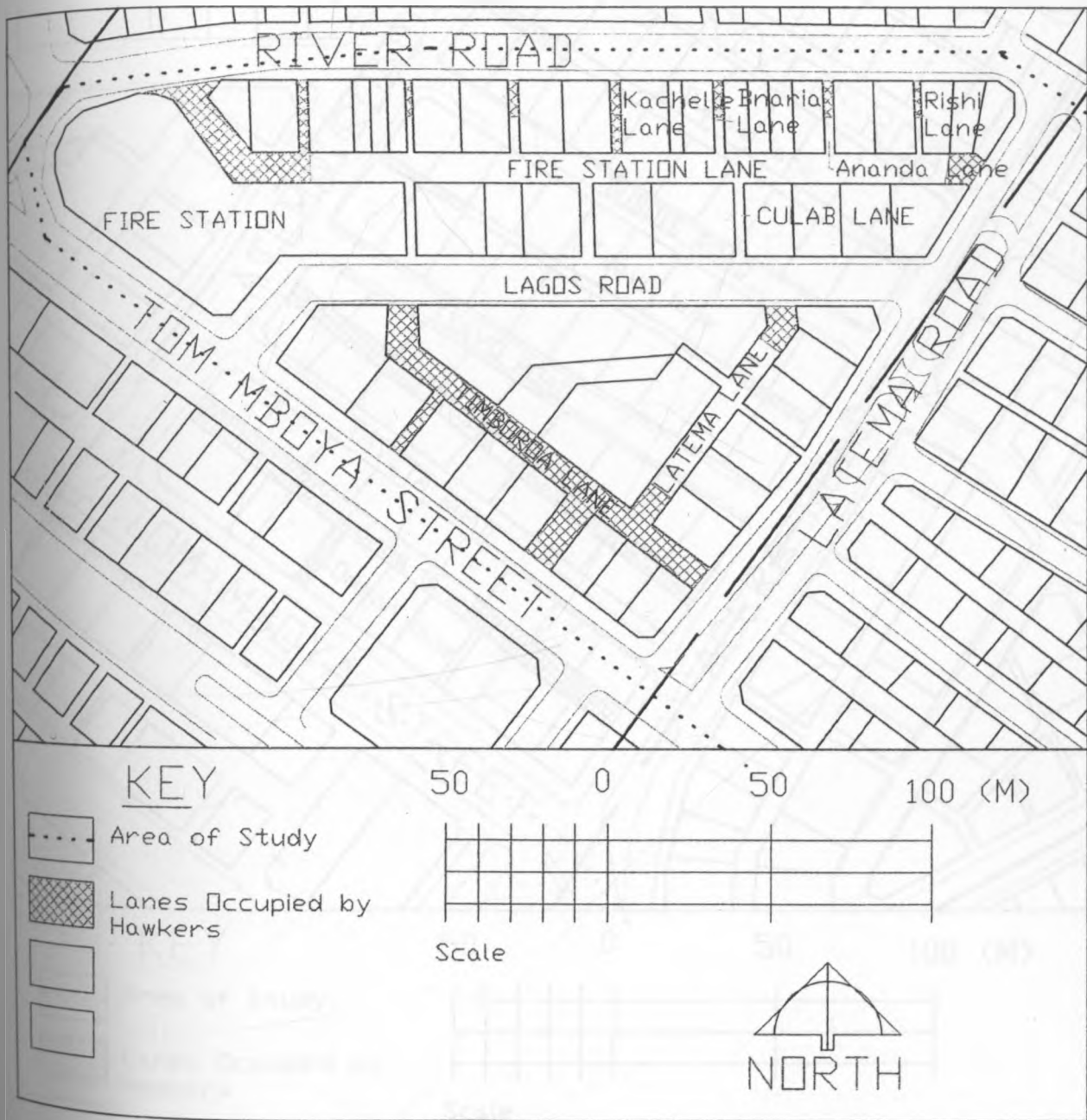


### **5.1.2. Location**

Nairobi City Council through its Department of Social Services and Housing, designated back lanes and alleys between Tom Mboya street and River Road (see map 5.0, 5.1, 5.2, 5.3, 5.4, 5.5) for the use by the hawkers as ideal areas for them to conduct their business activities. However, with the increasing number of individuals, hawking or venturing into this activity and also the conditions or unsuitability of certain lanes, for example Sheikh Karume lane, plate 5.4, where the lane were in a pathetic state, for example with uncollected litter, or waste water flowing, see plate 4.1 and 4.2. the hawkers had occupied spaces outside the designated area and were found in the lanes and alleys between River Road and Nairobi river, see map 5.6.

Hawkers therefore, were not confined to the areas that were originally designated for their activities and had allocated themselves spaces within back lanes and alleys in order or in search of more suitable environments to conduct their business. An important characteristic of hawking was that they usually developed spontaneously rather than from overt public policy.

**Map 5.0, Lanes Occupied By Hawkers within the Study Area, Zone A.**







Source: Drawn From Drawing No NUSG 215/1(1977), Obtained From Town Planning Section, NCC.

**Map 5.1, Lanes Occupied By Hawkers within the Study Area, Zone B.**



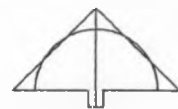
**KEY**

-  Area of Study
-  Lanes Occupied by Hawkers
- 
- 

50 0 50 100 (M)



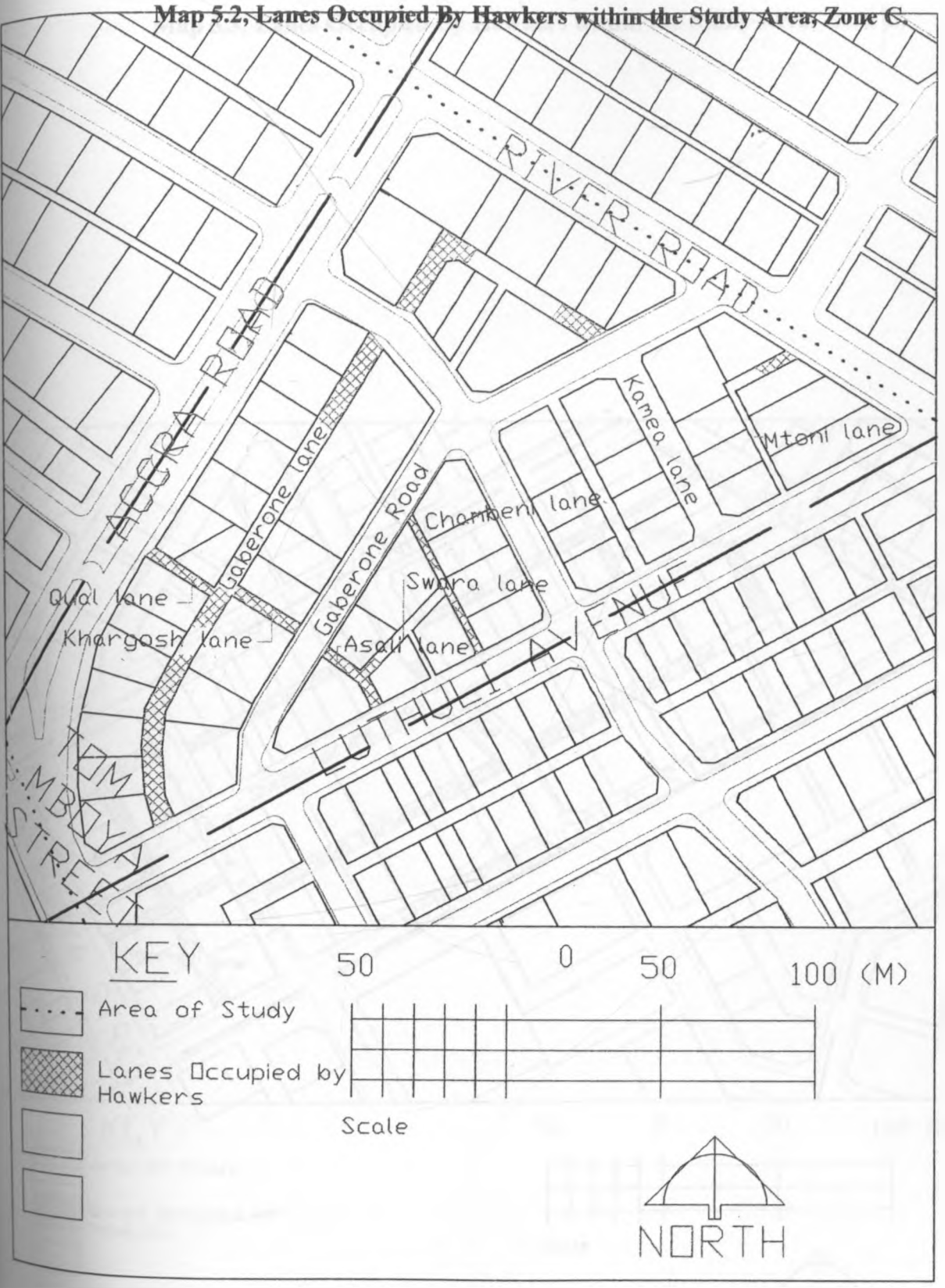
Scale



**NORTH**

Source: Drawn From Drawing No NUSG 215/1(1977) Obtained From Town Planning Section, NCC.

Map 5.2, Lanes Occupied By Hawkers within the Study Area, Zone C.



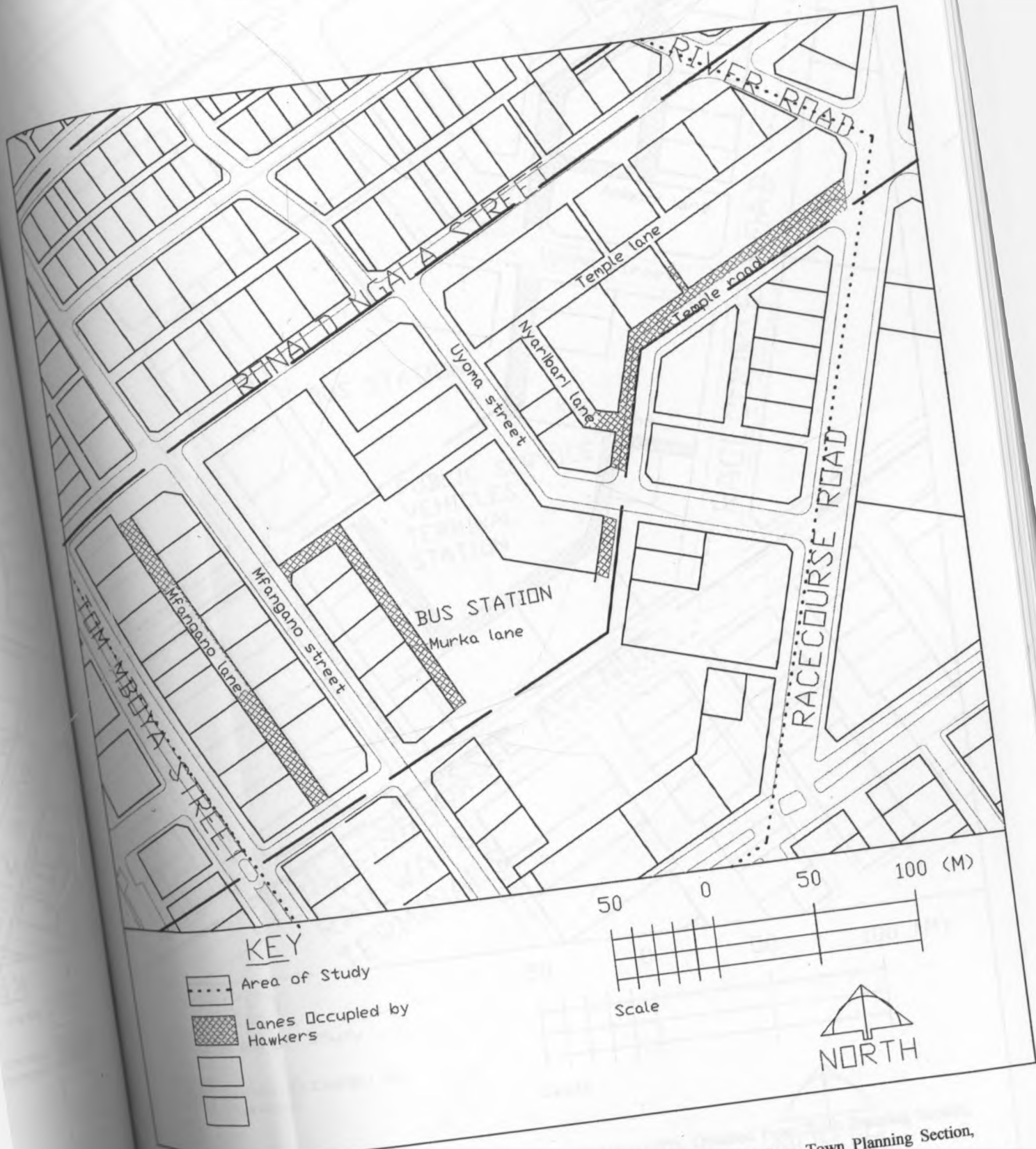
Source: Drawn From Drawing No NUSG 215/1(1977), Obtained From Town Planning Section, NCC.





Map 5.3, Lanes Occupied By Hawkers within the Study Area, Zone D.

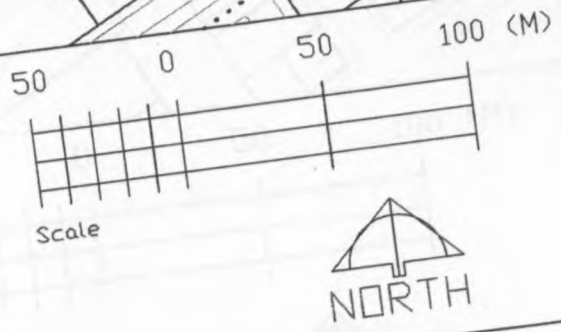


Source: Drawn From Drawing No NUSG 215/1(1977), Obtained From Town Planning Section, NCC.

Map 5.4, Lanes Occupied By Hawkers within the Study Area, Zone E.

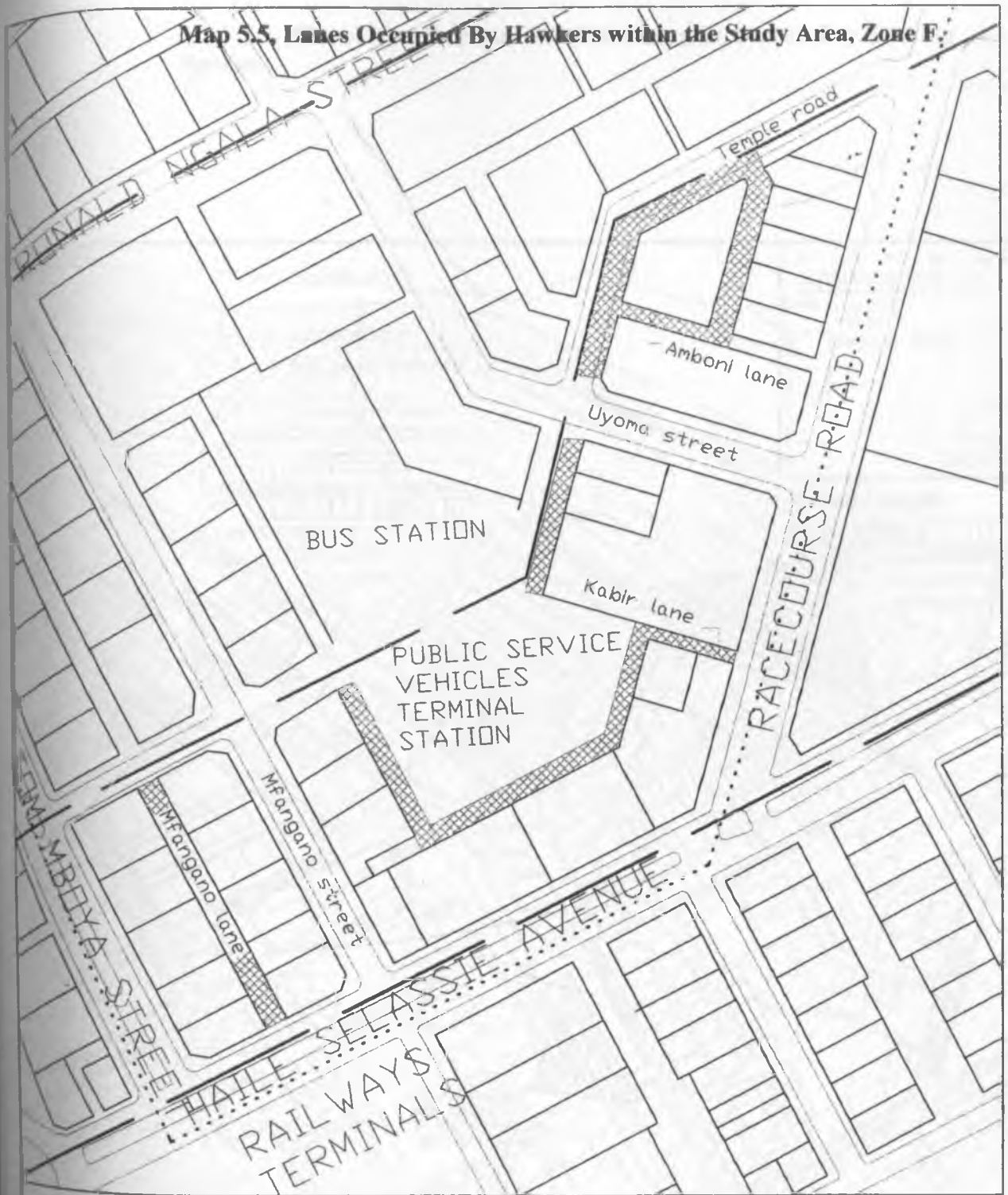


- KEY**
-  Area of Study
  -  Lanes Occupied by Hawkers
  - 
  - 



Source: Drawn From Drawing No NUSG 215/1(1977), Obtained From Town Planning Section, NCC.

Map 5.5, Lanes Occupied By Hawkers within the Study Area, Zone F:



KEY



Area of Study



Lanes Occupied by Hawkers



50

0

50

100 (M)

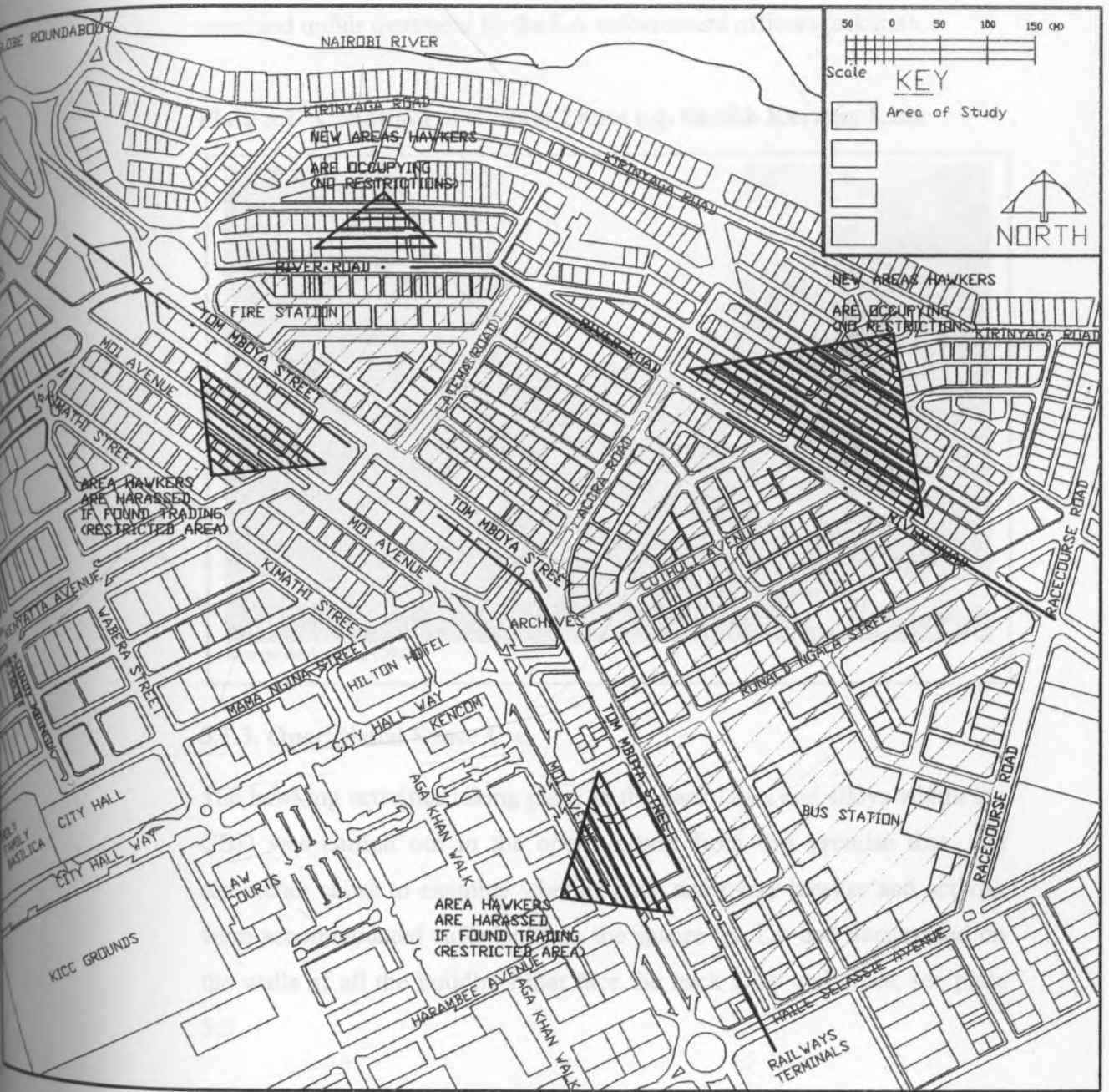


Scale



Source: Drawn From Drawing No NUSG 215/1(1977), Obtained From Town Planning Section, NCC.

