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**WOMEN STREET VENDORS IN KENYA:
POLICIES, REGULATIONS AND
ORGANISATIONAL CAPACITY**

RESEARCH PROPOSAL

by

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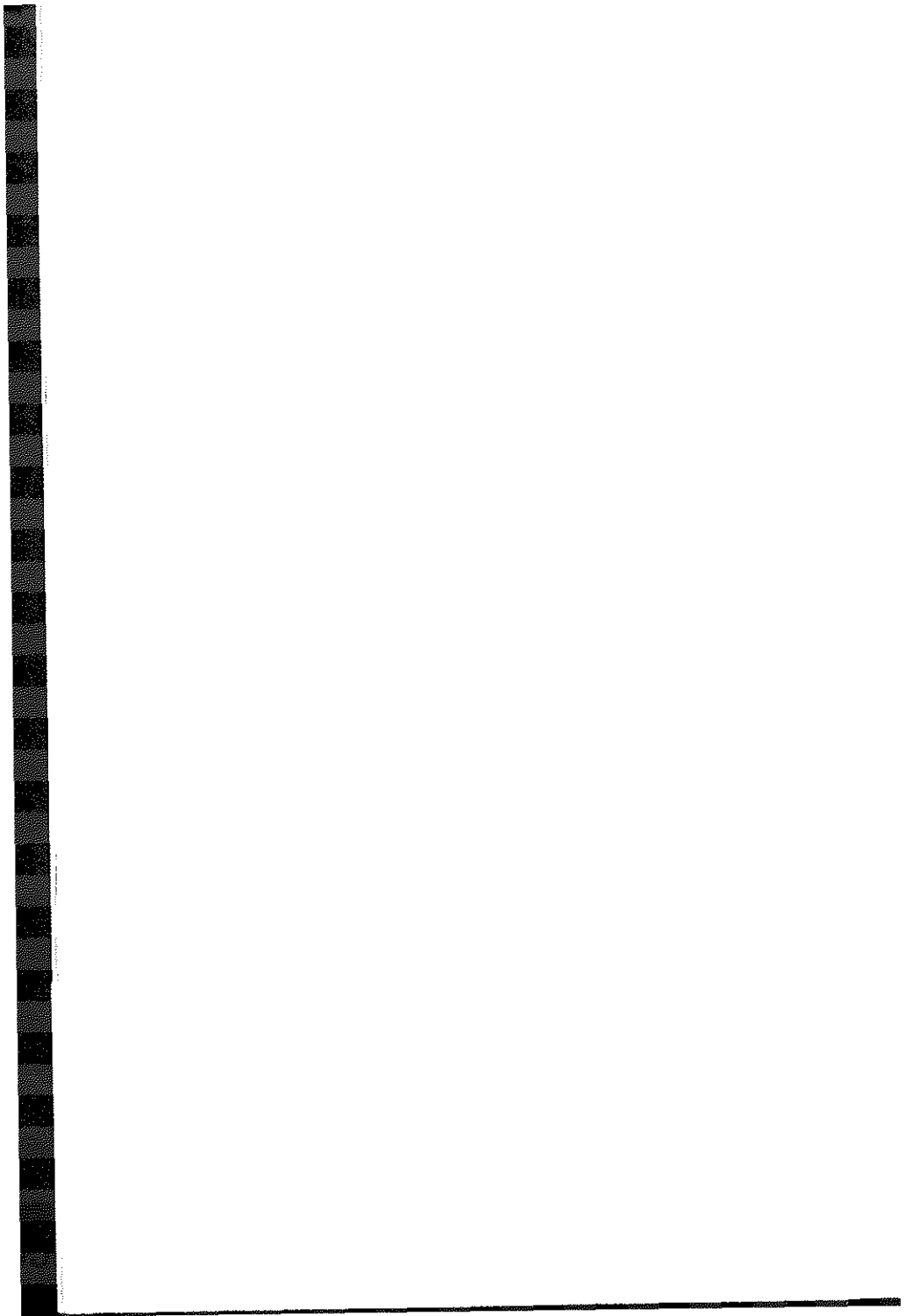
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INTRODUCTION

Street vending provides employment and income to a large percentage of women. In Kenya, many studies (ILO 1972; Mbugua 1977; N'gethe and Ndua 1984; McCormick 1988; Mitullah 1990; Onstad 1990; Parker and Torres 1994; Kinyanjui 1996; Robertson 1997; Graham et al 1998) have focused on Small and Micro Economic Activities (SMEA) in general, while others have looked at street vending (Mbugua 1977; Mitullah 1990; Onstad 1990; Robertson 1998, Graham et al 1998). The latter studies largely emphasise the socio-economic characteristics of street vending and the harassment which the vendors face.

The studies on street vending hardly lay emphasis on policies, regulations and organisational capacity of street vendors. They also do not provide numbers or estimates of street vendors, a task which is important for policy making, planning and administration. In order to address these gaps, this study intends to carry out a survey on Women Street Vendors (WSV) in four sample towns, document and analyse policies and regulations applied on street vendors and their appropriateness, examine how WSV respond to the policies and regulations, find out the reasons why WSV have remained apolitical in spite of harassment and negative policy and regulatory environment

by assessing the nature of their organisations and their relationship with Central Government, urban authorities and other stakeholders¹.

This proposal owes its conceptualisation to Women in Informal Employment: Globalising and Organising (WEIGO) initiative. Women employment project initiated and funded by SEWA, UNIFEM & HIID. This project's objective of focusing on policies, regulations and organisational capacity of women in informal employment is therefore in conformity with the goals of WEIGO. Already a study is on-going in South Africa under the same theme and the IDS team intends to collaborate and share information on approaches of addressing the issues with the South African team.

A baseline survey of Kenya WSV covering four towns had been conducted under the WEIGO initiative with the support of British Department for International Development (DFID). The dissemination of the baseline survey brought most stakeholders together and a number of issues planned for investigation in this study came out from both the study and the workshop. In undertaking this

Stakeholders in street vending, include the vendors themselves, relevant Central Government ministries and Departments, urban authorities, NGOs, CBOs and private sector organisations providing business development and other services relevant for street vending.

research, IDS will collaborate with a number of stakeholders, including DFID, Gender Sensitive Initiatives, Kenya Women Workers Organisation and Kenya Street Traders Society.

The proposal is organised into 9 sections, beginning with background information: an overview of SMEA, SMEA in Kenya, Street vending in Kenya, women street vendors in Kenya and justification of the study. The second section presents the objectives of the study, whereas section three outlines the methodology, including planned activities, data collection, sampling and analysis. Section four, five, six, seven, eight and nine outlines users and beneficiaries, institution and personnel, outputs, reporting and evaluation, timetable and budget respectively.

1.0 BACKGROUND

1.1 Overview of SMEA

Small and Micro Enterprise Economic Activities (SMEA²) have become accepted in most developing countries as the main thrust for economic development initiatives. Small enterprises operating outside the mainstream economic sector (informal sector) are currently viewed as an effective and major way of fostering the private sector's contribution to both growth and equity objectives of developing countries (Alila 1995). Although the sector is a source of employment and income for a large majority, the sector faces a number of problems, notably: shortage of working capital, lack of market and restrictive regulatory environment that result in pervasive harassment by public authorities.

ILO estimates show that SMEA account for 59 per cent of Sub-Saharan Africa's urban labour force (Ondiege 1995). Street vending falls among the SMEA, which is estimated to provide between 30 - 40 per cent of urban employment (WEIGO 1997). It provides

SMEA are defined on the basis of size of units: 1 - 10 micro; 11 - 50 small. Most women are found in enterprises which are largely sole proprietorships or having employees and/or assistants ranging from 1 - 3

employment and income to a large majority of the poor and has become a global phenomenon as economic pressures continue to hit most developing countries. The street vendors therefore represent a significant share of the urban entrepreneurs and labour force.