**Map 5.6. New Areas Hawkers Are Venturing In Search For Trading Spaces.**



Source: NCC Town Planning Section, Drawing No NUSG 215/1(1977).



Even with the relocation of hawkers to the back lanes, as shown in maps 5.0, 5.1, 5.2, 5.3, 5.4 and 5.5, this did not deter some of them from venturing into areas that were not designated for their operation, especially along Moi Avenue, Koinange Street and roads leading to Public Service Vehicles' terminals. This usually led to harassment, confiscation of their ware and unfair treatment by the LA enforcement officers (askaris).

**Plate 5.4. Condition of Certain Lanes e.g. Sheikh Karume Lane**

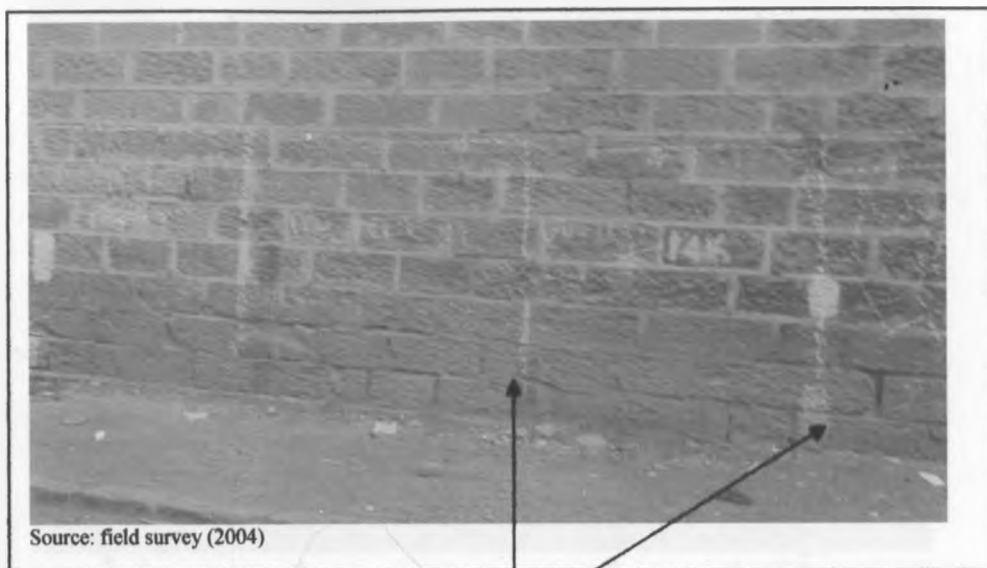


### **5.1.3. Operational Space Use.**

The hawking activities taking place in the back lanes and alleys within the CBD was carried out in the open. It was from this premise that the researcher chose to examine whether each and every hawker and activity were accommodated sufficiently in the spaces the LA had demarcated on the walls of all the buildings that face the back alley and lanes, see plate 5.5.

The researcher undertook to measure the spatial dimensions of the spaces the hawkers were using as per the different activities, see table 5.0. Owing to the fact that specific hawking activities were not recognized by the planning authority their spatial components were therefore not accommodated in the urban land use plan.

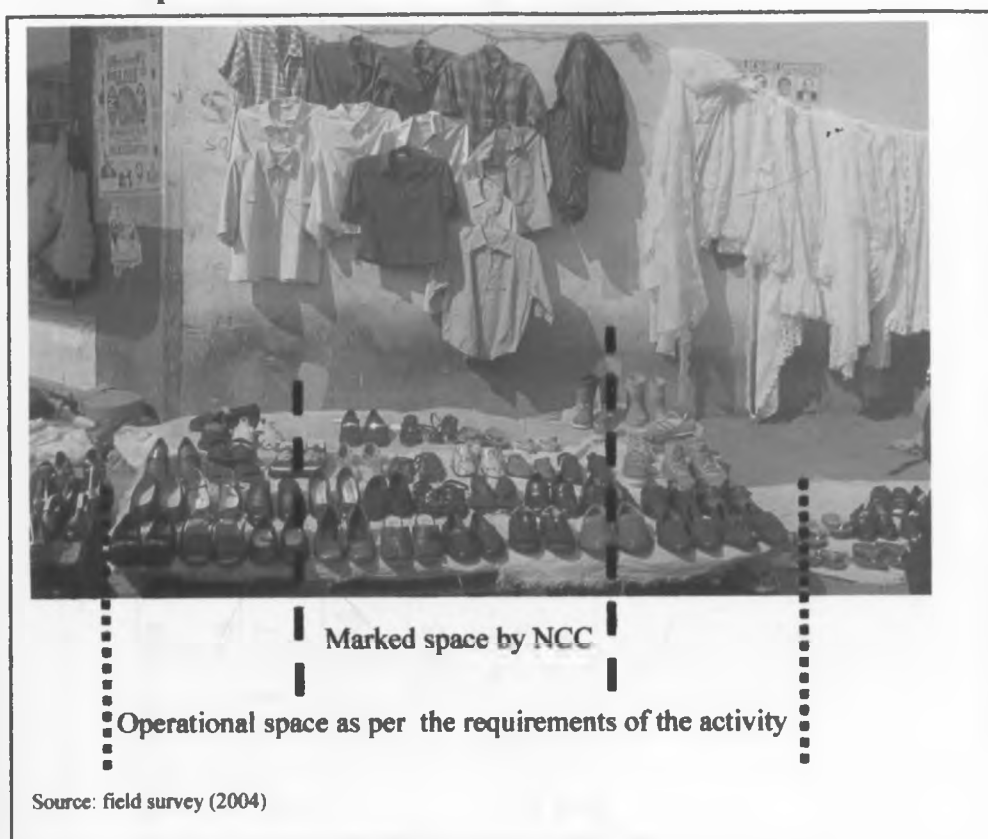
**Plate 5.5. Hawking spaces demarcated on walls along Fire Station lane**



Demarcated (marked) size of hawking space by NCC at 1.0 m interval

It should be noted that, all the spaces (see plate 5.5) were at one metre interval. This module was applied in all the lanes regardless of their size and configuration. What was striking to note after measuring the spaces the hawkers were using, table 5.0. 53% of all the hawkers interviewed were using the space as per NCC measurement. And the rest of 47% had modified the space to meet their spatial requirements as per the type of activities they were undertaking, see plate 5.6. This meant that they were operating from spaces larger than the 1.0 x 1.0 m (metres) designated by the council.

## Plate 5.6. Space Utilization



### 5.1.3.1 Fruits and Vegetables Hawkers.

If we look at each activity and its spatial needs for a moment it should be noted that hawkers who engaged in fruits and vegetables selling were not confined to specific lanes and were found in almost all back alleys and lanes and especially near public transport terminals and where these lanes joined the main pedestrian walkways or entrances to the lanes, see plate 5.0.

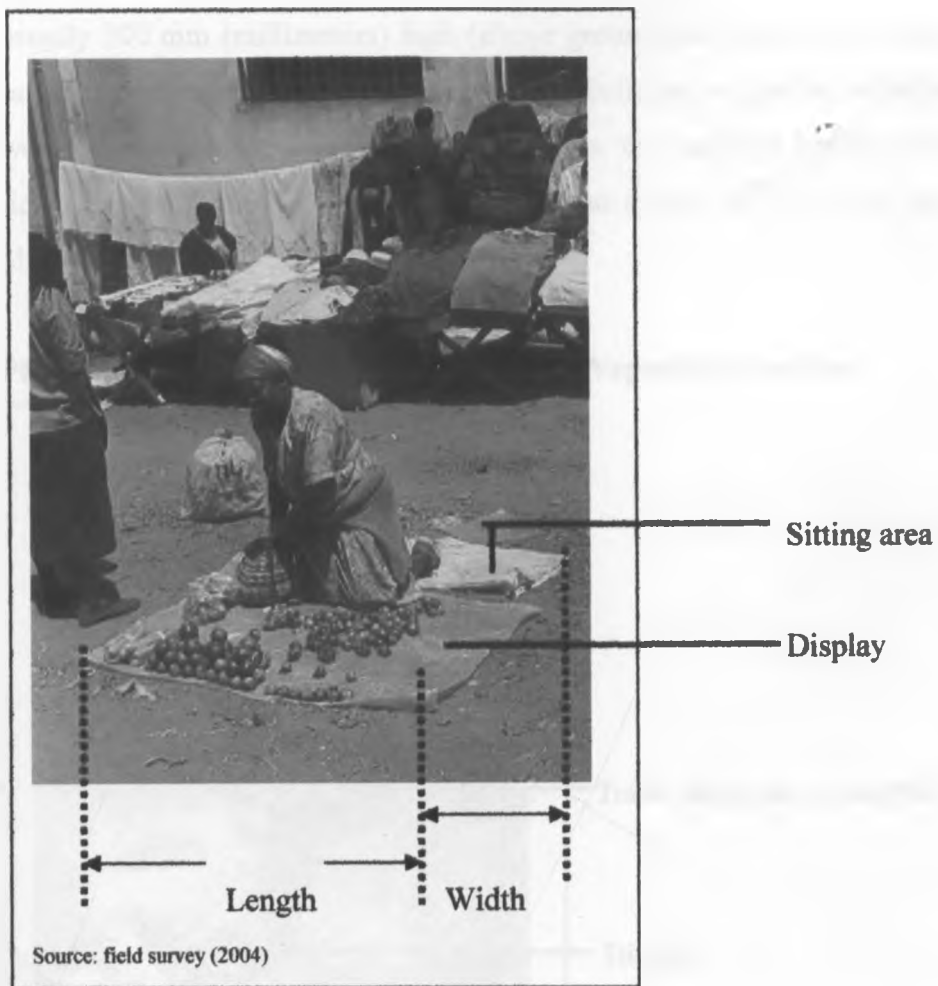
From table 5.0, 21.9 per cent had occupied spaces as per the requirements of NCC, 70.8 per cent had spaces larger than the designated 1.0 x 1.0 metre and 7.3 per cent of the hawkers trading in fruits and vegetables restricted measurement of their trading space. There were 14.6 per cent with spaces measuring 2.0 x 1.5 metres and the same percentage had spaces measuring 2.0 x 3.0 metres. Also, 7.7 per cent were occupying spaces measuring 2.0 x 1.8 metres and 7.3 per cent had spaces measuring 1.0 x 1.2 metres, 1.2 x 2.1 and 1.8 x 2.4 metres.

**Table 5.0. Space Occupied By Hawkers Selling Various Goods.**

Hawkers Goods	How Much Space Do You Occupy?																					
	1.0 x 1.0	1.0 x 1.2	1.2 x 1.2	1.2 x 1.5	1.2 x 2.1	1.3 x 2.4	1.5 x 1.2	1.5 x 1.8	1.8 x 1.2	1.8 x 1.8	1.8 x 2.4	2.0 x 1.2	2.0 .x 1.5	2.0 x 1.8	2.0 x 2.5	2.0 x 3.0	3.0 x 2.0	3.0 x 3.0	3.0 x 4.0	4.0 x 2.0	4.0 x 4.0	No respo nse
Fruits and Vegetables	21.9 %	7.3 %	2.4 %	4.8 %	7.3 %					2.4 %	7.3 %	2.4 %	14.6 %	7.7 %		14.6 %						7.3%
Clothes	13.0 %	4.3 %	4.3 %	4.3 %	13.0 %	4.4 %	6.5 %	6.5 %	2.9 %	4.3 %	4.3 %		8.7 %	10.9 %		6.5 %				2.2 %	2.2 %	2.2%
Shoes	13.6 %			6.8 %	15.9 %			13.6 %			4.5 %			4.5 %	9.4 %	4.5 %	4.5 %	6.8 %				15.9%
Households Items, Bags and Books	4.5 %	10.2 %	4.5 %	6.2 %	4.1 %			8.2 %	4.1 %	19.5 %		4.1 %	6.1 %	2.0 %				10.2 %	2.0 %		4.1 %	10.2%

Source: field survey (2004)

**Plate 5.7. Trader Displaying Her Goods**



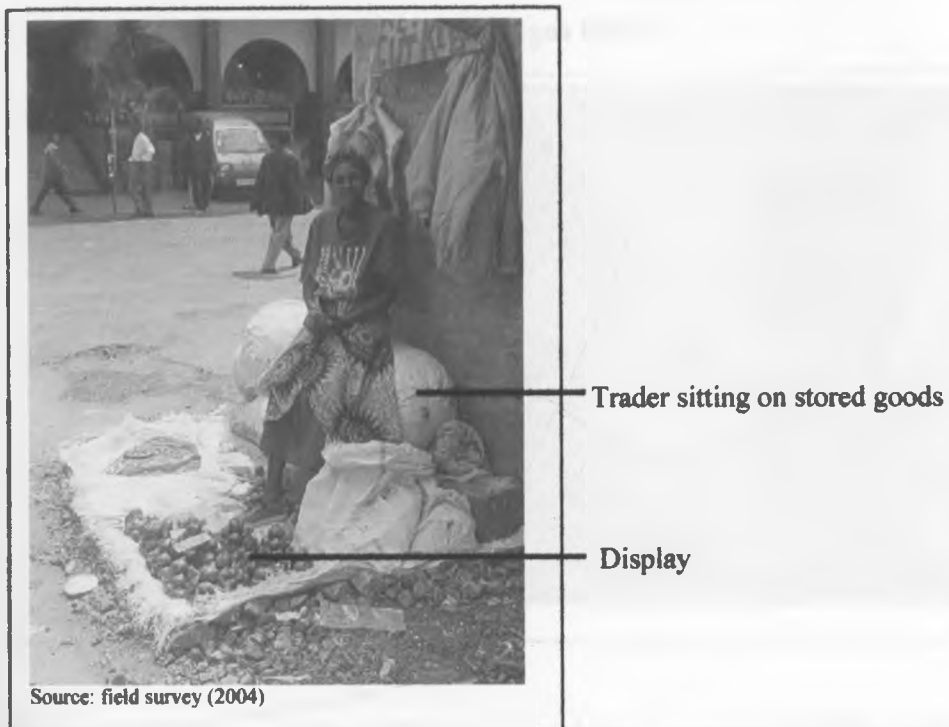
Most of the traders sat on the gunny bag used to display or carry their commodities, (See plate 5.7). At the same time these bags were used to carry their wares (on the hawkers back) from the market where they buy their stock to the sites where they sell the goods

For the hawkers (14.6%) with spaces of 2.0 x 3.0 metres, stored their ware on the site and a good example was the hawkers who were trading along Mfangano lane. These traders had frontage space where they displayed their wares and a space next to the wall of buildings adjacent to their trading sites that was used to store their goods, for the evening and other excess goods that could not be displayed. The traders sat between the display and the storage space, see plate 5.8.

Due to the conditions of most of the lanes (the roads) and more so especially in rainy weather the places became muddy and some fruits and

vegetables hawkers had constructed stalls for their goods. The stalls were usually 300 mm (millimeters) high (above ground level) and the hawkers sat on the raised stalls. However, there were fruits and vegetable stalls that were 750 mm high. In this case as well as the hawkers trading from rickshaws (mukokoteni's) would stand or had a stool next to their stall, plate 5.9.

**Plate 5.8. Space Utilization By Fruits And Vegetable Hawkers**



**Plate 5.9. Hawker Trading From A Rickshaw (Mkokoteni)**



### 5.1.3.2. Clothes Hawkers (New and Second Hand)

From table 5.0, 13.0 per cent of the hawkers who traded in clothes, had occupied 1.0 x 1.0 m (metre) spaces as per the requirements of NCC,(see plate 5.10). However, 84.8 per cent were using spaces larger than the designated 1.0 x 1.0 m and 2.2 per cent did not want their spaces measured. Similarly 13.0 per cent had occupied spaces measuring 1.2 x 2.1m and 10.2 per cent spaces measuring 2.0 x 1.8m.

**Plate 5.10. Clothes Hawking Along Lagos Road**



The hawkers who traded in clothes displayed their wares on building walls as well as on stalls tops which were usually 750mm high, see plate 5.10. In most of the cases the hawkers were sitted or standing separately from the display stalls, thus making it easy for them to unhang clothes displayed on building walls.

In the 3m wide alleys that join River Road and Fire Station Lane, (see plate 5.11, 5.12 and map 5.0), most of the clothes were displayed/ hang on the walls of buildings. There were clothes on both sides of the alley and usually walking into the alleys was a problem because the passage left in-between the stalls was too narrow.

**Plate 5.11. Clothes Displayed along Ananda Alley.**



**Plate 5.12. Clothes Hawking Ananda Alley.**



### **5.1.3.3. Shoes Hawkers (New and Second Hand)**

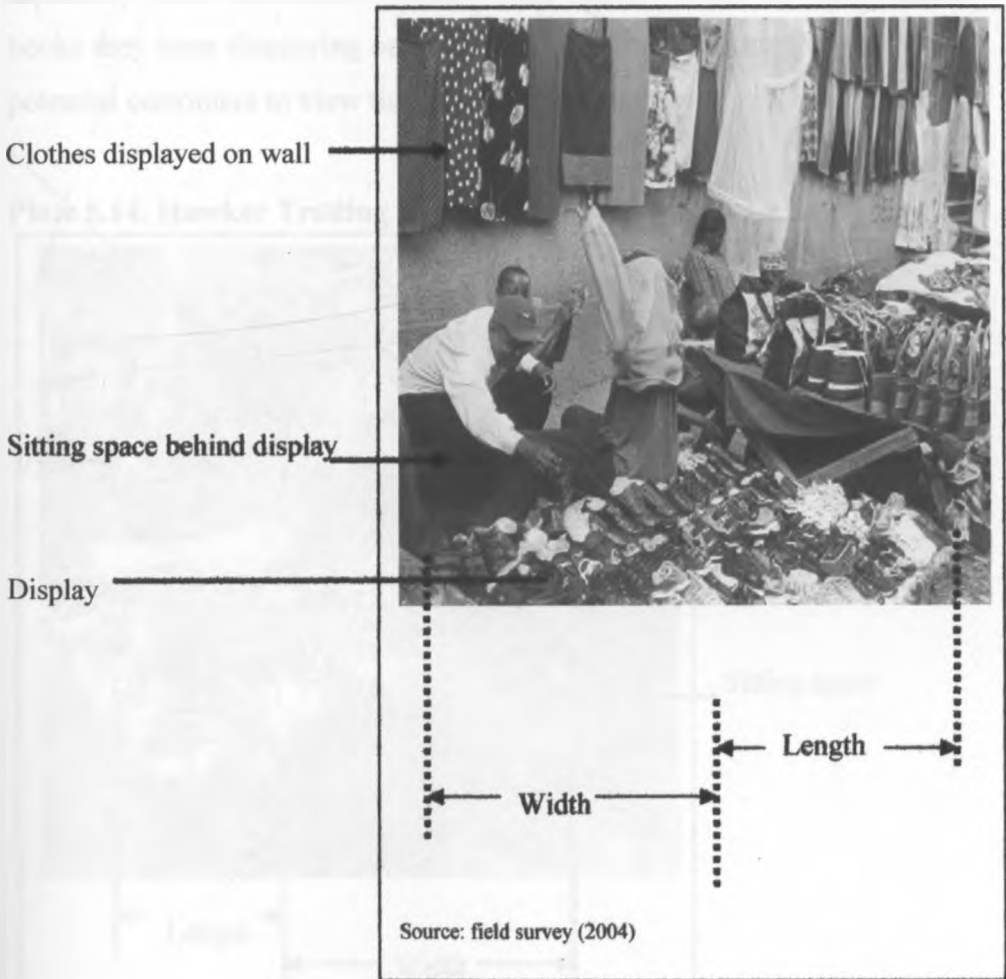
There were 13.6 per cent, (from table 5.0) of the hawkers who traded in shoes had occupied 1.0 x 1.0 m (metre) spaces as per the requirements of NCC,(see plate 5.13). Similarly, 15.9 per cent of the traders did not want their spaces measured whereas 70.4 per cent had spaces of various sizes.

As per Table 5.0, 15.9 per cent of the hawkers trading in new and second hand shoes had spaces measuring 1.2 x 2.1 m. and 13.6 per cent had spaces measuring 1.5 x 1.8 m. Also, 9.4 per cent were occupying spaces measuring 2.0 x 2.5 m and spaces measuring 1.2 x 1.5m and 3.0 x 3.0 m each had 6.8% of the hawkers trading in shoes.



The hawkers who traded in shoes either new or second hand displayed their wares on the ground, so that should a potential customer show interest, it was easy to pick and fit the desired shoes, plate 5.13. However, it was also observed that all the traders lay a gunny bag on the ground because the lane and alleys were not well paved and in rainy conditions the places were muddy. Also this was used to keep the shoes under sole clean and reduced time taken to clean them when parking at the end of the day. The building walls adjacent to the traders' stalls were usually used by the clothes sellers to display their wares, see plate 5.13. In most of the cases the shoe traders were sitted on a stool or standing separately from the display stall. This made it easy for them to pick displayed shoes for potential customers.