Women form a major component of those operating within the non mainstream economic sector. For decades women in Africa have been associated with agriculture. However, it has been observed in recent years that although women continue to operate within the agricultural and fisheries sectors, they are also increasingly becoming involved in micro, small and medium enterprises (World Bank 1989; Downing 1990). Majority of women in Africa, Asia and Latin America have entered the labour force through SMEA due to its flexibility and the comparative ease of entry as against limited access to other larger enterprises and more formal employment opportunities (Downing 1990).

SMEA are generally viewed as marginal in comparison to activities within the formal sector of the economy. However, even within the periphery of the non mainstream economy, women are further marginalised and reduced to engage in activities which are comparatively less lucrative. These include: sale of foods, vegetables, fruits, grains, dress making, knitting and embroidery, sale of clothes and hair care products among others. These areas fall within the

conventionally accepted 'female activities' - concepts linked to the conventional belief that women belong to the household or private domain, while the men belong to the public domain (Mitullah 1997; Omari 1995). Activities located out of the household such as building, carpentry and mechanical repairs where profits are higher seem to be viewed as 'male activities' and are largely reserved for the male gender (McCormick and Mitullah 1995).

It has been observed that street vending is one of the most easy to access non mainstream economic (WEIGO 1997) activities, but the terms and conditions under which the vendors work are generally harsh. They operate on open grounds without any shelter, have limited access to credit, have no storage facilities and are poorly organised with hardly any access to policy makers, planners and administrators who instead harass them (Graham et al 1998). Whereas information on business operation exists, only scanty data exist on their legal status, the level and nature of their organisations and their relationship with public authorities and other development agencies (WEIGO 1997).

1.2 SMEA in Kenya

Kenya produces nearly 500,000 people for the labour market annually. On average, the modern and small farm sectors are expected

to accommodate 240,000 new workers annually, while the SMEA create jobs for the remaining proportion. Activities in the area are estimated to account for 12 - 14 per cent of the GDP in form of returns to entrepreneurs and employees (Daniels and Mead 1995). National projections show that between 1990 and the year 2010, employment in the sector will increase as follows: 439,000, 870,000, 1,321,000 and 2,366,000 for the years 1990, 1996, 2000 and 2010 respectively with a growth rate of 20.9 per cent. However, this increase will only create 1,496,000 employment opportunities (Kenya 1996).

It has been noted that although SMEA are rapidly growing, their contribution to employment is limited by the high rate of closures and low numbers of jobs created per unit. They are also constrained by limited demand for SMEA products, which is partly as a result of lack of entrepreneurs' market information. Additionally, some SMEA operators prefer jobs for which they already have the skills even if such jobs are oversupplied (Parker and Torres 1994; Kayesi 1998).

Kenya has been proclaiming official support for SMEA since 1986 (Kenya 1986), but street vending seems not to have been included in this. A number of changes have been occurring and in 1992 a major policy initiative was undertaken through Sessional Paper No. 2 of 1992 on Small Scale and *Jua Kali* Enterprises (SSJKE) (Kenya 1992).

In the paper the government observes that women face a number of problems in their operations, including low education attainment, lack of property for securing loans and negative attitude of financial institutions (Kenya 1992). In the Kenya Government country position paper to the World Social Summit, the government notes that it 'will ensure that the general enabling environment extends to women entrepreneurs in the SMEA, especially in handicrafts, petty trading and hawking (Kenya 1995)

Women constitute 46 per cent of the enterprises and 40 per cent of the employees of the SMEA in Kenya (Parker and Torres 1994). These are rough estimates since good record keeping of the numbers and activities of the SMEA does not exist, different researchers rely on different figures as bases of estimation. However, what is clear is that the SMEA provide a higher percentage of both employment and income for women than the formal sector (Ngethe and Ndua 1984; Mitullah 1991; Tomecko and Aleke-Dondo 1993; Syagga and Malombe 1995), and that majority of the poor, especially women, depend on the sector (Graham et al 1998).

1.3 Street Vending in Kenya

In Kenya, most street vendors operate under a restrictive environment. Apart from lack of capital, and stable site of operation, the vendors

are subjected to serious harassment, especially from urban authorities. The situation is worse for the 9.5 per cent of women who operate with children on their backs, laps and side (Graham et al 1998). Like other street vendors, women work under harsh terms and conditions and are largely blamed for making the urban centres untidy and operating in unauthorised sites (Mbugua 1977; Muiruri 1997) or locations since they hardly have premises.

Most urban authorities issue very few valid vending licenses and generally have a negative attitude towards street vending. The latter has contributed partly to their inability to come up with appropriate responsive policies and regulations able to address the problems of vendors.

The regulatory framework is closely related to performance and growth of the sector. Majority of vendors contend that they are exposed to unnecessary harassment by authorities. They are moved from one location to another and their goods are confiscated on the grounds that they are operating in the wrong place or they do not have a license. At times, they are beaten, fined and imprisoned, although the common norm is to bribe the petty, poorly paid urban enforcement officers who often are seeking bribes rather than genuinely enforcing regulations (Graham et al 1998).

Street vendors largely belong to non formal associations which provide support in the areas of welfare, savings and credit. The organisations are not legal entities and cannot sue or be sued. Although the organisations are good forms of social capital, they cannot transact any binding legal formal deals (Graham et al 1998). Most of the associations are apolitical and do not engage in advocacy and organisational activities. On rare occasions when there is extreme harassment, self appointed individuals might confront the local authorities on the vendors' behalf.

The lack of formal organisation of street vendors has been exploited by the authorities. Vendors are harassed and their goods confiscated or destroyed with hardly any compensation. This study will investigate the operations of women street vendors (WSV) organisations, their level of organisation, form, constraints and how they relate with other stakeholders, especially urban authorities.

Street vending can be examined at three levels: Business Operation, Regulatory issues, and Level of Self Organisation and Response to Issues which affect street vendors. However, adequate and factual information on street vending has been lacking in Kenya and policy and organisational responses are not based on researched knowledge but rather on newspaper articles and the largely negative positions of urban authorities.

The knowledge most people have of street vending, including urban authorities is its role in availing merchandise to consumers, albeit in a disorganised manner, the illegal sites of operation and persistent friction and fights with urban authorities. The negative attitude has often exposed vendors to harassment and intimidation. The latter relates at time to illegal activities which the central government and urban authorities should address instead of heaping unfounded blame on street vendors.

1.3.1 Women Street Vendors in Kenya

Among street vendors, women have been noted to be more disadvantaged than their male counter-parts. Women's businesses start small, grow slowly and end up smaller than men's (Parker and Torres 1994; McCormick and Mitullah 1995). Women earn less income in their economic activities, in comparison to men, even in cases where they are in the same commercial activities as men.

A number of reasons have been used in explaining women's poor economic performance. They include women's limited access to resources (capital, information and skills), mobility (Graham 1994), ownership of more productive assets compared to men (Obbo 1980),

economic associational life and sex stereotyping of occupations and lack of training opportunities. These factors apparently limit women's choices by blocking their entry into more viable economic activities (McCormick and Mitullah 1995).

A recent baseline survey of Women Street Vendors (WSV) in Kenya which interviewed street vendors, held Focus Group Discussions (FGDs) and key informant interviews; showed that the performance of businesses run by women is generally poorer compared to those of men. This was explained by the fact that men trade in more than one commodity, while women have limited commodities and also work less hours. They have to attend to other domestic chores, including taking care of children. This demands that they close their businesses early enough, with others closing during lunch hour in order to attend to children and other household chores. On the other hand, men open their businesses early and continue trading throughout the day. In cases where women trade throughout the day they have to make alternative arrangements (Graham et al 1998), which are often costly in terms of finance and the risks involved.