**Plate 5.13. Shoe Hawking Along Timboroa Lane**



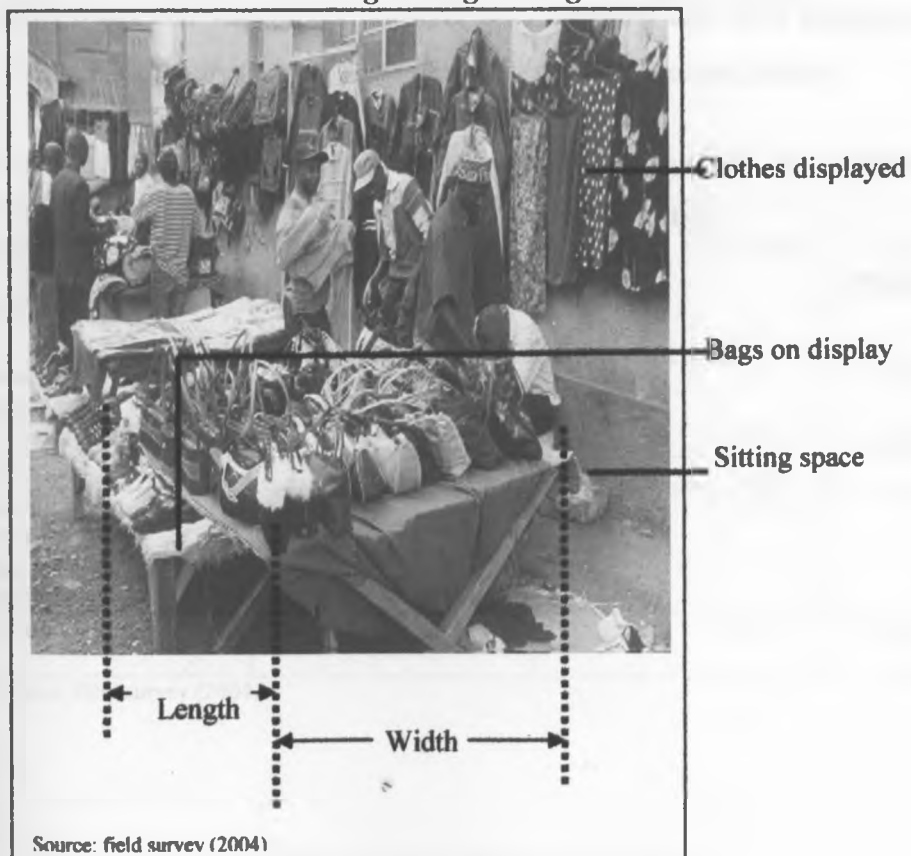
#### 5.1.3.4. Household Items, Bags and Books, (New Or Second Hand)

From table 5.0, 4.5 per cent of the hawkers who traded in household items, bags and books had occupied spaces as per the requirements of NCC. But 10.2 per cent did not want the spaces they had occupied measured and the rest 85.3 per cent had spaces which ranged from 1.0x 1.2 m to 4.0 x 4.0 m.

As per table 5.0, 19.5 per cent of the hawkers who traded in household items, bags and second hand books had occupied spaces measuring 1.8 x 1.8 m (metre). While, 10.2 per cent of the hawkers had spaces measuring 1.0 x 1.2 m and 3.0 x 3.0 m

The hawkers who traded in this category offered a variety of goods and in some instances at a specific price for any of the goods they were displaying. The hawkers had stalls measuring 1.0 x 1.2 m and sat separately from the stalls. However due to the weight of second hand books they were displaying on the ground on a mat or gunny bag allowing potential customers to view the displayed books.

**Plate 5.14. Hawker Trading In Bags Along Timboroa Lane**



#### 5.1.4. Functional Relationship with Formal Activities and Business.

In table 5.,1 the researcher was trying to understand the linkages that existed between the hawkers and the formal businesses. The formal businesses were viewed as being the suppliers of goods or customers to the hawkers trading in the study area. The hawkers were asked to specify the sources or where they purchased the good or items they sold. At the same time they provided information on the mode of transportation used to ferry their wares to their trading sites, (table 5.2), also the identification of the formal activities that existed in the lanes and alleys the hawkers had occupied, (table 5.3), and how the formal activities hindered or encouraged the development of their hawking activities in those designated areas, (table 5.4). The formal business operators were asked how the hawkers encouraged or hindered the development of their businesses, (table 5.5).

It should be noted that 47.2 per cent of the hawkers interviewed got their wares from Gikomba area, especially traders who traded in second hand clothes and shoes. At the same time Wakulima or Marigiti market was the main source of more than half (11.7 per cent) of the hawkers' (22.8 per cent) fruits and vegetables hawkers who operated and were administered with questionnaires, within the designated back lanes and alleys.

**Table 5.1. Type Of Business/ Activity And Source Of Goods Traded**

TYPE OF BUSINESS OR ACTIVITY	SOURCE OF GOODS TRADED						Total
	Gikomba	Formal shops within CBD	Wakulima Market (Marigiti)	Industrial Area	Eastleigh	No response	
Fruits And Vegetables	5.6%	5.0%	11.7%			.6%	22.8%
Clothes	17.2%	4.4%			2.8%	1.1%	25.6%
Shoes	21.1%	1.7%			1.7%		24.4%
Households Items , Bags And Books	3.3%	17.8%		2.2%	3.9%		27.2%
<b>Total</b>	<b>47.2%</b>	<b>28.9%</b>	<b>11.7%</b>	<b>2.2%</b>	<b>8.3%</b>	<b>1.7%</b>	<b>100.0%</b>

Source: field survey (2004)

The formal shops or businesses within the CBD provided stocks to 28.9 per cent of the hawkers interviewed. It was noted that Gikomba, formal shops within CBD and Wakulima market were all within a walking distances. It was further noted that, 37.8 per cent of the hawkers transported their wares on their backs and walked to their trading sites, and 15.6 per cent used rickshaws (mkokoteni), see table 5.2. Traders who used public service vehicles to transport their wares to their business sites were 42.8 per cent of the respondents.

**Table 5.2 Mode of Transportation Used to Ferry Goods to Trading Site.**

Mode of transportation	Frequency %
Public service vehicles	42.8%
Self ( on foot)	37.8%
Rickshaw (mukokoteni)	15.6%
No response	3.9%
Total	100%

Source: field survey (2004)

The areas where hawkers were located was a haven of many activities which opened or had their entrances on the lanes and from the field work, 43.9 per cent of the business that operated in the area were solely shops, table 5.3, 22.2 per cent of the lanes had shops, bars and hotels, 6.7 per cent of the lanes and alleys had shops and bars that opened onto the lanes, 5.0 per cent of the lanes and alley had shops, learning institutions/ schools and church (Odeon cinema hall), while 5.0 per cent of the lanes were service lanes for supermarkets especially Taveta lane and Timboroa lane.

Also, with the changing nature of building usage on the ground floor level, especially buildings between Tom Mboya Street and Timboroa lane (zone A), were being converted to exhibition or bazaar halls and most of them had openings on both sides enabling shoppers to walk through onto the back lanes and alleys. See map 5.0.

**Table 5.3, Formal Activities Existing Alone The Lanes**

<b>Formal Activities Existing Alone The Lanes</b>	<b>Frequency%</b>
Shops	43.9
Shops, bars, hotels	22.2
Shops and bars	6.7
Shops, school, church	5.0
Super markets	5.0
Exhibition/ Bazaar halls	6.1
No response	11.1
Total	100.0%

Source: field survey (2004)

Of the hawkers interviewed, 39.4 per cent (table 5.4.), were of the opinion that the formal businesses provided customers for their business and 27.8 per cent complained they played loud music especially hotels and bars that opened onto the alleys and lanes. It was also noted that 10 per cent of the hawkers claimed that the servicing of the shops and supermarkets through the back lanes interrupted their operations because most of them moved their stall to allow the trucks and pick ups to pass.

**Table 5.4. How Do The Operations Of The Formal Activities Hinder Or Help Operations Of The Hawkers within The Area**

<b>How Does The Operations Of The Formal Activities Hinder Or Help Operations Of The Hawkers within The Area</b>	<b>Frequency%</b>
Provide part time jobs as loaders	2.2
Provide clients	39.4
Interrupt when their goods are been delivered	10.0
Get stock	6.7
Provide shelter when it rains	2.2
Play loud music	27.8
No assistance	5.0
Dump waste on the lanes	6.1
No response	0.6
Total	100.0%

Source: field survey (2004)

It was observed that, 6.7 per cent of the traders were of the opinion that they got their stock from the formal businesses; 6.1 per cent claimed that the formal businesses dumped waste on the lanes making the lanes unhygienic, while 5 per cent of the hawkers did not see how the formal activities hindered or helped their daily operations as hawkers, with 2.2 per cent claiming that the formal activities provided shelter for the traders in rainy weather and incase loaders were needed to load goods onto vehicles they earned something from the traders. Another 0.6 per cent could not respond to the question.

**Table 5.5. How The Operations Of Hawkers Hinder Or Help Formal Business Operating Within The Study Area**

<b>How Does The Operations Of The Hawkers Hinder Or Help Formal Businesses Operating Within The Study Area</b>	<b>Frequency%</b>
Interfering with service delivery vans and trucks because the block the lanes	16.6
The area is overcrowded and littered	16.6
Provide services to shop owners as loaders	13.3
Place is insecure	13.3
Chase away potential clients by blocking the entrances to buildings	13.3
Get the goods they sell from the shops	10.0
No assistance	6.7
No response	6.7
We charge them for storage of their goods	3.3
<b>Total</b>	<b>100.0%</b>

. Source: field survey (2004)

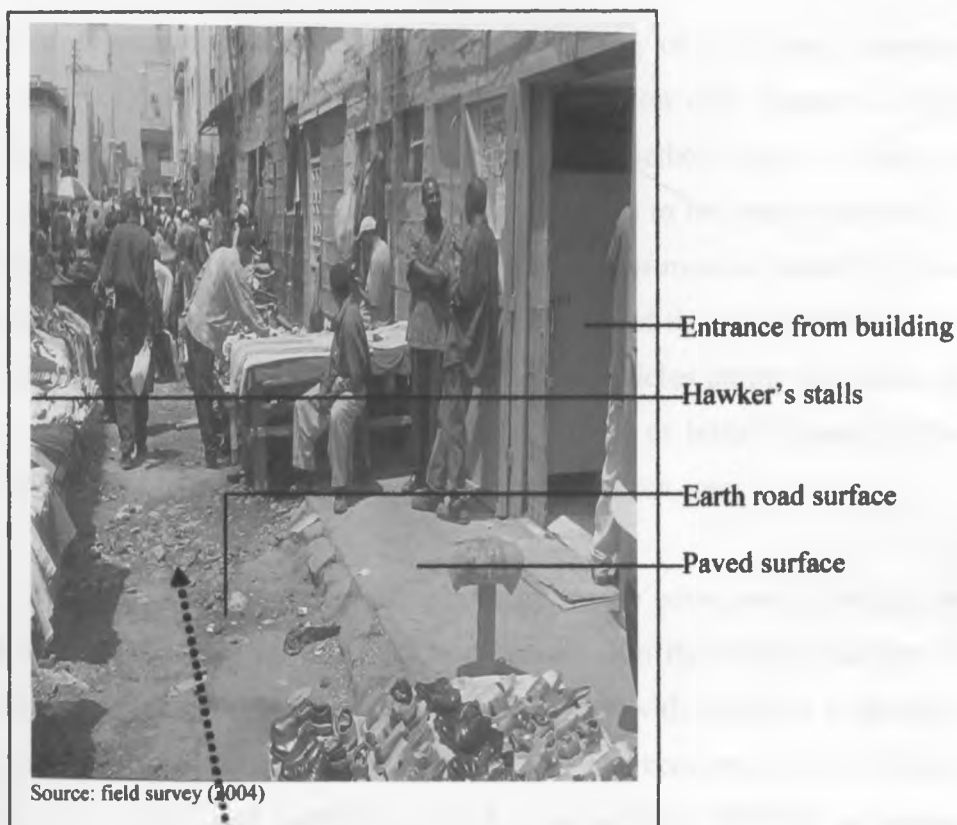
From table 5.5, 16.6 per cent of the formal business operators claimed that the hawker's traded in areas that were designated for the parking, servicing or delivery of goods to their shops, bars or hotels. The same percentage said since the hawkers started operating from the lanes, the place had become overcrowded and even 13.3 per cent claimed that the hawkers displayed their wares right up to their doorsteps, see plate 5.15. Thereby blocking the free movement of customers to and from the shops or hotels.

Also 13.3 per cent said the place had become insecure because of the increased number of people.

#### 5.1.4.1. Support Infrastructure And Services Within The Study Area.

The road surfaces (see plate 5.15), in all the lanes and alleys needed to be rehabilitated. The street lights which were installed along one lane, Timboroa were yet to work. All the other lanes had no street lights. The aim was to enable hawkers have longer trading hours in the night instead of them moving to the restricted areas or building frontages, which were lit by the signage of different shops when it got dark.

**Plate 5.15. Conditions Along Timboroa lane**



Passage between hawker's stalls

There were public toilets within the area of study, see map 5.7 for there location. There were no storage facilities provided for the hawkers and all of them had to make their own arrangement where to store their wares for

the night. Most of the wares were stored in buildings adjacent to their trading sites. However fruits and vegetable hawkers chose to store their goods within the lanes and adjacent to the buildings back walls on everyone's trading space.

Also within the study area there were Public Service Vehicles terminals, see map 5.7. It was along the roads that led to these terminals that most of the conflicts with pedestrian and motor vehicles were experienced.

## **5.2. Criteria used in guiding the location and operation, performance, growth, policies, regulations, control and standards/ guidelines for hawking in the C.B.D.**

In this section questions regarding the choice of the lanes, planning initiatives and criteria used to guide the location and operation of the hawkers were asked to the hawkers and the methods used to guide or control the way hawkers arranged their activities to the spaces marked by the LA. Also the method the LA through the department of Social Services and Housing used to determine the "ideal" sizes of the spaces each hawker was to occupy. By examining the newspaper articles during this build up to the relocation, it helped underpin the criteria or initiative used by the government to make a case for the designating these areas.

It should be noted, the overriding strategy by the government through the LA (NCC) was to try and help bring sanity into the whole spectrum of urban commercial business activities in the city with reference to hawkers and the formal businesses. This was because hawkers were not just driven by the market and customers but by the existing difficult economic conditions, which had made many people jobless. At the same time, the present Kenya government (NARC) had been elected in December 2002. and majority of its supporters in urban areas were informal traders who had been harassed by the previous government officials.



# Map 5.7 Public Infrastructure Within The Study Area



Source: NCC. Town Planning Section, Drawing Nq NUSG 215/1(1977).

The major challenge that faced the NARC government was how to restore economic growth, generate employment opportunities to absorb the large numbers of the unemployed, particularly the youth, and reduce poverty levels. The overwhelming support given to the new government by the informal traders was a resounding indication that they needed radical changes that would make urban spaces an attractive place to live and a place to feel at home and do business. The NARC government was convinced that economic recovery was the primary vehicle through which it could achieve improved provisions of education, health services, better infrastructural services, and gainful employment for Kenyans. The government was convinced that employment creation was the most effective strategy for halting the increasing poverty, (GOK. 2003:xvii).

After a number of meetings with the hawkers, the Minister of Local Government directed NCC to come up with a solution to the crisis the city was facing with regards to the harassment of hawkers and to provide them with trading spaces.

It was from this premise that NCC decided to register all the persons or hawkers who wanted to hawk within the CBD. Registering approximately 6,000 people. Both the authority and hawkers (although ignored) had the understanding that knows and the reason that was desired when it comes to space. This was so, because most of the spaces the hawkers were occupying were based on their understanding of control and power. For the City Council, their aim was to provide as many spaces in the back lanes after registering 6000 hawkers who wanted to be accommodated and provided with "ideal" trading space within the CBD.

It would be legitimate to define the power of knowledge by the ability to transform uncertainties of history into readable spaces. Mula (2003:2) in the Sunday Nation writes, Mr. Maitha (the Minister of Local Government) "reiterated a promise by the NARC government to enable ordinary Kenyans to earn a genuine living by creating jobs and facilitating self-employment. Under the programme, street hawkers were classified and

located according to what they sold. .... It will now be a dream for women and men to be flogged by council askaris, bundled in trucks or sandwiched in the back-streets to be extorted by council askaris.” But it would be more correct to recognize in these strategies a specific type of knowledge, one sustained and determined by the power to provide oneself with one’s own place through promises.

One cannot be wrong by saying that the Minister’s and LA’ s spatial practices of providing “ideal” urban space/ environments for hawkers to perform their activities in fact secretly structured the narrative of control and power. The local authority marked hawking sites, (see plate 5.5) and introduced a “Nairobi Central Business District Street Vendor’s Permit”, see appendix VII. It was mandatory for each hawker who wanted to operate in the designated areas within the CBD to register and was supposed also to pay Ksh 130:00 in order to obtain the permit. The hawker would then be allocated a trading space after balloting with regards to the activity or type goods and the areas designated for hawkers trading in those particular goods.

About 53.9 per cent of the hawkers interviewed were not allocated the spaces they occupied. Only 43.9 per cent were on the lanes and numbers as stipulated in the street vendors permit. (See table 5.6)

**Table 5.6, Allocation Of The Space Occupied**

Were you allocated the space you occupy	Frequency%
Yes	43.9
No	53.9
No response	2.2
<b>Total</b>	<b>100.0%</b>

Source: field survey (2004)

Only 23.3 per cent of the hawkers occupied spaces within the CBD as per the stipulation of NCC requirements, where one was supposed to pay for the permit then balloting and get the space one had won in the ballot. While 46.7 per cent of the hawkers occupied the positions they were

trading from because they had not been occupied, on first come bases or next to traders they were associated with see table 5.8 on the procedure followed by the hawkers in order to obtain the spaces they were trading from., 30 per cent of the traders did not respond to that question,' (table 5.7), because they felt when asked why the information would be used to displace than to the lanes they were allocated although they had sort to occupy other lanes.

**Table 5.7, How Did You Get The Space You Are Trading From/ Occupy**

<b>How did you get the space you presently occupy</b>	<b>Frequency%</b>
Balloted and allocated	23.3
Free space	46.7
No response	30.0
Total	100.0%

Source: field survey (2004)

**Table 5.8, Procedures Followed In Acquiring Trading Location (Space)**

<b>Procedures followed</b>	<b>Frequency%</b>
Balloting and allocation of space by NCC	21.7
No procedure followed in space acquisition	36.7
Obtained street vendors permit no balloting	20.6
Friends/ family reserved space	19.4
No response	1.7
Total	100.0%

Source: field survey (2004)

On the back of the vendors permit were rules and regulations (appendix VII), which the hawkers issued with the permit were supposed to observe

while conducting their activities. NCC promised to clean, provide street lighting and rehabilitate the lanes so that the areas became conducive places for the hawkers to attract their customers. Lynch (1981b:72) wrote, “the sense of place is also a political fact. What can be done to the look of a locality depends on who controls it. The appearance also reinforces the political pattern.” But more than this there were those who felt the excitement about living in the towns and the town as a place of enjoyment not a place to be avoided. Most felt the town was a place that captured and stimulated the imagination and promoted creativity and exploration.

About 58.9 percent (table 5.9) of the hawkers felt there was no planning or planning thought involved in selecting the back lanes and alleys for as “ideal” trading sites, 25 per cent (table 5.10) felt that it was a political move to try moving the hawkers from the main CBD where they were operating from before the relocation, 12.8 per cent claimed the lanes and alleys were not clean, 9.4 per cent thought the main idea was to try and decongest the main streets, while 5.6 per cent felt with all the hawkers operating from the lanes and alleys the area had become congested

About 35.6 per cent (table 5.9) thought planning or deliberate thought was involved in the selection of the hawkers trading sites. In so doing 22.8 per cent (table 5.10) claimed that the hawkers had fixed trading sites as compared to when they would move all around the CBD looking for areas to display and sell their wares. Another 4.4 per cent felt the mess the hawkers were creating when operating in the main CBD was reduced.

**Table 5.9. Are The Sites Planned For Hawking Activities.**

Are The Sites Planned For Hawking Activities	Frequency%
Yes	35.6
No	58.9
No response	5.6
Total	100.0%

Source: field survey (2004)

Table 5.10. Reasons Why These Sites Are, or Not Planned for Hawkers

Reason Why These Sites Are, or Not Planned for Hawkers	Frequency%
Hawking cannot be done on the lanes away from potential customers	2.2
Ballot numbers were not followed during space allocation	3.3
Reduced congestion along main streets	9.4
Wanted to move hawkers from main streets	25.0
Most hawkers Bribed to get good lanes	1.1
no repairs of infrastructures/ roads/ lighting have been done as they had promised	1.7
Secure and no harassment by NCC	2.2
Traders have fixed trading site	22.8
Main streets are free from hawkers	4.4
Lanes are congestion	5.6
Lanes are not clean	12.8
No response	9.4
Total	100.0%

Source: field survey (2004)

### 5.3. Problems And Conflicts Of Location, Growth, Control, Guidance And Environmental Impact Of Hawkers In The C.B.D Area

In short, hawking within the CBD has not been accommodated properly and the activity has been left to fend for itself. From table 5.4 there were issues the hawkers' raised with regards to how the formal or planned land use activities hindered the development of their business. Also formal businesses in table 5.5 raised some issues with regards to the relocation of the hawkers to the back lanes and alleys, See plate 5.16. Yet the hawkers made a contribution to economic development of the country and also the revenue source for the council (NCC) from the rates traders were charged daily.

**Plate 5.16. Areas Of Conflict**



Source: field survey (2004)

- Vehicle parked
- Traders sitted with their goods displayed
- Stored excess goods in bags

**Plate 5.17. Pedestrian Walkway As Well Vehicular Route**



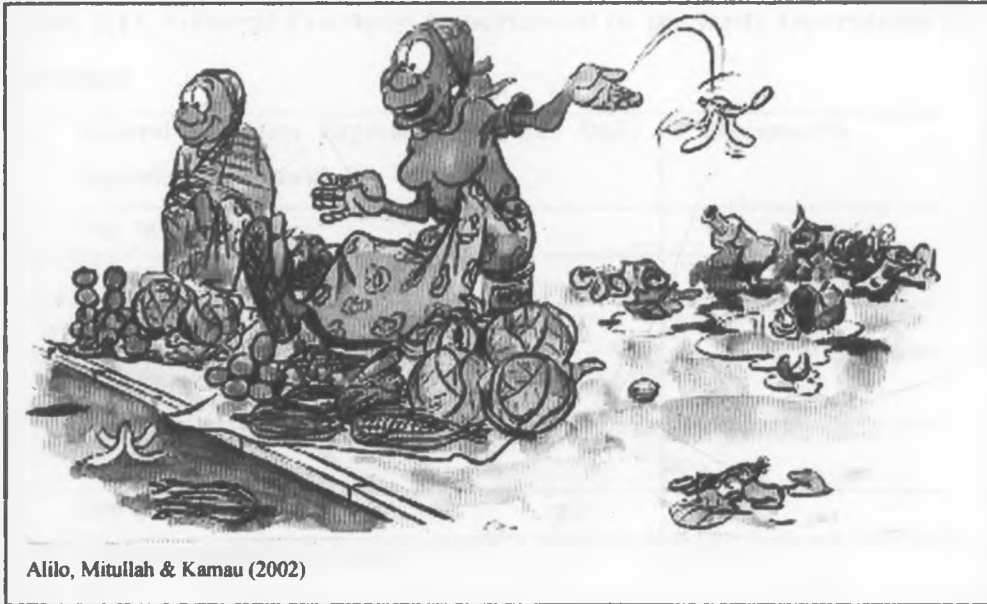
Source: field survey (2004)

- Stalls
- Passage used by vehicles to deliver or collect goods  
Or pedestrians shopping in the lanes.
- Stalls
- Building entrances opening onto the lanes
- Displayed clothes on building walls

The hawkers occupy spaces along building frontages on the main pedestrian routes to the various public service terminals within the CBD and along major streets, parking spaces see plate 5.16 and pavements.