The study found out that WSV face constraints in a number of areas including credit, site of operation, storage, organisation and policies and regulations aimed at managing their operations. The study extensively covered the areas relating to business operation and only

partially gathered information on organisational capacity of WSV and their responsiveness to policies and other issues.

Apart from getting information on whether there were vendors associations, and documenting the policies and regulations applied by urban authorities in regulating WSV; the study did not search and probe the nature of WSV organisations, how they relate with urban authorities and other stakeholders and how they perceive and deal with the policy and regulatory environment within which they operate. This study will investigate these aspects.

1.4 Justification

A number of economic changes have pushed the Kenya Government to acknowledge the importance of SMEA since 1986 (Kenya 1986). Although a number of programmes have been designed to support SMEA, the government has tended to focus on manufacturing enterprises such as metal and wood-works. Other sub-sectors have partially been included with street vending getting the least consideration.

Studies have noted the many problems faced by those operating within the informal sector, including street vendors. Whereas such

studies have suggested interventions, especially in the areas of credit and training, street vendors have been noted to face a number of problems, especially harassment but explanation as to why street vendors have failed to address political problems such as harassment and negative policy and regulatory environment has not been investigated.

Vendors in Kenya, especially women are largely organised in small Revolving and Saving Credit Associations (ROSCAs) which provide minimal funds and also act as insurance during emergency and hardship period. They are the most widespread form of women street vendors organisations but are limited in their function to savings, credit and welfare. The organisations are generally weak and have not addressed issues such as harassment and recognition of street vending activities. In summary, this study is necessary because adequate information on WSV is lacking, there are no statistics on numbers of street vendors nor clear policies on their modes of operation. Information is also lacking on WSV organisational capacity and how they respond to policies and regulations relating to their operations. There is therefore need to provide adequate information for street vendors themselves, policy makers, planners, administrators and other stakeholders.

2.0 OBJECTIVES

2.1 General Objectives

The overall objective of this study is to generate information and document the level of organisation of WSV, policies and regulations affecting their operations and how they respond to such policies, interact among themselves and with policy makers, planners, administrators and other stakeholders.

2.2 Specific objectives

- 2.2.1 Conduct a survey of WSV and analyse the level of organization amongst them in order to provide the WSVs with a baseline on the status of organization across the various towns ;
- 2.2.2 Document and analyse the policies and regulations currently applied and proposed to WSV , their appropriateness to the situation of WSV, investigate how WSV have addressed the constraints of the regulatory framework and provide feedback to deregulation work currently underway;
- 2.2.3 Work with NGOs and WSV in identifying the information

needs of WSV and develop accessible reading and visual materials for use by NGOs, policy makers and WSV.

2.2.4 *Facilitate information exchange and policy fora for WSV, urban authorities, NGOs and other stakeholders*

2.2.5 Facilitate an NGO ,Kenya Women Workers Organisation, to link up with WEIGO and support follow-up on women street vendors.

3. METHODOLOGY

3.1 Study Population

Areas to be covered in the survey will include, four urban centres covered in the recently concluded MATRIX study (Graham et al 1998). In total, four urban centres will be surveyed: Nairobi, Kisumu, Migori and Machakos. The centres are stratified to reflect large (Nairobi and Kisumu), medium (Machakos) and small (Migori) urban centres. These towns have different approaches to regulations. Migori and Machakos are both more effective in enforcement but also relatively more understanding of street vending plight. Nairobi, the capital city is the least tolerant of WSV and conflict is more intense (Graham et al 1998).

Within the urban centres sampled, discussions will be held with officers who deal with street vendors in the areas of policy, planning, enforcement, health requirement and general management - this will include mainly officials in Local and Central Government. Discussions will also be held with other organisations (NGOs and CBOs) who work with street vendors in organising their operations.

FGDs will be held with members of street vendors associations, including members of Rotating Saving and Credit Associations (ROSCA). Deliberate effort will be made to identify and interview women members of associations in cases of mixed group associations. These will be backed up with individual interviews of office bearers and members of street vendors associations and/or ROSCA.

The following specific activities will be undertaken to achieve the objectives of this study:

3.2 Activities

Objective 2.2.1: Conduct a survey of WSV and analyse the level of organization amongst them in order to provide the

WSVs with a baseline on the status of organization across the various towns ;

(a) Consult with WEIGO/IDRC and design an appropriate methodology for conducting the survey.

(b) The socio-economic analysis of WSV situation will be done using secondary data from the MATRIX (1998) and other studies.

Take an inventory of existing associations in the four towns

Examine the nature and extent of participation of WSV in vendors organisations by focusing on:

- legal status of the associations, and forms of governance,
- links with urban authorities, governments, NGOs, CBOs and other stakeholders.
- *nature and extent of participation of women.*

Objective 2.2.2: Document and analyse the policies and regulations currently applied and proposed to WSV , their

appropriateness to the situation of WSV, investigate how WSV have addressed the constraints of the regulatory framework and provide feedback to deregulation work currently underway;

(a) Visit four urban authorities in order to discuss and collect information on existing policies and regulations which govern street vending and how they apply to WSV.

- assess the extent of knowledge on the part of WSV regarding regulatory measures that apply to their business operations and how they cope with them.
- Establish the willingness and capability for the inclusion of street vending activities into urban planning of Local Authorities(LAs)and capability to consider or even integrate street vendors, especially women into their overall planning and management.
- Document and assess communication channels used by both WSV, urban authorities and other stakeholders.

b) Consult with other stakeholders (NGOs & CBOs) operating within the local areas covered in order to find out how they relate with WSV.

c) Undertake a survey of WSV and their associations and document

how they perceive and respond to the policy and regulatory framework.

Objective 2.2.3: Work with NGOs and WSV in identifying the information needs of WSV and develop accessible reading and visual materials for use by NGOs, policy makers and WSV.

Work with the Kenya Women Workers Organization and Kituo cha Sheria (a legal advocacy organization) in developing and disseminating the relevant materials

Objective 2.2.4: Facilitate information exchange and policy fora for WSV, urban authorities, NGOs and other stakeholders.

- This activity will provide a forum for information exchange and contact setting among stakeholders. It will take place at two levels: Local Authority and National level. In each of the four urban centres there will be a forum bringing all the stakeholders together in order to share research findings on WSV. And the the national forum will bring all the urban centres covered in survey in one national forum. The forum will include: policy makers from relevant line ministries,

local authority chief officers, representatives of street vendors and other stakeholders as well as resource persons from countries (tentatively South Africa) which have experiences on organisation of street vending and other local NGOs working with women.

Objective 2.2.5: Facilitate an NGO [Kenya Women Workers Organisation] to link up with WEI GO and support follow-up on women street vendors.

- This activity will be taken by an organisation with experience on working with women. It is expected to involve developing materials, organise exchange visits among the four towns with 2 representatives from each sector in each town. This process will facilitate meetings and sharing information among WSV in each of the towns.

3.3 Data Collection and sampling

The study will be organised into two phases. The first exploratory phase will involve discussions with various stakeholders and will be aimed at clarifying, prioritising and getting additional research issues

which may be important to stakeholders. This will be coupled with literature review and exploratory investigation using key informants and FGDs. This process will further clarify research issues and shape issues to be raised in questionnaires during the second phase.

The second phase will use information from phase one for developing a standard questionnaire for quantitative analysis of WSV's level of organisation, awareness of policies and regulations, communication channels with other stakeholders and constraints to this process. The products of both phase 1 and 2 will be reported to various stakeholders using various means in the planned dissemination local and national workshops.