With this invasion a number of associated problems have arisen, including impeded vehicular as well as pedestrian movement, noise, litter and garbage, (see figure 5.0), sprawling along the streets and increased risk of accidents.(see map 5.8 on areas of conflict) The hawkers are often the subject of harassment by the authority when they were found trading outside the designated lanes and alleys, figure 5.1.

**Figure 5.0. Hawkers' Littering**



**Figure 5.1. Hawker Harassment**





The general problems the hawkers faced in the daily operation of hawking can be summarized in table 5.11. With 28.3 per cent of the hawkers saying that both the climatic conditions and the dirty environment was their major problem, 27.2 per cent said the weather alone was an issue, especially in sunny and rainy conditions, 13.3 per cent complained they were experiencing low sales as compared to when they were operating in the main streets, (before they were relocated to the lanes and alleys).

**Table 5.11, General Problems Experienced In the Daily Operations Of Hawking**

General Problems Experienced In the Daily Operations Of Hawking	Frequency%
Low sales	13.3
Climate (Rain sunshine)	27.2
Poor infrastructure (roads and Lighting	1.7
Climate and poor infrastructure	3.3
Low sales, climate and poor infrastructure	1.1
Low sales and climate	6.7
Climate and area is not clean	28.3
Insecurity	1.7
Insecurity and climate	2.8
Insecurity and poor infrastructure	3.9
Harassment by NCC askaris	0.6
Interruption by trucks delivering goods to shops	.6
Dirty place lanes not cleaned	1.1
Disturbance from hawkers with no trading permit	0.6
Area are congested for hawking and customers	3.9
No response	3.3
Total	100.0%

Source: field survey (2004)

**Map 5.8. Areas Of Conflict**



Source: NCC. Town Planning Section, Drawing No NUSG 215/1(1977).

For the researcher to make a case on the suitability of the lanes, the question whether the lanes or alleys were good or bad for the development of their hawking activities was asked. Table 5.12 stipulate why the lanes or alleys are good or bad for the hawking activity.

About 28.3 per cent claimed there were sufficient customers coming into the lanes thereby contributing to the high sales they were experiencing. However, 22.8 per cent said the lane did not have the potentials to attract a good number of customers and most of the potential customers did not venture into the lanes as compared to the main streets where they were operating from before there relocation.

**Table 5.12 .Reasons Why Back Lanes and Alleys Are Good or Bad for the Hawkers**

<b>Reasons Why The Back Lanes And Alleys Are good Or Bad For The Hawkers</b>	<b>Frequency%</b>
Not clean	7.8
Adequate security	5.6
No harassment	3.9
Not a lot of customers come to the lanes as compared to previous location on main streets	22.8
Able to earn an income	2.2
No tarmac & adequate security	0.6
There are sufficient customers	28.3
Bring trader together	11.7
To much competition	2.2
No space for expansion	4.4
Infrastructure not developed	2.2
Close to the main street pedestrians use	2.2
No response	6.1
Total	100.0%

Source: field survey (2004)

Also the idea of designating part of the CBD for hawking activities was questioned and hawkers were asked to comment on how the operations of other hawkers hindered or helped their activity, table 5.13. About 34.4 per

cent could not respond to that question, 21.7 per cent claimed that there was no assistance they were getting from the other hawkers, 12.8. per cent said that they got their customers from other hawkers and 12.2 per cent said it helped in the competition and providing of affordable goods to the customers

**Table 5.13, How Does The Operations Of Other Hawkers Hinder Or Help The Development Of Hawking In This Areas**

<b>How Does The Operations Of Other Hawkers Hinder Or Help The Development Of Hawking In This Areas</b>	<b>Frequency%</b>
Selling for each other	8.3
Change	6.7
Provide clients	12.8
Competition	12.2
Congestion	3.9
No help	21.7
No response	34.4
Total	100.0%

Source: field survey (2004)

**5.4. Propose ways and means of planning, legitimising and rationalizing the location, space use, operation and relation with surrounding formal activities, infrastructure and services requirement for efficient operation and growth of hawkers within the C.B.D**

In defining the strategy for urban intervention in our urban centres in Kenya, there was a tendency to emphasise a conventional basket of facilities without rethinking the real needs of all urban inhabitants (hawkers). This is so because little emphases was placed in arriving at a solution, to the problems that addressed the needs of both the “authority” and hawkers (street vendors) without oppressing any one of them.

Todays planning initiatives involved the participation of all the players concerned, namely the hawkers and the local authority. This section will address the fourth objectives and look at the views of all the parties

concerned when it came to urban spaces utilization. The researcher had to know whether the spaces the hawkers were occupying were adequate for the activities undertaken so as to justify the need for this section.

Up to 62.8% of the hawkers claimed the spaces they were occupying were not adequate and 32.2% said it was adequate, 5.0 % of the hawkers could not respond to this question, table 5.14.

**Table 5.14, Adequacy of hawking space**

Is the space adequate	Frequency%
Yes	32.2
No	62.8
No response	5.0
Total	100.0%

Source: field survey (2004)

It was from the above premise that the hawkers were asked to give their desired space sizes as per the different activities, table 5.15. 46.3 per cent, 30.4 per cent, 38.6 per cent and 44.9 per cent of the hawkers trading in fruits and vegetables, clothes, shoes and household items, bags and books respectively could not respond to the desired spatial needs of the activity they were engaged in.

But 9.8 per cent of the fruits and vegetables sellers thought space measuring 3.0 x 3.0m was adequate for the activity, also 9.7 per cent claimed the activity needed spaces measuring 3.0 x 2.0m or 4.0 x 4.0m.

About 17.1 per cent of the hawkers trading in clothes claimed spaces measuring 4.0 x 2.0 m were adequate for the activity, 13.0 per cent said the desired space for the activity was 3.0 x 3.0 m

But 20.4 per cent of the hawkers selling shoes said the desired space for the activity should be 4.0 x 4.0 m and 13.6% claimed that the space should be 3.0 x 3.0 m

**Table 5.15 Desired Space Size for Each Activities**

Hawker's Goods	Desired space size													
	1.0 x 1.2	1.8 x 1.2	1.8 x 1.8	1.8 x 2.4	2.0 x 1.8	2.0 x 2.5	2.0 x 3.0	3.0 x 2.0	3.0 x 3.0	3.0 x 4.0	4.0 x 2.0	4.0 x 4.0	No response	
fruits and vegetables			2.4 %	2.4 %	2.4 %	2.4 %	7.3 %	9.7 %	9.8 %	4.8 %		9.7 %	46.3 %	
clothes	2.2 %	2.2 %		4.3 %	8.6 %	2.2 %	2.2 %	4.3 %	13.0 %	8.5 %	17.1 %	8.9 %	30.4 %	
shoes			6.8 %		9.1 %	6.8 %			13.6 %		4.5 %	20.4 %	38.6 %	
Household items , bags and books	8.1 %			4.1 %	12.2 %			10.2 %	6.1 %	6.1 %	2.0 %	6.1 %	44.9 %	

Source: field survey (2004)

And 12.2 per cent of the hawkers selling either household items, bags or books said the desired space for the activity should be 2.0 x 1.8 m and 10.2 per cent claimed the space should measure 3.0 x 2.0 m, table 5.15.

Questions relating to the changing of the vending sites and what were the advantages of the desired hawking sites were posed to the hawkers. About 52.8 per cent of the trader claimed they would change their location if they were given a choice. Another 46.7 per cent were comfortable with their present location, table 5.16.

**Table 5.16, Given A Choice, Would You Change Your Location**

Would you change location	Frequency%
Yes	52.8
No	46.7
No response	0.6
Total	100.0%

Source: field survey (2004)

Peled (1979:251) asks, what is a place? And wonders whether it was a zone in space in which a number of entities were related by some exclusive set of relations. We experience the space as the embodiment of the overall environment, and we experience the event we undergo at that point in time / space. The space itself being a system of objects interrelated

into sub-spaces engulfed by the ambience – the light, smells, warmth of the atmosphere enclosed in the space zone.

When the Hawkers were asked the opportunities their desired location offered, table 5.17, 51.7 per cent said that the desired location attracted more customers and 45.6 per cent could not respond to the question.

**Table 5.17 Advantages Of Moving To Any Of The Desired Locations**

Advantages of moving to any of the desired locations	Frequency%
More customers	51.7
Closing business late cause area is light	0.6
More customers and closing business late	1.1
Shelter	0.6
Better infrastructures Roads, pavements	0.6
No response	45.6
Total	100.0%

Source: field survey (2004)

From the problems the hawkers' were experiencing they were asked to suggest solutions to the immediate problems, table 5.18. About 27.2 per cent of the traders felt that they should be allowed or the LA should roof or provide shelters to their stalls, to protect there wares from the elements (weather), mainly sunshine and rain, another 21.1 per cent felt if both shelter and the lanes were cleaned it would facilitate the development of their businesses, see table 5.18 for more immediate solutions.

About 38.3 per cent of the hawkers when asked what future improvement they wanted done to their business felt they needed to be provided with loans , so that they could expand or venture into other activities, table 5.19. Another 13.3 per cent thought the LA should construct markets for them also the same per cent felt the LA should improve the infrastructure in the area, especially the roads and street lighting, while 9.4 per cent of the hawkers were of the opinion the permits should be replaced with licenses. This way they would not have to pay daily fee to the LA

**Table 5.18, Possible Solutions to the Problems**

Possible Solutions To The Problems	Frequency%
Provide a hawkers market	3.9
Give hawkers loans to do other activities	3.9
Provide security	2.2
Improve roads	6.7
Provide roof / shelter	27.2
Improve security, roads and provide shelters	3.9
Relocate pedestrian to the lanes	8.9
Provide shelter, improve cleanliness	21.1
Give loans and improve on security	2.8
Improve security and provide roof	6.6
No idea	1.7
Shops should deliver there goods at night	0.6
Clean the place	1.1
License hawkers	.6
No response	8.9
Total	100.0%

Source: field survey (2004)

**Table 5.19. Other Improvements for the Future Development Of Hawking**

Other Improvements For The Future Development Of Hawking	Frequency%
Provide loans	38.3
Build a Hawkers market within the CBD	13.3
Provide formal employment	2.8
Provide permanent trading area	2.8
Provide trading licenses instead of permits	9.4
license and clean the areas	1.7
Get more trading space in the Main CBD area	8.3
Improve security	.6
Provide infrastructure	13.3
Build stalls	5.6
No response	3.9
Total	100.0%

Source: field survey (2004)



The employment opportunities offered by the sector, the incomes earned when hawking were low, (table 5.20). The best trading days were usually Fridays and Saturday (table 5.21) with most of the trading claiming they experience the highest sales during the day in the evening,(table 5.22).

The potential for earning a living, investment and for growth was highly constrained, although there were no programmes immediately put in place to support the sector, except in 1986 when the government published the landmark sessional paper on Economic Management for Renewed Growth, and the relocation of hawkers to the back lanes and alleys where they perform their activities.

**Table 5.20. Type Of Business/ Activity And Earning Per Day**

TYPE OF BUSINESS/ ACTIVITY	HOW MUCH DO RESPONDENTS/ HAWKERS EARN PER DAY					Total
	100 and below	101-200	201-500	501 and above	No response	
Fruits and vegetables	1.7%	16.1%	3.3%	1.7%		22.8%
Clothes	1.7%	15.6%	5.6%	2.2%	.6%	25.6%
Shoes		18.9%	3.9%	1.7%		24.4%
Households, bags and books	1.1%	15.0%	8.3%	2.8%		27.2%
<b>Total</b>	4.4%	65.6%	21.1%	8.3%	.6%	100.0%

Source: field survey (2004)

**Table 5.21, Type Of Business/ Activity And Day Of The Week Sales Are Highest**

TYPE OF BUSINESS/ ACTIVITY	DAY OF WEEK							Total
	Mon	Tues	Wed	Thurs	Fri	Sat	No response	
Fruits and vegetables	.6%			1.7%	14.4%	1.1%	5.0%	22.8%
Clothes	.6%	1.7%	1.7%		10.0%	6.1%	5.6%	25.6%
Shoes		3.9%			8.3%	7.8%	4.4%	24.4%
Households , bags and books					16.1%	6.7%	4.4%	27.2%
<b>Total</b>	1.1%	5.6%	1.7%	1.7%	48.9%	21.7%	20.5%	100.0%

Source: field survey (2004)

**Table 5.22. Type Of Business/ Activity And When Hawkers Experience The Highest Sales During The Day**

TYPE OF BUSINESS/ ACTIVITY	WHEN HAWKERS EXPERIENCE THE HIGHEST SALES DURING THE DAY			Total
	Morning	Evening	No response	
Fruits and vegetables		20.6%	2.2%	22.8%
Clothes	1.7%	20.0%	3.9%	25.6%
Shoes	6.7%	15.6%	2.2%	24.4%
Households, toys and books	3.3%	22.2%	1.7%	27.2%
<b>Total</b>	<b>11.7%</b>	<b>78.3%</b>	<b>10.0%</b>	<b>100.0%</b>

Source: field survey (2004)

### Summary

A common characteristic of hawking activities is that they operate in the open, on the pavement, verandahs and along the lanes and alleys. There was also a tendency of being run on individual basis, whereby each day hawkers took their respective positions with their wares ready to sell to potential buyers. The businesses were operational the whole day and towards dusk the hawkers would move to the frontages of building and areas that were well lit.

The locations hawkers found desirable were influenced by City Council enforcement officers, the market mechanism and other land use activities. It was pointed out that NCC had selected specific areas within the CBD that they felt were ideal trading sites, thereby segregating some parts of the CBD for the operation of hawking. It is noted that there were no guiding or policies that were in place to spatially confine or select these areas as “ideal” trading sites suitable for hawking. But it was more of trying to decongest the main CBD and to bring some sense of sanity to the whole issue of hawking as they tried to institutionalize the activities. At the same time politics had a part to play in trying to “reward” supporters by directing NCC to accommodate and stop harassing hawkers and provide them with permanent trading spaces. However, the hawkers through various tactics would trade even in areas that were not designated for

hawking, because the location of their activities was influenced to a large extent by the market forces of supply and demand, areas with minimum competitors and the lanes did not seem to address these issues.

Thus, the busy pedestrian routes, shopping precincts and public transport terminals were seen as favourable spots for hawking. In other words, the location of the hawkers' activities were largely influenced by other formal land use activities and it led to conflicts. This location was an indication that the activities were to a large extent market or demand oriented and had to coexist with formal activities.

Another factor that influenced the location of an activity confining it to a specific space was that of ownership of the premises within the designated area. After identifying, locating and selling from a particular area, hawkers had claim to the space and no other trader would occupy the space without the consent or approval of the original space owner.

Possession or lack of vending permit determined the location. When one had been allocated a trading permit by NCC it was for a specific location and although the process allowing hawkers to operate within the CBD was not followed. Hawkers deviated from places they were located. However if the process was followed hawkers trading in areas and spaces they were not allocated would lead to ones arrest. The hawkers with no permits were not allocated space although some had acquired spaces. They chose areas where they could easily evade NCC enforcement officers and at the same time try to maximize their earnings. This positions would be held so long as it was safe and were familiar with the other hawkers within the same zone otherwise they tended to be mobile in a bid to avoid arrest.

The spaces they were allowed to occupy were limited, meaning that there was barely enough space to accommodate the hawkers' wares and also extra commodities. This resulted to some hawkers' acquiring spaces that they felt were suitable or "ideal" for their kind of activity.

In addition hawking was seen to offer employment opportunities and in so doing it was also a lucrative business in terms of income generation to the individuals who were not formally employed. Most of the hawkers sustained their families using the income they got from these activities.

## CHAPTER SIX.

### **PLANNING IMPLICATIONS AND RECOMMENDATIONS**

#### **6.0. Introduction.**

Ever since the ILO study (1972) highlighting the role of informal sectors different studies have been undertaken to give further support to the ILO views. Most of the scholars agree to the view that firstly, these activities have a vital role to play in the country's economy, and provide a source of incomes and employment opportunities especially to the urban unemployed. Secondly the hawkers provide goods and services to the urban population. Thirdly they are a major source of skills and entrepreneurial training, particularly for the unemployed. Fourthly the sector offers an optimal mix of capital, labour and man power that the developing countries which are capital deficient actually can best afford. Fifthly most of the activities provide an important link to the modern or formal enterprises and they are also an important source of revenue for the Local Authority.

Despite the above good and positive views on what the sector can do for the national and local economy there are scholars who are pessimistic about its role. Ley (1975) argues that the sector is primarily a system of intense exploitation of labour and is a parasite of the formal sector in the sense that it cannot survive without the formal activities.

Despite the conflicting roles attributed to the sector it should be noted that the sector actually survives in co-existence with the formal sector and has not been planned for within most of the urban centres.

From the findings in Chapter Four and Five it is apparent that the issue of power and control are at play. As much as the hawkers resist the institutionalization of their activities within the back lanes and alleys they get harassed by the NCC enforcement officers. However to resist the institutionalization of the activities the hawkers designate themselves spaces that are larger than what the LA had allocated to them, and also

some move and trade in areas that are restricted, thereby causing conflicts with pedestrians walking on the main streets and the movement of vehicles within these streets. The hawkers' thrive best by taking their goods to the people, thus the choice of location is to a large extent influenced by the pedestrian pattern of movement within the CBD. This is why the hawkers felt if they were given a choice they would move out of the lanes to areas that were desirable for the development of their activities. That is the activities will locate in or around the very busy pedestrian routes.

The hawkers charge relatively lower prices than their counterparts in the formal sector. This could be attributed to the fact that many of these hawkers have little or no overhead costs to meet. They are therefore able to lower their prices and make profits by selling more. This is unlike the formal sector where the entrepreneur has to pay rents, tax as well as the employees. In addition to the items sold open to bargain, unlike where prices are fixed, thus the customer believes that he will be able to strike a better deal.

### **6.1. Acts, By-Laws and Regulations**

The enhanced role of the government in the economy was accompanied by increasing levels of regulation in virtually all sectors of the economy. While some of the regulations were generally well intended the regulatory environment was so heavy that they have been a major constraint to the growth of informal business activities.

In view of the rapidly changing economic realities in Kenya, most of the laws and regulations had, by the 1980s ceased to serve the purposes for which they were established and were increasingly seen as impediments to the growth of informal activities. Apart from an unconducive environment, hawkers have a limited access to market, acquisition of non financial inputs and operating capital, poor infrastructure and inadequate access to technology, (Gichira,1991).

Literature on Kenya's regulatory environment and de-regulation process has grown rapidly in the last decade, with research work emanating from academic community, NGOs, donor organizations and government ministries.

### **6.1.1 Public Health Act.**

The Public Health Act (Cap 242, laws of Kenya) is aimed at securing and maintaining public health. It ensures that matters affecting public health are addressed in the construction of dwelling houses and other premises. Section 115 of the Act states, "no person shall cause to exist on any land or premises owned or occupied by him/ her any nuisance or other conditions liable to be injurious or dangerous to health". However the Act empowers LAs to enact by-laws as to specification of buildings, works and fittings to ensure adequate sanitation. The by-laws may specify the nature of materials to be used in construction, the space, lighting, ventilation, height and safety measures. Such by-laws may also prohibit erection of temporary or moveable structures for business.

In most of the areas the hawkers have occupied the issue of complying with the Public health regulations have been compromised. In all the lanes during the fieldwork the issue of cleanliness of the lanes or litter either from the hawkers trading in fruits and vegetables who are found in all the lanes or from the formal business operating along the lanes was eminent. This was because garbage collection within the city of Nairobi was poorly managed, even with the privatization of sweeping of streets within the CBD, the areas hawkers were operating from were not swept. Even the road surface was not tarmarked or paved to ease sweeping. This had resulted to the hawkers themselves sweeping their trading spaces and dumping all the waste at the entrances of the alleys and lanes.

Even in terms of the standards to be followed when it came into spaces utilization and the construction of trading stalls. Whereas the vendors

permit (appendix VII) restricts the construction of stalls within the lanes, most of the hawkers have constructed stalls to suit their activity, see Plate.

The legal frameworks used for addressing hawkers are erratic, inconsistent and without clear origins. The health requirements, for example is problematic to hawkers. The hawkers find it difficult to follow, leave alone comply with the health requirements since they are not recognized, and most basic services which should be provided by NCC such as refuse removal, water and toilets are not provided.

### **6.1.2. Building Code**

Section 126(a) of the Building Code – dealing with nuisance, injury to health, use of temporary and moveable buildings- has been used by NCC to justify demolition of kiosks and eviction of hawkers and street vendors. Demolition of business sheds or stalls used by hawkers is rampant because the standards set in the Building Code are unrealistic and difficult for the hawkers to achieve so that they can get approval from Development Control Department within NCC. Whereas the department is mandated to control and approve development proposals within its jurisdiction they have and were not consulted when it came to the relocation of hawkers to the lanes and alleys and their operations is limited to construction of buildings within the city.

### **6.1.3. Local Government Act**

The Local Government Act (Cap 265, laws of Kenya) empowers NCC to enact by-laws prohibiting, controlling and regulating various trades and occupations. These powers inhibit the development and growth of hawking within the CBD. The Central Government should have regulations for the purpose of ensuring that trades and occupation of urban areas is limited to the purposes of ensuring that businesses are conducted in an orderly manner, and for ensuring that standards relating to security, public safety and the environment are preserved and can be monitored, (Kenya, 1997:6).