In both phase 1 and 2, the research will rely on both secondary and primary sources of information. The aforementioned recently concluded MATRIX study on street vending will be a key secondary source. This will be backed up with other secondary sources, including scholarly works, evaluation of SMEA and publications and policy papers from Government Ministries and Departments dealing with SMEA.

Primary data will be collected from WSV, Vendors Associations, LAs, Government Ministries, NGOs and CBOs working with street vendors. The main instruments of survey will be issue based

checklists and themes addressed to Focus Groups, key informants, panel discussions, workshops and semi-structured questionnaires addressed to street vending associations and/or ROSCA.

FGDs will be directed to WSV associations and/or Rotating Savings and Credit Associations (ROSCA). They will be used

for investigating issues relating to WSV's organisation as highlighted in objective 2.2.2.

The FGDs will be composed of between 8 - 12 members of Street Vendors Associations (where they exist) and/or ROSCA. In each urban centre covered a total of four sectoral FGDs will be conducted. The four sectors will include; vegetables and fruit vending; new and second hand cloth vending; cooked food, soft drinks and snack vending and others (electrical equipment, stationary, hardware etc). In cases of mixed associations and ROSCAs a deliberate attempt will be made to ensure that half of the FGD participants are women. Both officials and ordinary members of associations/ROSCAs will participate in the FGDs.

Issues to be raised and discussed in the FGDs will include: nature and form of existing associations, membership, forms of governance,

objectives and activities of association(s), links with other organisations and discussions on policies and regulations relating to street vending.

In addition to FGDs, questionnaires will be used for collecting information from organisations of street vendors. In total of 240 questionnaires will be administered to a total of 80 WSV's organisations stratified in the four towns as per the four sectors of focus. A total of 60 respondents drawn from 20 associations and stratified across four sectors will be interviewed in each of the four towns.

Panel discussions will be directed to chief officers of the urban authorities, whereas key informant interviews will cover officers within the urban authorities and other members of the public conversant with research issues being investigated.

3.4 Data Analysis

Data analysis will be based on content analysis and SPSS. PS statistics package. Content analysis will be used for analysing information gathered through FGDs, key informants, panel discussions and workshops; while the SPSS.PS statistics package will be used for analysing information gathered through questionnaires

addressed to members and officials of Women Street Vendors associations and/or ROSCA.

4. USERS AND BENEFICIARIES

This study intends to take a collaborative approach with a number of organisations working with women. Already initiatives have been made with Gender Sensitive Initiatives (GSI) and some street vendors organisations operating in four towns. GSI specialises in organising communities using Participatory Evaluation Process (PEP) aimed at enhancing participation in development. Consultations are also being made with Kenya Women Workers Organisation, Kenya Street Traders Society and Kituo cha Sheria.

The research will mainly benefit street vendors, policy makers, planners and administrators who have been dealing with each other in a suspicious manner. The planned local and national fora for stakeholders, especially WSV is expected to empower women vendors in their organisation and relationship with authorities. It will also provide information and a forum for concerned authorities and stakeholders to relate amicably with street vendors with a view to integrating them in planning and managing their activities.

Outputs of this study will be used by urban authorities, Central

Government Ministries, Non Governmental Organisations (NGOs) working with women in the areas of credit, training and management; Community Based Organisations (CBOs), ROSCA operated by vendors as well as researchers and scholars.

5. Outputs

This project will have a total of 5 outputs.

- Output 1: Report on survey of women street vendors and an analysis of socio-economic status of women street vendors based on secondary information.
- Output 2: Report on 'Overview of policies and regulations governing WSV in the four urban centres'.
- Output 3: Report on 'A survey of Women Street Vendor's Organisations in the four urban centres'.
- Output 4: Recommendations for urban policy change on street vending in form of summarised policy briefs and the output of the policy dialogue workshops.

- Output 5: Information brochures with pictures and cartoons relating to the above reports for women street vendors
- Output 6: Final Report: Women Street Vendors in Kenya: Policies, Regulations and Organisational Capacity.

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