It was observed that the Local Government Act from which NCC draw their existence is outdated and does not serve the purpose it was intended for, and that most of the hawkers and some NCC officers do not have access to the by-laws. As a result , the officers are unable to say with certainty which by-laws are operative within their jurisdiction. Hawkers on the other hand , do not know what is expected, while others know what is expected , but simply ignore to follow the by-laws and regulations

#### **6.1.4. Nairobi City By-Laws**

According to the 1963 Nairobi City By-Laws, licences are required for shining shoes, hairdressing and transporting with hand-carts. However the fee for purchasing the license to the hawkers is usually high and that's why the Nairobi Central Business District Street vending permit was introduced to facilitate the relocation of the hawkers into the lanes and alleys. Although there were conditions the hawkers were to follow before they were allocated space, this did not happen and most of them viewed the initiative as a political move to try and institutionalize their activities in areas that were not conducive for the development of hawking.

The use of by-laws is limited to taking hawkers to court, when they have problems with NCC; but not for planning and managing hawking activities within the CBD. The by-laws are after safety and environmental cleanliness will hardly any consideration to the contribution of the hawkers to the urban economy.

There is need for overhauling of by-laws and regular reviews in light of the changing situation. Also a participatory approach in formulating and reviewing by-laws and regulations, planning initiatives and allocation of business sites with all the stakeholders should be introduced to achieve a harmonious and integrated approach in addressing the views of both the hawkers and NCC.

### **6.1.5. Enforcement**

Enforcement of regulations within the area of study has not been to ensure that the regulations in place are followed, but largely to manipulate and intimidate hawkers. Forms of enforcement included demolition of their trading stalls, confiscation of goods, extortion, harassment and other forms of economic coercion (most of these occurred using the “hide and seek ambush approach” to arrest hawkers trading in restricted areas.

The reason for harassment of the hawkers by enforcement officers included: operating without a permit, lack of payment of required fees and charges and trading in restricted areas. Enforcement officers hardly explained to the hawkers the issues at stake but should the hawkers resist whatever form of enforcement, they were charged with willful obstruction of enforcement officers on duty under section 266 of the Local Government Act. The nature of enforcement exposed the hawkers to manipulation resulting in bribing NCC officers.

The Act required officers to be in uniform but NCC argued that the nature of enforcement operation determined whether officers wore uniform or not. Uniform was viewed as risky in cases where hawkers turned violent and also hawkers could easily identify an officer when they were trading in restricted areas and run away thereby evading arrest .

### **6.2. Location**

It is noted that NCC was reluctant to allocate vending sites, within the CBD and had in the past allocated sites to the hawkers outside the CBD (for example in Kariokor and Gikomba areas) this is because the areas are away from their customers, and they have declined to move to these sites. Prior to the most recent relocation process hawking within the CBD was viewed as illegal and NCC did not provide sites for illegal street vending.

Hawkers preferred operating in the CBD, where they had easy access to customers. They had their own methods of identifying and allocating sites. This exposed them, however, to harassment by the authorities. They were arrested by enforcement officers, their goods were confiscated and their structures demolished without notice. They were also evicted to allow planned development to take place.

While NCC considered hawking sites as temporary, the hawkers apparently took them as permanent and this had been demonstrated by confrontations in cases where NCC required hawkers to move in order to allow planned development to take place and also to allow the operations of formal businesses within the same areas.

Since NCC did not allocate vending sites, as such for hawkers without vending permit, the vendors had designated their own methods of identifying and allocating appropriate sites of operation leading to conflicts with other land use activities. Hawkers used business sheds or stalls to designate trading spaces not officially allocated.

During the relocation process which led to the hawkers to start operating from the lanes and alleys they are operating from, little emphases were placed, in arriving at a solution for an ideal urban space that would be suitable for hawkers on addressing both needs of the authority and the hawkers without oppressing any one of them. The jua kali way of doing business in Nairobi could be wished away. To imagine a Nairobi that was clean of the informal activities (hawkers) that have already helped shape it so much was self deceptive and illusory. Nairobi started and grew rather too fast without clarity of where it was headed. The last master plan of 1948 was better classified as museum material, (Kimathi, 2003:9).

Lynch (1981b:5) does not view the linkage between design and centralised power as inevitable, and sees the role of a public agency as not only to fitting the environment to the needs of its users but also giving them control of it wherever possible. This assumption leads to choices of

strategy and technique not usually associated with large-scale environment design

Regulations require that any level of development permitted in any site allocated be specified and approved by the LA; the form of development had to take into account public health, safety and required amenities and most of the hawkers did not follow these regulations.

NCC expected hawkers to operate within the designated areas, but the demand for goods was lower within the lanes and alleys as compared to along the main pedestrian routes within the CBD. Also when it came to the time when sales were highest most of the people working in offices were not able to get there in time to purchase goods, hence they had to rely on the hawkers trading next to the public transport terminals.

Accessibility is a key factor to the survival of this trade. Selection of the sites is that extra shopping arrangements need not be made by the customers. This is because there commercial activities heavily depends on spontaneous buying by the customers, unlike in the formal enterprises where shopping is actually made by prior arrangements.

### **6.3. Spatial Considerations**

The concept of utilisation of space by hawkers constitutes a way of defining the space (contexts of use) and also taking ownership of the place within a time frame or period resulting to some hawkers writing their names on the back walls of building, see plate 6.0. We have tended towards greater precision of activity timing, and greater time specialisation: weekends, office hours, peak travel, and the like. Many spaces were used intensively for certain periods, and then stood empty for longer times, (Lynch, 1981a: 452).

The hawkers have the advantage of flexibility, especially in regards to operational time. They are not governed by the time schedules important in

the formal sector. They easily adjust to the demand periods. They operate long after the official business hours of the formal sectors and open earlier than the official hours

### **Plate 6.0. Naming Of Trading Spaces**



**Names of Hawkers**

One might argue that, irrespective of what was being developed or created as “proper”, what counted was what was used, not the way it was used. From this point of view, urban space and size of space as conceived by the authority could not be detached or seen in isolation without interacting with the users who would organize, define, resist or even displace certain aspects that were provided in the space in a bid to make it compatible to their lifestyle or business activity. Certeau (1984:117) wrote, space was like the word when it was spoken, that was, it is caught in the ambiguity of an actualization, transformed into a term dependent upon many different conventions, situated as the act of a present (or of a time), and modified by the transformations caused by successive contexts. In contradistinction to the place, it had thus none of the univocity or stability of a “proper”. Therefore standardizing spaces for hawkers’ activities without clear guidelines as to how they used or organized the space, was a clear indication that different activities or business needed or required different spatial conditions.

## 6.4 Planning and Policy Implications

In order to reduce the attractiveness of Nairobi to migrants and increase equity in national resources, the present level of national subsidies to the city needs to be reduced. Both to encourage economic diversification and to avoid further urban sprawl, planning for the city region should pay more attention to the development of satellite urban centres including Machakos, Ongata, Rongai, Ngong, and Kikuyu. Neglected in the past, these centres have an important role in agricultural processing, marketing, storage, and distribution. Their prosperity depends on the availability of markets in Nairobi and the city's ability to supply them with goods and services such as agricultural equipment and repair services.

Land use in Nairobi was basically a reflection of the British colonial land-use patterns, which were determined by race. Although the legacy of these earlier patterns is seen in the segregation of residential areas by income, land uses have become mixed and poorly planned, because planning norms and standards have been ignored in land allocations and development control has been ineffective. Improved land-use planning is needed, to anticipate problems and plan for them in advance rather than reacting to crisis, to produce an environmentally sound and healthy urban environment, and to ensure that public needs are satisfied.

The resources to support urban development in Nairobi have been supplied by both local and central government, but those available from the latter in particular have been insufficient to deal with worsening urban problems. International agencies or donors have been of substantial assistance especially by providing financial support and/or equipment to the NCC.

However, political support and administrative capacity are crucial in implementing resource mobilization policy. Increased revenue generation is unlikely to succeed without greater decentralization of power to the city government and political support at both central and local levels in order to surmount pressures from vested interests. Further obstacles include a

severe shortage of trained personnel in the local authority, particularly accounts and finance managers, low staff morale because of low wages and limited career opportunities, and ineffective monitoring and evaluation systems.

Thus public sector institutions in the city need to be strengthened. In particular the Nairobi City Council should be given greater financial autonomy, its responsibilities defined more clearly, staff development supported, adequate staff and finance provided for planning functions, and the urban information system improved. Given the financial and institutional weaknesses of the city government, however, it is imperative that programmes be designed that stimulate greater community participation in the financing and delivery of services.

The informal sector significantly contributes to Nairobi's economy, generates a large volume of employment, and has strong backward linkages with commercial and public enterprises. It provides a variety of goods and services, a greater part of which enter into the "consumption basket" of individual households. Although large-scale public sector investment is probably not needed, appropriate support to the sector might include improved infrastructure, credit, and training.

#### **6.4.1 Locational Constraints**

The locations, from which hawkers' undertake their activities, have their inherent problems, especially emanating from the failure of these activities to be spatially taken note of in the development of Nairobi

Among the problems cited in relation to the respective activities and locations was the inadequacy of space. Being located in the back lanes and alleys was also a business concern, because the activities can only occupy a very limited area in order not to cause obstruction to both pedestrian and vehicular movement within the lanes.

It has already been observed that these activities operate mainly from the alleys and lanes and when they move to the pedestrian walk ways they cause a lot of conflicts. To start with, the activities are carried out in the open, subjecting the hawkers and their wares to harsh conditions of the weather, rain and heat. When it rains they just have to close down and move to the building frontages in order to save their goods and at least make some sales. This is a result of the traders not being allowed to erect any shelters. Even for those with stalls, the structures allowed are not enough to accommodate the seller if need be, and also not enough for the items which must be displayed.

The implication here is that these activities subjected to the dictates of the weather cannot operate optimally. Construction of shelter as the current locations would mean a breach of the contract with the authority.

In addition these hawkers have the problem of storage facilities. The lanes where most of the hawkers leave their wares was not a safe place to leave property even for the night, especially when no permanent structures are allowed where the goods could be locked. These hawkers had to look for alternative safe places in buildings adjacent to their sites even if for a fee.

The study also revealed that the operators have problems in regards to storage facilities. Lack of proper structures to operate from also implies that storage services had to be sought elsewhere, thus reliance on other businesses who would then dictate when one's activity closes or opens.

Yet another problem identified was in regards to tenure. The terms under which hawkers' activities get permits were strictly temporary in as far as the location was concerned. This condition had often been affected to terminate the operations of a given activity to allow planned development to take place. Many a times the hawkers had been ordered to move from their sites within a short a period. After such orders, alternative sites had to be sought which needed not be better than the previous ones.



NCC had segregated some zones of the city within which hawking cannot take place not as dictated by the market mechanisms but as per legal requirements which were enforced by the inspectorate at NCC. From the survey, it was revealed that the activities if allowed to locate where the hawkers' desired would do better. What this implied was that the location they were given was not the most optimal.

In the analysis of land use patterns, (section 2.0.3 on land use conflicts and section 4.3 which looked at the CBD of Nairobi), it was established that despite lack of a conscious plan for the layout of Nairobi, the major activities had sorted themselves out in a very definite pattern which had so far been accepted and consolidated. It was observed that hawking within the CBD had not been accommodated in the evolution of the city and therefore they were not accord any places in the layout and planning of the city.

The relocation of the hawkers onto the back lanes and alleys had been a current attempt made to fit them within established land use patterns. The study had, as one of its objective to identify the problems and conflicts that had developed as a consequence of their relocation not being part of the land use plan.

#### **6.4.2 Legal Constraints**

In chapter four, analysis on the development of government policies and support for the sector was traced. Factors leading to their emergence and their proliferation were traced. The issue of the sector offering as a source of employment was raised especially at this time Kenya was on the path for economic recovery and reducing the rising levels of poverty.

The study had also found that there was a legal frame work within which the hawkers did operate. This was embodied in a set of by-laws which control and regulate these activities. These stipulate the conditions under which permits were to be issued. Whereas law and order were vital for

effective operation of business, the measures taken to enforce the same may, to some extent, were construed punitive.

The City Council provided permits for the hawkers, to be acquired from the Department of Social Services and Housing. However hawkers with no permits still operated within the designated areas, since the hawker would in course of time, find a friendly enforcement officer to protect him from harassment after a tip.

The permits issued were limited to where the hawker could trade and the goods to hawk as well as the duration the permit was valid. The permit was not transferable thus implies that it was for the holder only. This system was found to be very restrictive in so far as the operation of these activities area concerned. The permits for instance, issued to a person to carry out a given trade but not to the business itself. In case the activity required any assistance another person, a separate permit for the assistant had to be acquired. The implication of these conditions was that the activities were restricted in their endeavor to generate incomes and employment to full capacity. They can not diversify, neither can they widen their catchment area under the prevailing conditions without causing conflicts.

If we focus for a minute on the Public Health Act, it prohibits sale of cooked food on the grounds of being highly risky to human health yet there were hawkers selling sausages and roasted maize. Yet, they were very popular to both hawkers and pedestrians. From the survey, the researcher observed the activity was associated with litter and unhygienic conditions in handling the food. In regards to this, the researcher would propose that the NCC provide garbage collection bins and water points while the hawkers pay for such services. These services would also benefit the fruits and vegetable hawkers greatly.

### **6.4.3. Organizational Constraints**

The Study revealed that the hawkers were independent traders, not affiliated to any organization. Many of these hawkers carry out their activities on individual basis. Lack of an organization had made it difficult for an individual hawker to lobby for their rights at NCC and credit facilities. The researcher contended that some organization was necessary for the purposes of collective bargaining and representation.

### **6.5 Recommendations.**

The focus of the study has been the hawkers operating within the CBD of Nairobi. It has been an attempt to evaluate and illustrate the problems besetting developments that underestimate and ignore the hawkers' role as a powerful agent in the development process and space utilization within the CBD. The study has illustrated that planning was idealistic, and not only was it idealistic, but initiatives that it regards as exemplary, like relocating the hawkers to the back lanes and alleys were not without their problems. The study had examined policies and rule and regulations also the role of the civic authority (NCC) in trying to deal with the changing dynamics of the city.

In doing so, the researcher has established those constraints that face the activity and their implications in as far as the growth, development, reducing conflicts and integrating hawkers with other land use activities within the CBD.

Constraints facing hawkers were identified and they were in the form of locational constraints, whereby the areas the hawkers operate were inadequate in terms of space, amenities like shelter and storage facilities. Legal constraints emanating from the legal requirements such as limits on number of items and goods to trade and restrictions to a given place, insecurity of tenure, prohibition of certain Acts as well as the process

toward implementation of a planning initiative. Other constraints were identified namely, organizational and spatial

It was on the basis of these findings that policy suggestions and recommendation have been made. The recommendations start by highlighting the spatial dimensions of each activity with special reference to the field work survey. This is because there are no records or information available that can justify the size of spaces NCC marked on the wall, see plate 5.5, and after interviewing the departmental chief officer in the department of Social Services and Housing because they were actively involved in the relocation process. It was clear they wanted to create as much space to allocate the 6,000 hawkers that had been registered. Thereafter the researchers propose short and long term recommendations.

The study starts by suggesting long term recommendations and later short term recommendations, based on the finding from chapter four and five with reference to the hypothesis stated in section 1.4. The long term recommendations of the study will cater for the increasing population of hawkers thereby integrating and planning for hawking within the CBD and the rest of the city with regards to the assumptions in section 1.5.

The generating ideas in formulation the short term recommendations was to try and bring sanity to the whole idea of hawking within the CBD and for NCC to change there perception on hawkers also how to expand the revenue base for the LA, from the levies and rates that can be charged after allocating hawkers trading spaces. Thereby improving the conditions of the areas designated for hawking, facilitating the development and recognition of hawking as an urban land use activity.

#### **6.5.1 Spatial Needs Per Activity.**

From table 5.0 about 14.6% of the fruits and vegetable seller had spaces measuring 2.0 x 1.5 m and 2.0 x 3.0 m. for both new or second hand

clothes hawkers, about 13.0% had spaces measuring 1.2 x 2.1m and 10.9% had 2.0 x 1.8 m hawkers of shoes, about 15.9% and 13.6 % had spaces measuring 1.2 x 2.1m and 1.5 x 1.8 m respectively. Household items, bags and books hawkers, 19.5% had spaces measuring 1.8 x 1.8 m, whereas, 10.2% had spaces measuring 1.0 x 1.2m and 3.0 x 3.0 m.

If we relate table 5.0 to table 5.15 the desired spatial size for each activity. One notes a large percentage of the respondents or hawkers could not or didn't know the spatial needs of their activities. For the purpose of making spatial recommendations on the ideal dimensions each activity requires. The researcher used the finding from table 5.0 as the base when planning for hawkers within the CBD. At the same time the researcher recommends each activity to have two different sizes of space and the rates charged for the different spaces to vary. So that hawkers with a lot of goods and they require large trading space, pay for the size they need as opposed to having a standardizing rate regardless of the space. This way NCC would get revenue with regards to the space occupied as opposed to now, where hawkers with larger spaces pay the same daily charges as hawkers with lesser trading space, yet they occupied large urban spaces and reduce the number of traders that can be accommodated in an area. This would deter hawkers acquiring large urban space which they cannot use effectively.

In providing a framework for the way forward, the researcher felt the need to come up with a solution to the hawkers' problems in the areas of operation before proposing alternative sites and locations that could be developed for hawkers to trade. At this point the researcher would like to dismiss the suggestion of allowing hawkers to operate within the CBD at specific hours or even day. We have to understand that hawking is a source of livelihood and also an employment opportunity for majority of the unemployed, and unless we provide alternative employment to the large number of people working in this sector designating time even days of operation will only be seen as a means of control., especially now that the country is embracing the idea of working "Nation" as a new strategy for the economic recovery programme. Also informal activities should be

seem as the third sector, after the formal and agricultural or traditional sector in offering employment to a majority of the population..

### **6.5.2 Long Term Recommendations**

One point stands out clear in this study, that the major source of the problems faced by hawkers is the failure to have them incorporated in the physical layout plans of the CBD. The researcher therefore recommends that in future plans of the CBD, these activities be accommodated if they have to play their role optimally. It is only then that adequate space and effective location can be acquired without causing conflicts with other land users, after taking account of their full range of requirements.

It is from examining the areas and the advantages of hawking within the CBD, that long term recommendations were formulated to try and accommodate and begin to plan for hawkers within the CBD of Nairobi. It should be noted as stated in the previous chapters, NCC as the LA with the mandate to designate, approve and plan for land use activities within the city has not fully recognized the potential of this sector as a source of revenue, land use activity that need to be planned for, integrated with the urban infrastructure and accommodated fully with other land use activities. Instead the activity has been viewed as a hindrance to the operations of the formal or planned development within the CBD. That's why NCC designated lanes and alley, (in the area of study and harasses hawkers found trading outside the designated area), so as to exclude the operations of the hawkers from the main or formal activities happening in the CBD.

Due to the options offered by hawkers to the national economy in providing employment opportunities to a large majority of the population entering the labour force and also to the local economy as a source of revenue to NCC from the rates and levies charged or can be charged to the hawkers as well as the opportunities hawkers offer to the urban dwellers in terms of the affordability of there commodities, flexible trading locations and time as well as offering a variety of goods at competitive prices. The

study proposes that NCC needs to plan for the activity as an urban land use activity, hence the need for the recommendations. Also it should be noted there are linkages with the formal “planned” activities, because they provide markets and services to the formal activities.

The long term recommendations are based on a strategy of trying to address the issues of hawking and in so doing begin to prompt planners architects and urban planners to start planning and accommodating hawkers and their activities when designating or zoning urban spaces for different land use activities. This section aims at addressing the assumptions raised in chapter One, so as to end the continued harassment of hawkers, plan, create conducive environment, guide the growth of the sector, to realize its full potential within the national and local economy. This will be done by illustrating different models as options to realize the long term recommendations. The subject matter of urban planning models falls into four general classes. First land use second transportation, third population and fourth economic activity. A particular model is developed for the purposes of projecting, allocating or manipulating in order to derive one from the other, ( Kilbridge, 1970: 9)

#### **6.5.2.1 Model One (Periodic Market)**

This model bases its premise from the rural setting, where in most communities there were days for markets and people left their activities to go shop or exchange goods with one another in areas that were designated for that and all residents knew these market days and places. It is from this point that NCC needs to look at the functions and needs of the hawkers and street vendors in the CBD. Whereas we may argue that Nairobi is a modern city and it requires planning of urban activities within the urban fabric, it is the view of this study that there are a lot of rural activities and values that most urban dwellers are embracing, like agriculture which is regarded as a rural activity. But the theories and principles we have and are using to plan Nairobi have failed to meet, even address the needs of our people and this has led to the continued harassment of the hawkers within

the CBD Yet with the increasing population the formal sector has been unable to absorb all the labour force and provide all the needs of the diverse urban community.

The creation of markets which operate periodically can allow hawkers to operate within the main CBD where they have access to customers and after the trading day move back to the areas designated for their activities and also allow for seasonal traders to operate. The essence is to provide them with the opportunity to interact with a majority of urban residents away from the lanes and alleys which are not conducive for hawking.

In the researchers views, most of the parking spaces within the CBD see map 6.0 are not utilized sufficiently during the weekends and more so on Saturday and if the spaces can be multifunctional and be used for different activities through out the week they would facilitate and increase the revenue collected from urban spaces.

This model would allow for example any maintenance work to take place in the areas hawkers operate during the week with little or no interference with hawking activities.

#### **6.5.2.2 Model Two (Pedestrian Precinct)**

The basic idea is to create pedestrian shopping precincts within the CBD free of vehicular traffic. This therefore calls for a re-organization of vehicular routes within the affected areas.

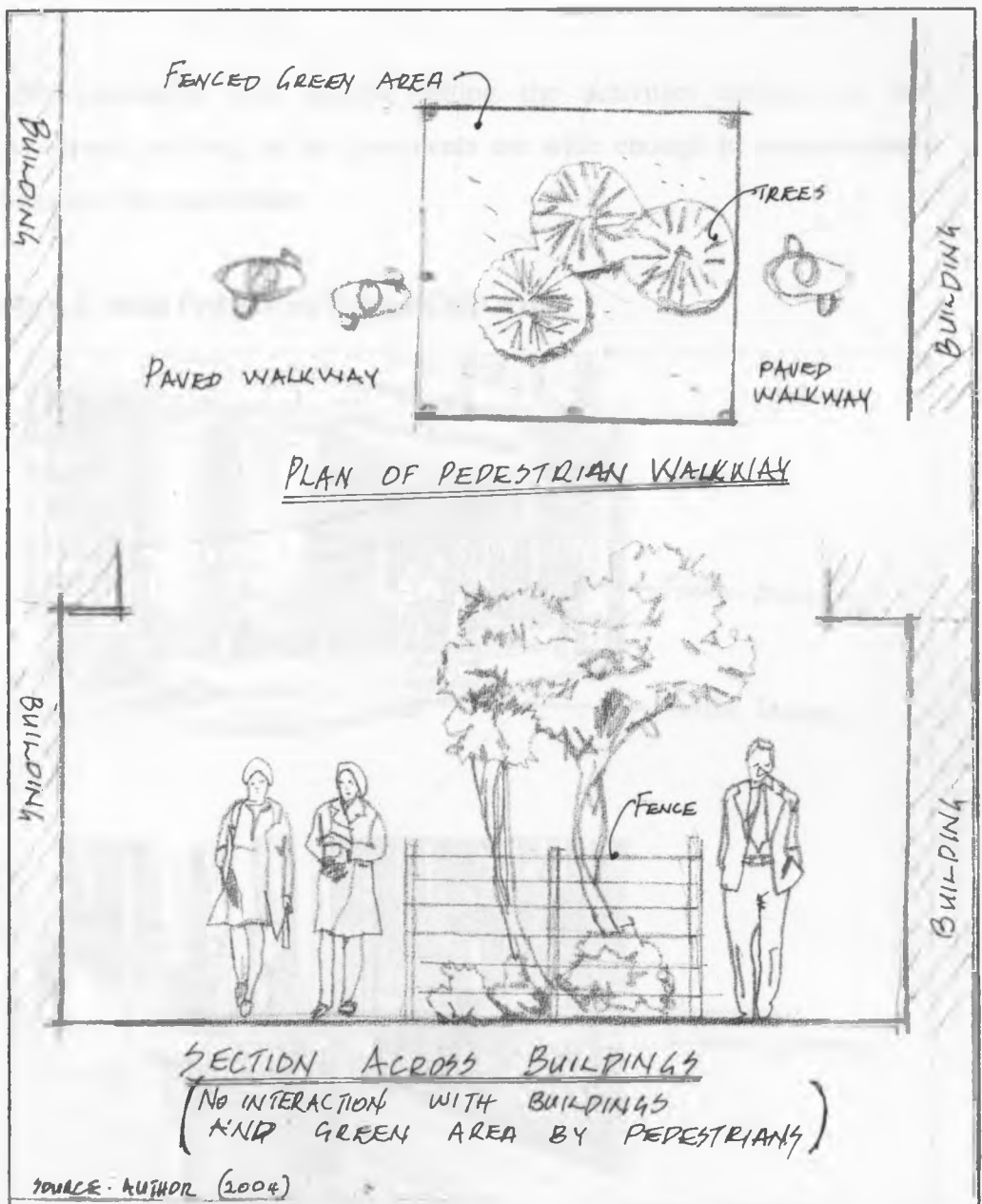
If one looks at pedestrian walkways within the CBD it is sad to note that they have all been turned into channels for people to walk through. The interaction that one would expect for example window shopping, sitting spaces for pedestrians or even cafes opening onto the streets is not there. This has led to even shop owners putting grills and roll up shutters on busy pedestrian routes. And in most cases like along Aga Khan Walk and Tom Mboya Street the green spaces have over-grown grass and have been



fenced because the areas are used as garbage dumping sites and areas for the street children to sleep or open toilets, see figure 6. 1.

This model looks at bring life or interactions onto these channels or pedestrian walkways, see figure 3.1, by reactivating the spaces and also to make them spaces where people can begin to mediate, relax and interact with other urban users, see figure 6.2, where the formal businesses and activities are not only found inside buildings but also on these transition spaces.

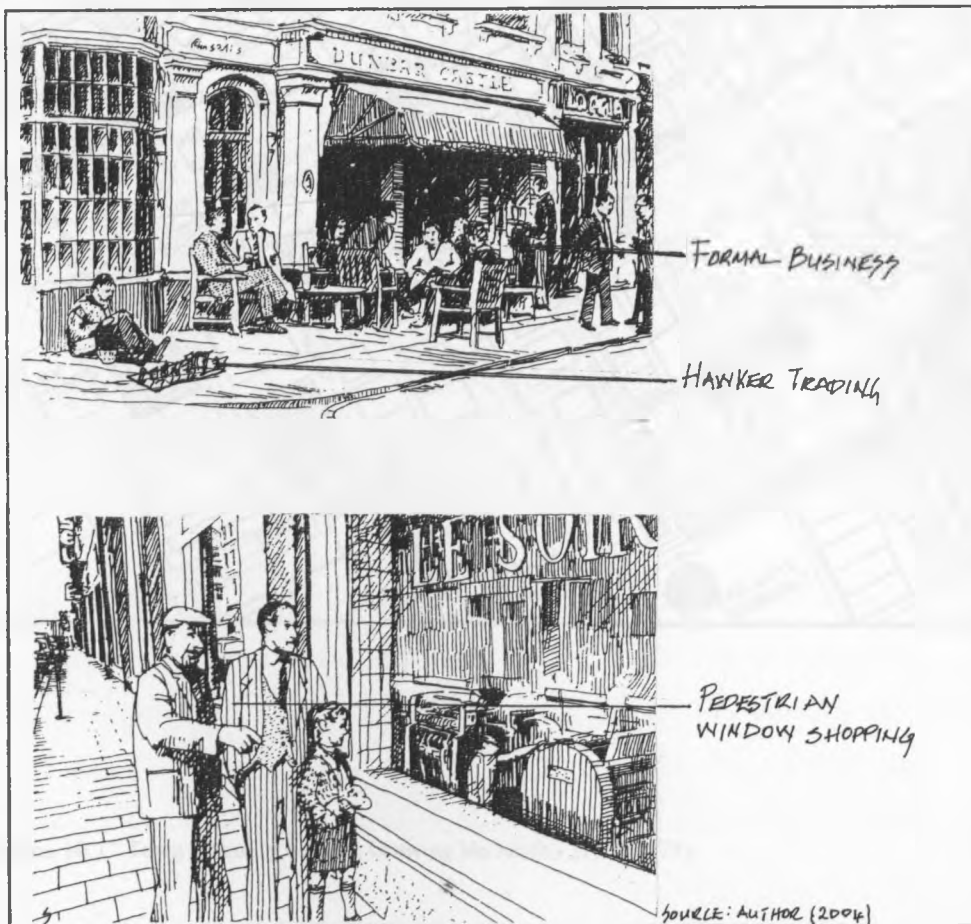
**Figure 6.1. Pedestrian Routes CBD Area**



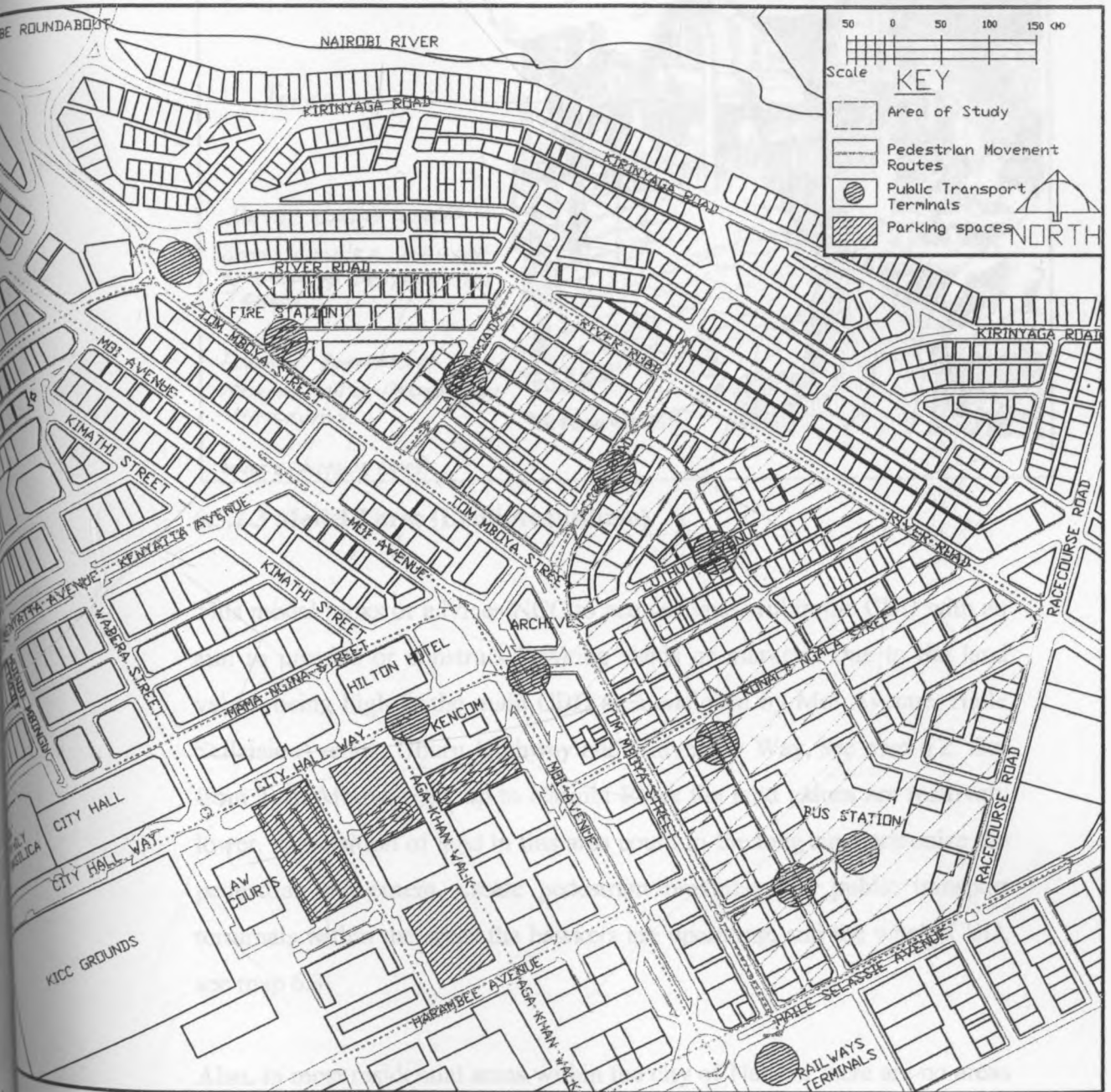
This long term recommendation allows for these fenced areas on busy walk way to be paved and all the grass replaced by pavement because of the maintenance involved in trimming and watering the green lawn. Also planting trees to green and shed the walk ways. At the same time cage the trees to protect them from being damaged as well as providing areas for hanging or displaying hawkers' wares, see figure 6.3. This is what Crane (1960) (see section 2.0.1) considers to make the street into a channel of symbolic intelligence, where the streets start playing larger social, economic and ecological roles and in so doing formal businesses along most of these pedestrian walk ways would begin to tap and open onto the walkways.

This alternative will involve letting the activities operate on the pavements, so long as the pavements are wide enough to accommodate them and the pedestrians

**Fig 6.2. Ideal Pedestrian Routes CBD Area**

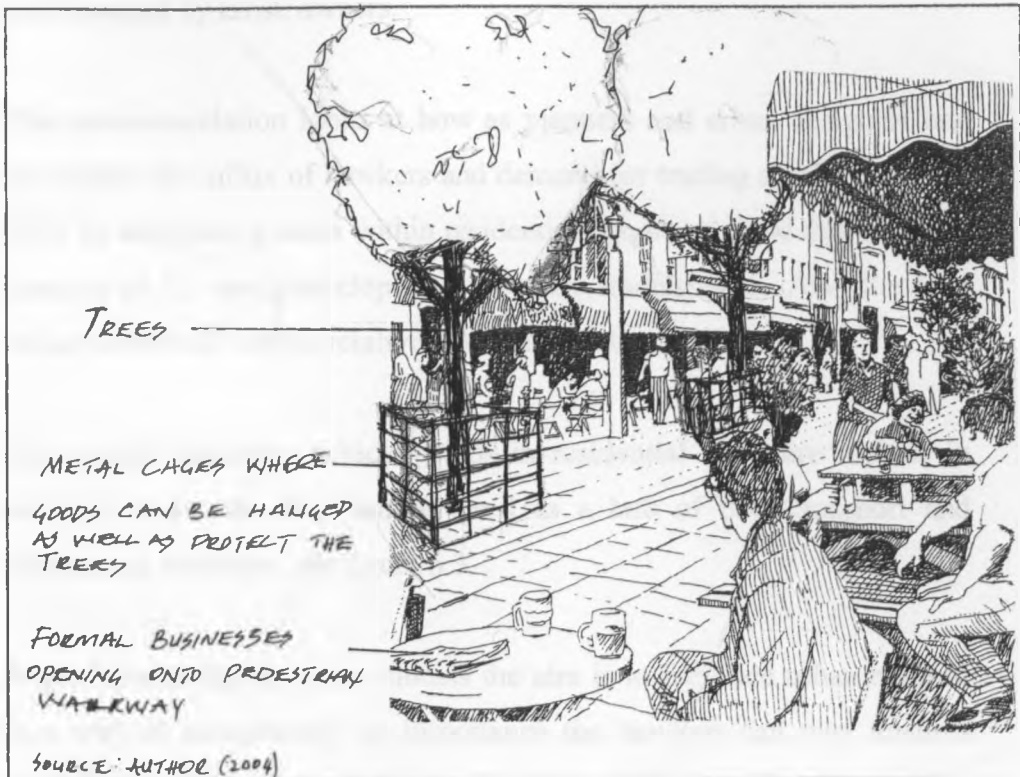


**Map 6.0. Parking Spaces within the CBD Areas Suitable For Periodic Markets**



Source: NCC. Town Planning Section, Drawing No NUSG 215/1(1977).

**Figure 6.3. Tree Protection**



### 6.5.2.3 Model Three (Land Acquisition)

This model looks or advises NCC to acquire land within the CBD with an aim to provide or construct hawking sheds or markets. Due to the land values being high in the main CBD area enclosed by Moi Avenue, Haile Sellaisie Avenue, Uhuru Highway and University Way, see map 6.2. But from Tom Mboya right up to Nairobi River the land values are relatively lower. Acquisition of land in this area could in the long run harmonize the pedestrian movement, create pedestrian precincts and public transport terminals within the areas the hawkers are operating, and the whole CBD, see map 6.3.

Also, in most residential areas within the city of Nairobi there are no areas designated for markets, and if provided, such spaces are not maintained to facilitate street vendors and are also not properly integrated within the residential neighbourhood concept, leading to most people preferring to shop within the CBD instead of in their residential areas. Also, most of the

road reserves in the residential areas and especially at bus stop points have been invaded by kiosk owners.

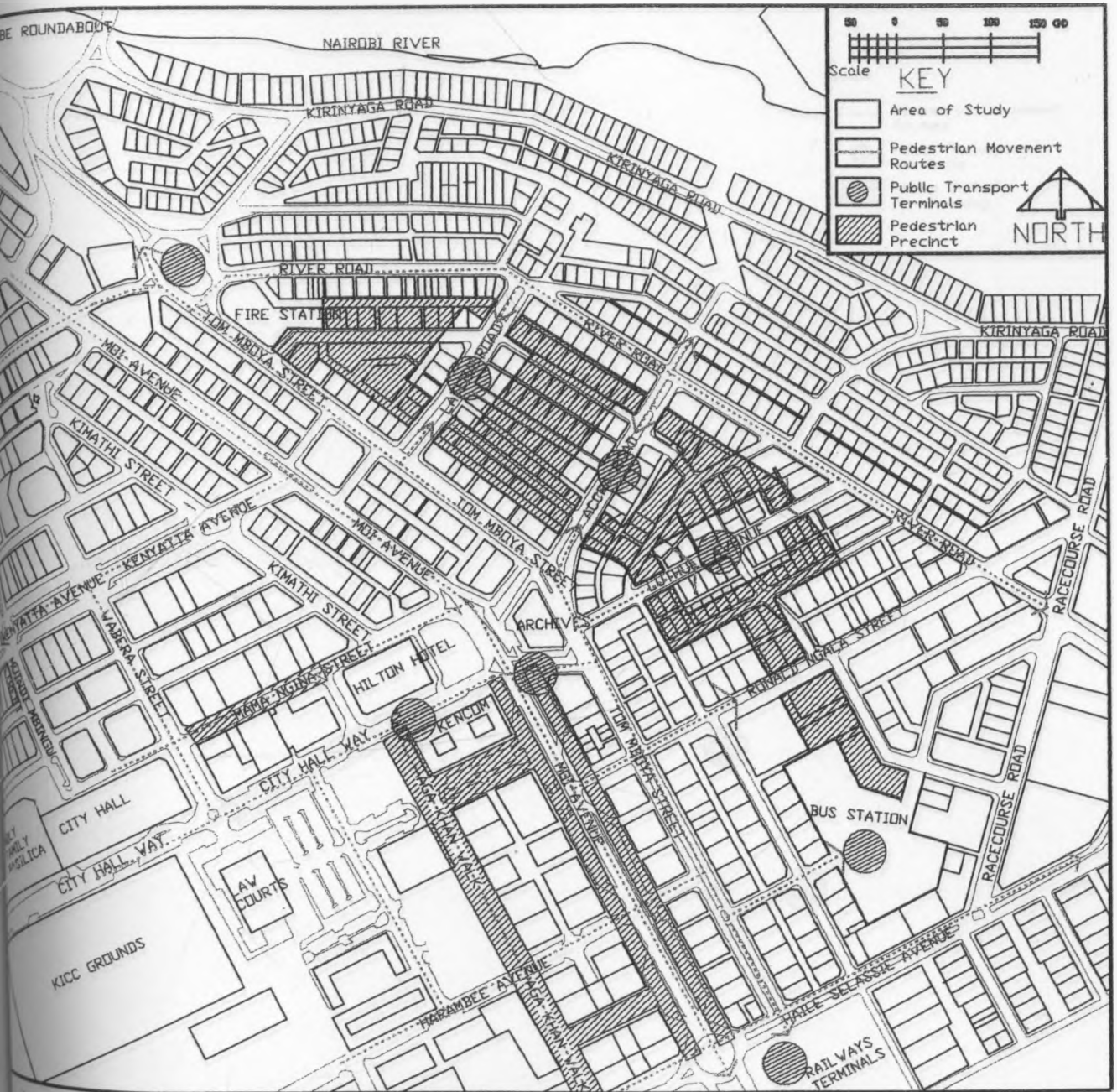
This recommendation looks at how as planners and urban designers one can reduce the influx of hawkers and demand for trading space within the CBD by designating areas within residential neighbourhood that have the capacity to be used, developed as hawkers trading sites. Also the land values or costs of land is relatively low than in the CBD.

Most public transport vehicles stops in residential areas are located in strategic areas and they can be used as a hub of both transport and commercial activities, see figure 6.3.

When formulating the three models the aim is to facilitate urban renewal as a way of recognizing the importance the hawkers can play towards providing employment and also as a source of revenue for the NCC by Promoting the development of clusters and seams of activity at accessible places associated with pedestrian and vehicular movement flows along activity streets to improve accessibility and convenience. Thereby reducing the conflict that occurs and are occurring between the pedestrians and vehicles as the hawkers want to trade in areas that are easily accessible to a majority of people.

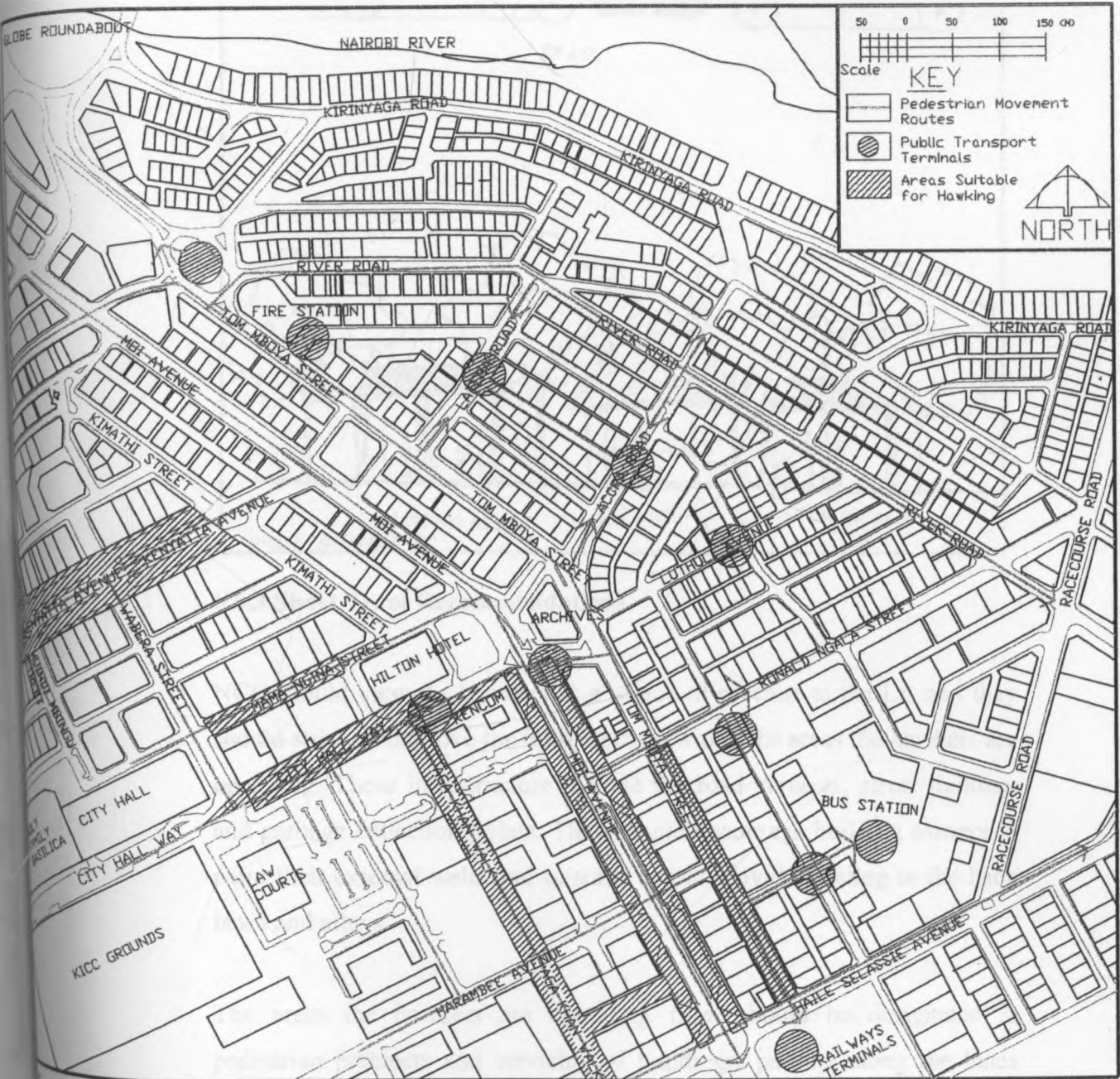
Through the multifunction of spaces, the spaces will begin to address the needs of all the urban dwellers instead of spaces being seen as a tool to institutionalize activities. Also, some revenue can be generated from the spaces after allocating them to the hawkers. Only then as planners will we have accommodated and planned for the growth of the activities within the CBD and the City at large.

# Map 6.2. Land Acquisition



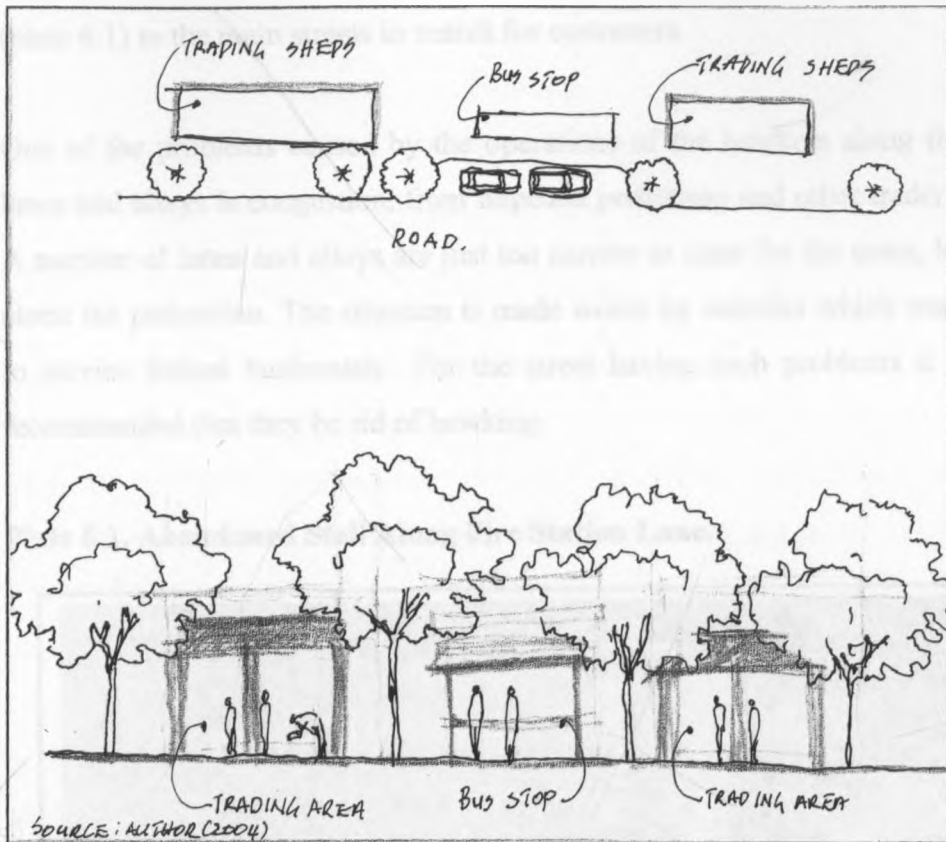
Source: NCC. Town Planning Section, Drawing No NUSG 215/1(1977).

**Map 6.3. Harmonizing Hawkers And Transportation Within The CBD**



Source: NCC. Town Planning Section, Drawing No NUSG 215/1(1977).

**Figure 6.4. Harmonizing Hawkers and Transportation within the Residential Areas (Bus Stops)**



### 6.5.3 Short Term Recommendations

NCC should view the hawkers as a source of revenue to the LA and they should strive to improve the infrastructure within the areas the hawkers are operating. These infrastructure include the road surfaces, street lighting, and garbage collection points. They should encourage building owners to paint their external walls and to some extent provide lighting to the back lanes and alleys.

The areas the hawkers are operating from should be designated as pedestrian precincts and servicing of buildings, parking along the lanes should be restricted. Let's face it, streets that acted as pedestrian walkways like Tom Mboya Street even River Road, and allowed for window shopping no longer enable pedestrians to window shop, let alone mediate with the passersby. Most of the shops grills make it hard even for potential buyers to view what the shop sells. Unless the lanes begin to act



as pedestrian routes the conflicts that are emerging will not be solved and even the hawkers themselves will not have the desire to change or move (plate 6.1) to the main streets in search for customers.

One of the problems caused by the operations of the hawkers along the lanes and alleys is congestion, from impeded pedestrian and other traders. A number of lanes and alleys are just too narrow to cater for the users, let alone the pedestrian. The situation is made worse by vehicles which want to service formal businesses. For the street having such problems it is recommended that they be rid of hawking

**Plate 6.1. Abandoned Stall Along Fire Station Lane.**



At the same time hawkers operating in the middle of the lanes need to be moved to allow for the free movement of peoples, see plate 6.2 and 6.3 and be allocated space in other lanes which are not fully occupied or will be available after the rehabilitation of all the lanes and alleys within the study area. Hawking spaces therefore, should be allocated adjacent to buildings

The most problematic issue when it comes to any recommendation is how to implement. Even with the relocation of hawkers to the lanes the problem of implementing or the processes the hawkers took in order to get

the space they were trading from? Whereas NCC has guidelines as to how the process would be undertaken, it left a lot to be desired.

All hawkers need to be registered and issued with badges, then they are supposed to ballot for any space within the designated areas and thereafter allocated the spaces with reference to the activity or business undertaken and spatial needs.

But in most cases nepotism, bribing officers and getting favours from the councillors has made the process of implementation difficult. Unless all the lanes are made conducive for the hawking then no hawker will feel some lanes are more conducive than others. Also enforcement officers should follow-up and check if each hawker is trading from the site specified.

The City Council of Nairobi and the hawkers need to discuss and come up with proposals and recommendations on issues relating to: change of attitude from perceiving hawkers as public nuisance, enforcement officers who operate in civilian clothing should wear uniform while on duty, manipulation and bribery during enforcement.

The issues raised in Chapter Four, section on institutional and policy framework. It follows that appropriate urban management strategies by the authority (government) should focus on the collective activities of urban life and needs to accommodate hawkers rather than on its private and selfish needs for power, control and manipulation. The recommendations to resolve these issues raised above and in the section of Chapter Four best determined by the authority's (planners and architects) are usually sterile and academic, and unable to solve the environmental problems our period poses today. The spaces the hawkers have configured to be sufficient to accommodate each activity and they regard them as "ideal" are usually those that co-ordinate, sustain, intervene and integrate institutional structures both within and outside the space. They also support and bolster the livelihood and coping strategies of their activity

**Plate 6.2. Problem Areas Along Lanes**



Hawking area  
Adjacent to building

Relocate or remove this hawkers  
operating at the centre of the lanes

Hawking area adjacent  
to building

**Plate 6.3. Present Situation In The Lanes**



(Lynch 198:175) People have different tolerances for change. Some are hungry for novelty and delight in being at the forward edge of any new wave. Others are desperate for tranquility and old customs.

From the above, it is noted the hawkers and their activities are affected by what is termed as “enabling” environment, policy and resources allocation. The main problems that are addressed have deficient policy framework, inadequate infrastructure, limited market and cumbersome laws and regulation. To alleviate the above problems there is need to strengthen the institution’s capacity of government to generate policy recommendations on a continuous basis; expanding the physical facilities and infrastructures to make the physical access of the CBD suitable for hawkers also there is need to improve the legal environment the government to improve laws and regulations even Acts that are proved quite inimical to the hawkers. As it stand now the effectiveness of Government policies will depend to a greater extent on the implementation

Involving hawkers and other stakeholders in issues affecting vending activities for example:

- planning and allocation of trading sites
- Deciding the type of structure to be used by the hawkers
- Type of commodities to be sold in specific trading sites
- Provision of services and management of trading sites and activities
- Coming up with acceptable long term and or temporary trading sites and providing relevant services- issues of communal trading site as opposed to individual trading sites to be considered.

## CHAPTER SEVEN.

### **CONCLUSION**

#### **7.0. Conclusions**

Like many developing countries, Kenya faces a problem of unemployment. The two major sectors of the economy, namely the modern or formal and the agricultural sector have so far failed to absorb the fast growing labour force and hence the need to search for employment opportunities in the informal sector.

The problem of unemployment should prompt LAs to identify and contribute proper urban spaces that can provide ideal areas for self employment to alleviate unemployment. The study has examined the role of hawkers in the CBD of Nairobi. In order to understand this, the study has examined the factors that have led to the emergence and proliferation of these activities. It has established that lack of employment opportunities in the formal sector largely explains the growth of the activities. Hawking continues to offer economic opportunities and remains a source of livelihood for many Kenyans, mostly the urban dwellers. The conditions under which the hawkers work are, however, generally quite harsh. They operate on open grounds without any shelters, plate 7.0, have very limited access to credit, are not provided with necessary business services. Further, they are poorly organized with hardly any access to policy makers, planners and administrators who instead subject them to endless harassment when they operate in undesignated areas.

For hawking to thrive in Kenya there is need for urban policy change aimed at integrating hawkers in planning and decision-making. All stakeholders groups, including local authorities, central government and hawkers have to effectively contribute ideas and strategies relevant for policy making, planning and decision making relating to hawking. The hawkers should be consulted, and their views integrated in coming up with relevant policies for their operations. On the part of the LA and central

government, they should ensure an enabling environment, including appropriate policies and regulations.

**Plate 7.0. Open Areas Where Vending Takes Place**



Source: Field work (2004)

In addition, the hawkers play the role of providing goods and services to the urban workers in general. While noting the role played by the hawkers, the study also identified problems that hinder the development of the activity hence need for the research.

Most of the hawkers face locational problems. The public spaces (open spaces, lanes and alleys and so on) which were created during the colonial era are frequently ill-formed and inappropriate in scale. Some of them were used as strategies to segregate communities during that time and presently to zone certain activities to specific areas. From the users of these spaces point of view, they are not social spaces (spaces where human contact and activity is enriched) as they should be. On the contrary, they are frequently extremely unpleasant places to be in. However, the areas lack in adequate space for them and it has resulted in congestion from impeded pedestrians, vehicles movement and has led to conflicts with other land users. The poor quality of these spaces presently has led to a new form of control or authority taking over and their presence is notable because from the

planning implication and recommendations, (chapter six), the hawkers have marked their territories on back walls of buildings. In search of better spaces, the activities have taken over other urban spaces and this has resulted to harassment by NCC enforcement officers.

The study identified that the CBD is the major market area for the goods and services offered by these activities. Therefore need to locate within the CBD, and where accessible. The activities operate in the open with no shelter, necessitating some to close during rainy season. Lack of storage facilities is yet another problem.

Hawkers should be educated about policies and regulations affecting their businesses and the authorities should come up with a mechanism that promotes dialogue with vendors to put up structures so as to protect their goods from being damaged by rain and sun, coordinate all hawking activities, and organize vendors according to type of goods they trade in and also set appropriate trading time.

Vending permits are too restrictive, issued to a person not the business, and in particular to a very limited range of items. Assistants or employees must acquire separate permits. This has been found to hamper expansion of the traders, limiting benefits accruing from large operations in terms of employment and income generation.

The activities have also been found to be lacking in organization. Operations are limited to individual level. This accounts for their failure to have access to credit facilities, representation at the LA.

Due to these problems the study has come out with policy recommendations to improve the operation of hawkers within the CBD. The long term recommendations are the creation of periodic markets, pedestrian precincts and land acquisition so as to begin to address the growth and development of hawking as an urban land use activity.

The short term recommendations are to lay the foundation for the long term recommendation. These recommendations where NCC is changing its perception and recognizing the role hawkers play in the national and local economy, improving infrastructural support and create mechanizing of integrating hawkers' views within the planning process when developing the physical layout plan for Nairobi.

In the field of tactics, politics is defined as "the art of the possible" because, really and truly, everything is possible. It is merely the ability to recognize in what circumstance to deploy one's card to optimal benefit. The authority, (city administrators / politicians) have considerable leeway to experiment with innovative "strategies", ideas and policies that harness resources, social networks and local entrepreneurs. The council's way of trying to spatially define these public spaces and create derelict and safe "proper" areas, market spaces for the hawkers may have been geared to poverty reduction and creating "proper" environments to enhance and support livelihood strategies. But the most problematic component is achieving integration and co-ordination in the way the authority delivers services and relating this to how the "hawkers" configure their livelihood and coping tactics.

It follows from this that appropriate urban management strategies by the authority (NCC) should focus on the collective activities of urban life and needs to accommodate these rather than on its private and/ selfish needs for power, control and manipulation. The forms of resolution best determined by the authority's planners and architects are usually "sterile and academic", and unable to solve the urban problems our period poses today. The spaces and areas the hawkers' regard as "ideal" or proper are usually those that co-ordinate, sustain, intervene and integrate institutional structures both within and outside the space they are operating from. They also support and bolster the livelihood and coping strategies of each and every hawker.

In the context we are in today where there is a diminishing capacity of NCC to control and guide change, where hawkers understand their rights, and everything, including space, is contested - developing planning now involves



creating new institutional arrangements, inventing financial strategies, influencing public opinion and crafting interfaces between diverse sources of change and invocation.

In most instances, this means less control by the NCC through privatization, outsourcing, deregulation, etc and more of the hawkers taking ownership. The infrastructural support, the NCC felt was needed within these lanes are yet to be provided and integrating the operations of the hawkers' with the other businesses or formal activities that exist in these areas is yet to take place. One senses that behind the despondent looks of many hawkers lie stories to be told: of struggle, intimidation and hardship; of joy and a vibrant social life; that can be found within the urban spaces

The new government (authority) can not address issues or find solution to the problems of unemployment and the rising levels of poverty. Individuals therefore, have to find ways to survival the economic hardships and manage their day to day practices. They control space/ territories where they can perform business activities amongst themselves and also contest/compete with the each other and the local authority. Clearly a situation such as this calls for intervention and far-reaching structural changes in the local economy.

If we confine ourselves for the moment to the values which motivate actual form policies, or are said to do so, we still have an instructive list before us. Instructive because of the evident division between strong and weak aims and because of many loose ends which suggest numerous directions for research, (Lynch,1981:56). The City Council of Nairobi is mandated by the Local Government Act to formulate by-laws and strategic plans in order to guide its operations.. The Council as the authority has to develop a physical framework for development within the city of Nairobi as a strategy to try and gain control and provide "proper" environments in certain areas. With theses by-laws and planning tools they seeks, over time, to "radically" transform the city's structure and form to make it more equitable, integrated and efficient by providing a frãamework to guide public and private

investments and decision-making. As the authority they represent a sincere attempt to move beyond planning and individual opinion into positions that can be defended in terms of a logical rationale for the public good. On another level, the ideas of the authority are a “logical rationale” which are open to questions.

Urban regeneration or intervention in the city requires, calm and measured commitment to sustain change. While many so called “successful” urban areas in the developed world, closely integrate qualities of life using theoretical analyses from all urban users and local authority. These theories must thus reabsorb the distance between the legalities of sociology and ethnological particularities. “In complex and heterogeneous settlements, planning could make it possible for people to sort themselves out by such preferences. Some area might be highly adaptable places where experimental forms and ways of life were applauded. Others might be traditional, fixed in form”, (Lynch 1981a:175).

The research has examined the strategic proposal of relocating the hawkers, what is striking is its naivete. This is because there was little engagement with there (hawker’s) economic, technological and social forces that are shaping the alleys and lanes where they are operating from or consumer practice. This strategy would have worked towards a general overview of equity, integration, sustainability of places within the city, with an aim of making, remaking and unmaking spaces through nodes, activity corridors.

Institutions like the City Council of Nairobi are meant to approve what is to be developed as “proper” through its Development Control department, Planning and other departments, are supposed to identify projects, programmes and services that they think are the most responsive to the needs of the urban people. However this is not the case.

In conclusion the development challenges emerging from the understanding of hawking within the CBD should establish an effective, participatory and flexible urban management policy which would achieve:

- security
- stability;
- economic growth;
- efficiency;
- quality of life;
- equity; and
- sustainability.

The first step is to reach agreement on what must be done and establish a strategy of how it must be done. From the information gathered from the interviews, one of the major issues that need to be addressed is the spatial aspect for each activity and who has control of what is “proper”. It has been suggested that the hawkers know what is “proper” or ideal spaces. One might begin to question this idea and wonder whether this tactic might not become the next strategy that will seek control, power, manipulate and intimidate the new hawkers joining the trade in future.

Also NCC should empower hawkers and address needs and priorities. Space and space utilisation through tactic and strategy allows one to analyze the area of study. The creation of the back lanes and alleys as a way of settling the hawkers claim for urban space as a strategy has not been effective and has resulted in a number of problems. There is need presently to try and intervene by upgrading under-utilized open public spaces and landscaping as well as establishing markets, improving spatial qualities and improving the internal and external connectivity of most of the lanes.

There has been heightened public awareness of the need for the Nairobi City Council to take decisive measures to improve conditions in the city. The requirement for a clearly formulated urban policy thus arises precisely because of the importance of ensuring an appropriate perspective for urban and regional development. In view of the economic crisis, declining agricultural productivity, and scarce capital investment and management resources, the city should strive for "affordable decentralization." In doing this, the following policy options should be considered: ensuring that

sufficient investment is made in Nairobi to maintain its overall contribution to national economic growth, but at the same time reducing the subsidies that encourage development of the city; emphasizing investment in other growth centres; and investing in the inter-urban transport and communications network, which is essential to link up the city with other urban centres of major economic potential (Van Huyck, 1988, p. 201). At the regional level, development should be encouraged in satellite centres to reduce unplanned sprawls and the migration of hawkers to Nairobi.

Within the city, efforts should be made to decentralize activities out of the CBD, to improve urban conditions at the city and neighbourhood levels, and to support economic activities. Reforms to financial and institutional structures and procedures will be needed to achieve these policy goals

### **7.1. Area For Further Research**

In light of the fact that this study has worked in developing broad guidelines and addressing issues holistically, it has left a gap in trying to zoom into specific areas which would have been good for a holistic understanding of the issue of space with regards to hawkers operating within the CBD. But as stated there are no guidelines available to guide, organize even allocate spaces for hawkers to trade within the CBD, yet NCC relocated hawkers to back lanes and alleys with a view of providing them with “proper” trading sites. The study has developed and formulated a framework that can be used to address these issues, underpinning critical issues and spatial recommendations as per the activities

The study can facilitate the formation of policy addressing hawking activities within the CBD, However, the study has laid the groundwork for further study in the same area and more so when it comes to spatially coordinating, organizing and facilitating hawking within the CBD. The researcher suggests that further research should be undertaken to try and focus on specific lanes and streets and begin to model ideal or proper

trading spaces and sites, organizing and allocating trading sites. From this study one can begin to develop models of certain lanes and streets that are suitable for hawking, after considering the findings and recommendations, thereby beginning to spatially define and address linkages interactions with other urban land use activities.

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**Appendix I**

**UNIVERSITY OF NAIROBI  
DEPARTMENT OF URBAN AND REGIONAL PLANNING  
FIELD SURVEY QUESTIONNAIRE 2003**

*Subject:* Claim To Urban Space. A Study of Hawkers (street vendors) within the CBD of Nairobi.

**HAWKERS (STREET VENDORS) QUESTIONNAIRE**

*Confidential:* The information provided under the survey shall be used for the study (Research) only and not for any other purpose.

**Section A: Background Information**

1. Physical location (street) ..... 2. Date.....
3. Type of business/ activity.....
4. When did you establish your business?.....
5. Age..... 6. Gender. Male..... / Female.....
7. Is your business full time? Yes...../ No.....
8. Do you own the business? Yes..... / No.....
9. How much do you earn per day(Ksh)?  
(A)Below100.....(B) 100-300.....(C) 300-500.....(D) above 500...
- 10 Where do you live (reside)? .....

**Section B: Information Relating To Informal Activities**

11. Why do you engage in hawking activities?  
A) Lack of formal employment... B). Wish for self-employment...  
C) Other reasons (state) .....
12. What was your previous occupation before starting present business activity?  
.....
13. Where do you get the goods / raw material you sell?  
a).....b).....
14. What's the cost of your purchase/ stock? .....
15. How are your goods/ material transported to the business site?.....
- 16 Are your goods transported with ease to the business site? Yes ... No...
17. What is the cost of transportation? .....
18. Do you have storage facilities? Yes.....No.....
- 18a. If yes (Question 18) where?.....
- 18b. If no (Question 18) where do you store your goods?.....
19. When do you experience the highest sales during the day...& week?...
20. Who are your main customers of your goods/ services?.....

**Section C: Information Related To Licensing / Permit**

21. Is your activity licensed or do you have a permit? Yes.. .....No.....
- 21a Explain Why if yes or no? (Question 21).....
- 21b. If Yes, (Question 21) what problems did you experience in obtaining business licenses/ permits? (Specify).....
22. Who or where did you obtain your license/ permit from?.....
23. How much was the license/ permit? .....
24. If No (Question 21) would you like to acquire a license/ permit?  
Yes.....No.....
25. Are there any conditions issued to you by the Local Authority with regard to licensing or permit? (specify) .....

26. What are the advantages of having a license/ permit? .....

**Section D: Information Related To Space And Location**

- 27. Which other place (street) have you operated in before locating here?...
- 28. What made you change to this present location?.....
- 29. How were you allocated the space?.....
- 30. How much space are you allocated? .....x...../ occupy?.....x.....
- 31. Is the space adequate? Yes ..... No .....
- 31a. If No, (Question 31) how much space do you require?.....x.....
- 32. Do you pay for the space?. Yes...../ No.....
- 32a. If Yes (Question32) How much do you pay for the space?.....Ksh
- 33. Given a choice, would you change your location? Yes.....No.....
- 34. If Yes, (Question 33) what alternative location would you prefer?.....
- 35. What are the advantages of moving to any of the alternative locations?.....
- 36. What should a good / ideal business site have or provide for your satisfactory operation?.....
  - (a) Existence of other informal activities.....(b) Proximity to residence....
  - (c) Availability of open space...(d) Formal activities (shopping Activities).
  - (e) Open space .....(f) Pedestrian movement areas.....
  - (g) Others factors (specify).....

**Section E: Information Relating To Planning**

- 37. What factors did you consider in moving to the present location?.....
- 38. What procedure did you follow before moving to this location?.....
- 39. Do the police and city council askaris harass you? Yes.....No.....
- 40. What is the main cause / reason for harassment by police and NCC askaris?.....
- 41. Do you think there was any planning or thought involved in the choosing of the sites for hawkers? Yes..... No..... 41a.explain your answer (Question 41).....
- 42. Who designated these sites for hawkers?
  - (a) Council (NCC ).... (b) hawkers.... (c) Others (Specify).....
- 43. What makes these sites suitable for these activities?.....
- 44. What formal activities exist in these areas?.....
- 44a. How does the operations of the formal activities (question 44) hinder or help the operations of the informal activities in the area? .....
- 45. How do the operations of other hawkers hinder or help the operation of your activity?.....
- 46. Which other general problems do you experience in your daily operations?(a).....(b).....(c).....
- 47. Which are the best possible solutions to these problems?
  - (a).....(b).....(c).....
- 48. What other improvements would you wish to be made in the operation of informal activities in future?.....
- 49. Comment on your working relationship with the local authority and suggest how it can be improved? .....

**Thank you**

**Appendix II**

**UNIVERSITY OF NAIROBI  
DEPARTMENT OF URBAN AND REGIONAL PLANNING**

**FIELD SURVEY QUESTIONNAIRE 2003**

*Subject: Claim To Urban Space, A Study Of Hawker (Street Vendors) Within The CBD Of Nairobi.*

**NCC OFFICERS QUESTIONNAIRE**

Physical Planners, Social Services And Housing At The Nairobi City Council and Physical planners at the Ministry

*Confidential:* The information provided under the survey shall be used for the study (Research) only and not for any other purpose.

**Section A: Background Information**

1. Name ..... 2. Date.....  
3. Duration at the present position.....

**Section B: Planning Initiatives**

4. Are there particular places specified for the hawkers to operate (Explain your answer and map the positions).....  
5. Are these area Ideal places for them to conduct their businesses (explain your answer).....  
6.. What locational and operational policies (rational) did you use in the relocation process? .....  
7. Have these rational been known to be ideal? (explain your answer).....  
8.. What conflicts exist in land use activities in the CBD? (now and before) .....  
9. How can those issues be addressed? .....  
10. Do the hawkers have licenses/ permits? Yes .....No.....  
11. Why do they have or not have licenses /permits?.....  
12. What infrastructures are in place to facilitate hawkers to conduct their activities in a conducive environment? .....  
13. do you intend to provide additional infrastructures and services to these areas? .....  
14. What are the limitations? (question 13) ?.....  
15. How much space is each hawker allocated?.....  
16..Is the space adequate? Yes ..... No .....  
16a. If No, (question 16) how much space do they require?.....  
17. Given an alternative, would you change their location? Yes....No.....  
17a. Explain (Question17) and give your desired location. .... 18. Do the police and city council askaris harass the informal traders? Yes.....No.....  
19. If yes, (Question18) Explain Why? .....  
20. Which of the following factors contribute to a desired location?  
(a) Existence of other hawkers..... (b) Proximity to residence .....  
(c) Availability of space ..... (d) Market forces (shopping Activities)  
(e) Open space ..... (f) Pedestrian movement areas.....  
(g) Others factors (specify) .....

21. What problems do hawkers experience in the day-to-day running of their activities and how can they be resolved?.....  
.....
22. Which problems do you foresee the hawkers experiencing in futures and how will these problems be tackled? .....  
.....
23. What are your comments with regards to hawking (street vending) within the CBD? .....

**Thank you**

**Appendix III**

**UNIVERSITY OF NAIROBI  
DEPARTMENT OF URBAN AND REGIONAL PLANNING**

**FIELD SURVEY QUESTIONNAIRE 2003**

*Subject: Claim To Urban Space. A Study Of Hawkers (Street Vendors) Within The CBD Of Nairobi*

**NCC OFFICERS QUESTIONNAIRE**

Business Licensing Officers, Inspectorate At The Nairobi City Council

Confidential: The information provided under the survey shall be used for the study (Research) only and not for any other purpose.

**Section A: Background Information**

1. Name.....2 Date.....  
3. Duration at the present position.....

**Section B: Planning Initiatives**

4. Are there particular places specified for hawkers to operate (Explain your answer and map the positions) .....
5. Are these area Ideal places for them to conduct their businesses? .....
6. What locational and operational considerations did you use in the relocation process? .....
7. Have these considerations been known to be ideal?.....
- 8.. What conflicts emerge when hawkers operate within the CBD? .....
9. Have these conflicts been resolved with the relocation of the hawkers to the alleys and lanes Yes.....No.....
- 9a. Explain your answer (question 9).....
10. Do hawkers have the capacity to resolve conflicts that arise due to their acquisition of spaces within the CBD? Yes.....No.....
- 10a. Explain your answer(question 10) .....

**Section C: Licensing/ Permit**

11. Are the hawkers operating in the CBD licensed / permit? Yes ...No...
- 12 Should hawkers operating within the CBD be licensed? Yes... No.....
- 12a. Explain your answer(question 12)? .....
13. What problems are experienced in licensing hawkers within the CBD? .....
14. What conditions should hawkers meet before obtaining license/ permit? .....
15. Were you involved in the relocation of the hawkers? Yes.....No.....
- 15a If No which department or who were involved in the relocation process? .....
- 15b. If yes to what extent were you involved?.....
16. Is the present location for hawkers ideal? Yes ..... No.....
- 16a. If No (question 16) explain.....



17. Given an alternative, would you change their location? Yes.....No.....
- 17a. Explain and give your desired location?.....
18. Which factors would contribute to a desired hawking location?  
.....
20. Do the police and city council askaris harass the hawkers? Yes..No...
- 20a If yes explain (question20) why? .....
21. What problems do the hawkers experience in the day-to-day running of their activities and how can they be resolved?.....
- .....
22. Which problems do you foresee the hawkers experiencing in futures and how will these problems be tackled? .....
23. do you feel hawkers can be integrated with other business activities successfully. Yes..... No.....
- 23a. Explain your answer (question23) .....
24. Do you feel the hawkers have the capacity to organize themselves and manage there operations? Yes.....No.....
- 24a Explain your answer (question24) .....
25. Have there been any complains about hawkers?.....
- 25a. What were the main issues (question 25) .....
- .....
26. Do hawkers have a legal right to urban space, protection of there activities in a safe environment? .....
- .....
27. Comment on your working relationship with hawkers and suggest how it can be improved?.....
- .....
28. What are your comments with regards to hawking within the CBD

**Thank you**

## Appendix IV

### EXTRACTS OF LOCAL GOVERNMENT ACT APPLICABLE TO STREET VENDING

#### Definitions- Section 2 of Local Government Act (Cap 265)

The Local Government Act (Cap 265) defines:

“**Building**” – including any construction in whatsoever manner constructed and any part of a building – kiosk.

“**Building Code**” – any structure moveable or fixed at whatsoever kind or any part thereof and includes drainage and excavation.

“**Control**” – includes; regulate, inspect, supervise and license.

“**Hawker**” – includes a person who whether a principal, agent or employee,

- a. For the purpose of carrying on trade by the sale or exchange of goods, ware, merchandise or refreshments, places himself in any street or public place or unenclosed land)other than in shop premises approved as such by a local authority) or goes about in streets or public places or from premises; or
- b. By any of the means aforesaid carries on trade by sale or exchange, or the offer or exposing for sale or exchange of any goods, ware, merchandise or refreshments, but does not include a person who seeks or takes orders for subsequent delivery or who delivers goods, ware, merchandise or refreshments to premises for the purpose of resale;

“**License**” – includes a permit

“**Premises**” – includes any land, building, room structure, tent , van, vehicle, stream, lane, dam, pool, drain or ditch (open or closed)whether public or private.

“**Public place**” – includes any road, street, thoroughfare, foot pavement, footpath, sidewalk lane, square, open space, garden park or enclosed space vested in a Local Authority under this Act.

“**Street Trading**” –includes the selling of newspapers, matches , flowers, food and drink and other articles, the distribution of handbills or other advertisements and shoes cleaning and any other like occupation carried out in any public place.

#### Power of Control

The Local Government Act (1978) provides the legislative basis for local governments in Kenya and defines their powers. The sections of Local Government Act that are used to regulate hawkers,

#### **Section 147 (b)**

To prohibit obstructions in or on public places and provide for the removal and sale of any such obstruction and for the disposal of any moneys derived from any such sale.

#### **Section 148**

Section 148 empowers Local Authorities to impose fees and charges which if not regulated by law may be imposed by resolution of the local authority with the consent of the Minister of Local Government. Pursuant to this provision, local authorities impose fees and charges on wide range of activities, trades, occupation premises and persons whom or which the local authorities are empowers to control or license.

#### **Section 161 (d)(ii)**

To control tea-rooms, cafes, restaurant, hotels, eating-houses, snack bars, bakehouses, butchers, shops, grocers shops and all factories and places where articles of food or drink are manufactures or prepared for sale or use or are stored or sold whether for consumption on or off the premises

- (a) to prohibit and control peddling hawking and street trading and to control peddlers, hawkers and street traders;
- (b) to control barbers and hairdressers, and barbers and hairdressers shops;

- (c) to control the trade, business occupation and the business premises, of dealers and second hand goods, including bottles sacks bones and tins.
- (f) To prohibit or control the carrying on of the work or trade of a knacker .....fish mongering, fish frying, charcoal burning or any other or trade of an offensive nature when such local authority may with the sanction of the minister declare to be offensive trade for the purpose of this paragraph.
- (ff) To prohibit, control and regulate such other trades, occupations and premises as the minister may from time to time by notice in the Gazette prescribe.

Pursuant to the above provision (sec 163ff) the minister for local government in 1969 Gazetted some 32 trades and occupations which local authorities are empowered to prohibit, control and regulate. Some of the trades and occupation so gazetted include shoe-shining, meat roasting and boiling, curio shops, car washing , trade premises etc.

### **LICENSING**

The Local Government Act Provides for elaborate licensing procedure which includes (at the discretion of the local authority) the summoning of an applicant for a license to appear before a sitting of the local authority or a committee therefore and giving evidence (on oath if required to do so) and producing books or documents in his possession or under the control as required by the summons (S.164). section 165 provides for powers of refusal of grant or renewal of licenses and cancellation of licenses and the grounds upon which local authority may refuse to grant, refuse renewal of or cancel a license.

### **Implementation /Enforcement Of Powers Of Control.**

**Section 259** provides for powers of arrest without a warrant by any police officer or any officer of a local authority of who at the time is in uniform and is authorized by the local authority of any person who commits any offence under the Act and may detain such a person.

**Section 265** gives local authority officers powers of entry into any premises at all reasonable hour for purposes of the performance of their functions under the local Government Act or any of the respective local authorities by-laws.

**Section 266** provides for penalties for willfully obstructing any officer of a local authority in the execution of their duties.

**Section 257** provides for general penalties (if not specifically provided for) for every offence committed under the Act the same being a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding two months or both.

### **The Building Code**

The local government (Adoptive by-laws) (Building) under 1968 and the local government (adoptive by-laws) Grade II Building) order 1968. The building code provides for standards for buildings and approval requirements for building plans. It also prohibits the construction of illegal (unauthorized) structures and actions to be taken on those who contravene the provisions of building code and what is done to the illegal structures. The Building code covers the construction of kiosks and other small premises used by small-scale operators. A building in the code is defined as “ any structure moveable or fixed of whatsoever kind or any part thereof .....

### **By-Laws**

Section 201 empowers local authorities to make by-laws inter alia for purposes of;

- (a) controlling any of the things it is empowered by or under the Act to do, establish, maintain or carry on.

- (b) Controlling or regulating any of the things which any of the persons whom, it is empowered by or under this Act to control or regulate.
- (c) Prohibiting or preventing by prohibition, any of the things which it is empowered by or under this Act to prohibit.

The Local Government Act applies to all local authorities, the by-laws made by the various local authorities pursuant to section 201 above differ and depend on the particular circumstances, needs, size, etc. Of the respective local authority.

## Appendix V

### **CITY COUNCIL OF NAIROBI BY-LAWS**

In exercises of the powers conferred by regulation 201 of Local Government Regulations 1963, the City Council of Nairobi hereby make the following By-laws:-

#### **The City Of Nairobi (Hawkers) by law 1963**

1. These by-laws may be cited as the City Of Nairobi (Hawkers) By-Laws, 1963.
2. In these By-laws,
  - “**City**” means the City of Nairobi
  - “**Council**” means the City Council of Nairobi;
  - “**Hawk**” means, whether as principal, agent or employee-
    - a) For the purpose of carrying on trade by sale or exchange of goods, ware, merchandise or refreshment; to place oneself in any street or public place or unenclosed land (other than in a shop premises approved as such by the council); or to go about in streets or public places or from premises to premises; or
    - b) By any of the means aforesaid to carry on trade by sale or exchange, or the offer or exposing for sale or exchange of any goods, ware, merchandise or refreshment, but does not include the seeking or taking of orders for subsequent delivery, or the delivery of goods, ware, merchandise or refreshment to premises for the purpose of resale;
  - “**License**” means a license issued under these by-law;
  - “**Town Clerk**” means the person for the time being holding the office of Town clerk of Nairobi and any person authorized in writing by him for the purpose of these by-laws.
- 3 Any person who:-
  - (a). Hawks in the city without a valid license, or
  - (b). Being the holder of a license hawkers in the city otherwise than in accordance with the terms and conditions thereof;shall be guilty of an offence.
4. Every application for a license shall be made to the Town Clerk on a form issued by him for that purpose, and the applicant shall furnish the Town Clerk with particulars of his place of adobe and of the commodity, and the places at which he intends to engage in hawking.
5. (1) the council may in its discretion upon payment to the Town Clerk of the appropriate fee therefore prescribe in the Schedule to these By-laws, issue under the hand of the Town Clerk a license permitting the person named therein to engage in hawking subject to such terms and conditions, if any as may be specified in the license.
  - (2) Without prejudice to generality of paragraph
    - i. of this by-law, a license may be restricted to a particular area or place and may be issued in respect of specified goods, wares, merchandise and refreshments.
    - (3) There shall be issued with each license a badge relating thereto.
6. (1) Every person required by these by-laws to hold a license shall, whilst engaged in hawking, carry the license with him and produce it on demand to a police officer, city inspector or councils askari in uniform, or to a duly authorized licensing officer of the council, and shall wear in a conspicuous place the badge relating to his license.
  - (2) Any such officer, inspector or askari may inspect any article which he has reasonable cause to believe is being used for the purpose of hawking.
  - (3) any person who obstructs , hinders or otherwise interferes with any such officer, inspector or askari in the execution of his duties under this by-law,

or who fails to comply with any of the provisions of this by-law shall be guilty of an offence.

7. The council may in its discretion upon payment to the Town Clerk of the appropriate fee therefore prescribe in the Schedule to these By-laws, issue under the hand of the Clerk a license permitting the person named therein to be employed by, or to assist a person licensed under by-law 5 of these by laws who:-

(a) hawks refreshments; or

(b) is disabled by reason of the loss of a limb:

*Provided that*

(i) not more than one license shall be issued under this by-law in respect of each license issued under by-law 5 of these by-laws, and

(ii) Where a license is issued under this by-law the relevant license issued under by-law 5 of these By-laws shall be endorsed with the words "one assistant's license issued".

8. Any license holder, without written consent of the Town Clerk transfers his license or any badge issued relating thereto, to any other person shall be guilty of an offence.

9. Any person who is guilty of an offence these By-laws shall be liable to a fine not exceeding one thousand shillings.

10. the City of Nairobi (Hawkers) By-laws 1962, LN.420/1962 are invoked:-

*Provided that:-*

Every license issued or purported to have been validly issued under Legal Notice No 420 of 1962 shall for the period of its issue be deemed to be a license validly issued under these By-laws.

## **Appendix VI**

### **ELABORATION OF CITY COUNCIL OF NAIROBI BY-LAWS BY ADUMA (1990)**

#### **The City Of Nairobi (Hawkers) By-Law 1963.**

The by-law reproduces the definition of a “hawker” as provided in the Local Government Act and as already explained (*note- of all the informal sector operators, it is only the hawker who has been specifically defined in the Local Government Act*). The Act provides for the licensing of one to operate as a hawker (as defined by the Local Government Act) with details required in the application for a license and some of the conditions subject to which a license may be issued.

#### **The City Of Nairobi (General Nuisance) By-law 1961 LN275/1961**

The bylaw is in many respects interrelated to the Hawkers by-law in that it creates the offence of willful obstruction on the streets. It therefore, follows that even if a hawker has obtained a license and displays his wares in such a manner as to cause obstruction on a street(which is defined to include road reserves or any open space to which the public has access) he will still find himself breaking the law and run the risk of being removed their and having his item impounded.

#### **The City Council of Nairobi (Shoe Shine ) by-law**

The by-law regulates the operation of shoe shines and apart from providing for being licensed to a license fee of Ksh 50.00 requires that there must be a distance of not less than 50 metres from one shoe shiner to the next and they must not operate outside banks.

#### **The City Of Nairobi ( Control OF Hamali Carts And Hand Carts In Public Streets) By –laws 1966**

These by-laws provide for the prohibition of the use of Hamali carts or hand carts ( Mkokoteni) on any public street to facilitates easy passage of traffic. The user of the said carts do not need to be licensed under by-law but since they are essentially hawkers they should be licensed under the hawkers by-law and would also be affected by General Nuisance by-laws on obstruction.

#### **The City Of Nairobi (Green Grocers/ Grocers) By-law**


These by-laws cater for operations of green grocers and grocers shops. Like in the above by-laws they provide for obtaining a license and control by medical officer of health.

#### **The City Of Nairobi licensing procedure.**

- a) An applicant goes to county hall- inspectorate department and obtains an invoice for the application fee
- b) Pays the said fee at eh banking hall- city hall
- c) Takes the receipt back to city hall and is given an application form
- d) Completes the form and returns the same to county hall
- e) If application is for a license when there is no requirement for a structure or construction, it is approved/ rejected by the department
- f) If there is a requirement for a structure / construction the application is forwarded to the city planning and architecture department and public health for approval of sitting and suitability of the kind of trade in the area applied for.
- g) The form is returned to inspectorate department with appropriate comets from the above departments.
- h) After compliance with the requirements a license is issued with the accompanying conditions.

Appendix VII

**NAIROBI CENTRAL BUSINESS DISTRICT STREET VENDOR'S PERMIT.**

  
The City Council of Nairobi

Serial No. 002395


**NAIROBI CENTRAL BUSINESS DISTRICT  
STREET VENDOR'S PERMIT**

Name: \_\_\_\_\_ ID No. \_\_\_\_\_

Business/Type: \_\_\_\_\_

Street: \_\_\_\_\_

Valid Up To: \_\_\_\_\_

Authorized Signature  


**STRICTLY NOT TRANSFERABLE**  
*For Rules and Regulations see overleaf*

*DEPUTY DIRECTOR  
SOCIAL SERVICES AND HOUSEHOLD DEPT.*

See next page for the rule and regulation behind the permit

LIBRARY  
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NAIROBI

UNIVERSITY  
ADD

NAIROBI



## Appendix VII

### **NAIROBI CENTRAL BUSINESS DISTRICT STREET VENDOR'S PERMIT.**

The rules and regulation are:

1. It shall be kept by the vendor who shall produce it on demand for inspection. It is not transferable
2. Each authorized vendor shall wear a name's badge which shall be clearly visible to the council officers on duty.
3. Hours of business shall be from 4.00p.m to 9.00pm on weekdays and from 2.00pm to 7.00pm on Saturday and Sunday (weekends)
4. Each authorized vendor shall pay Ksh 130.00 for the registration and issuance of a permit.
5. Each authorized vendor shall be paying in advance either daily fee of Ksh 30.00 or a weekly fee of Ksh 200.00
6. The Daily or Weekly payments receipt shall be produced to the council officers during inspection.
7. No structures shall be allowed on the designated business areas. Vendors shall confine themselves within the spaces shown in each street/ lane.
8. Vendors shall not claim ownership of the business spaces
9. Business spaces are not transferable. Vendors shall not be allowed to sublet.
10. Touting or shouting shall not be allowed within the designated area. Playing of loud music shall not be allowed also.
11. Complaints and inquiries shall be referred to the department of social services and housing.
12. Vendors shall cooperate in maintaining security in their business area.
13. Violation of these conditions shall lead to automatic withdrawal of the permit and possible prosecution in accordance with the rule of law
14. The council shall maintain the business areas in good conditions. E.g. install security lights, repair roads, demarcate spaces for the vendors and maintain law and order
15. You shall ensure you renew the permit before the expiry date shown overleaf. It shall be illegal to continue with business without a permit. Anyone doing so shall face prosecution
16. Declaration... I..... ID No ..... P.O. Box.....do hereby accept to abide by these rules and regulations. Sign ..... Date.....