

**SPATIAL AND INSTITUTIONAL FACTORS AFFECTING INTEGRATION OF
STREET VENDING IN THE URBAN ECONOMY OF KISUMU CITY, KENYA**

BY

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of Philosophy in Urban Planning**

**SCHOOL OF PLANNING AND ARCHITECTURE
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DECLARATION

Declaration by the Candidate

This thesis is my original work and has not been presented to any other university or institution of higher learning for the award of any diploma or degree.

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DEDICATION

**For unrelenting encouragement of Anastancia Apondi, patience of Natasha, Emerald,
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ABSTRACT

Most cities in developing countries are experiencing rapid urban population growth and unsustainable urban development as more people move to cities. This has made people turn to urban informal sector for livelihoods, a precedence that has resulted in rapid growth of informal employment. In Kenya the formal sector creates less than 25% of new jobs while informal sector creates 75% of new jobs. Despite the informal sector being a livelihood to many Kenyans, the progress towards implementing supporting policies and the laws have been slow and lacking in some areas creating bottle necks for growth of the sector. This study hypothesis that providing the informal sector with adequate legal and institutional support similar to the formal sector would integrate it better in the urban economy and allow it to perform optimally. The main objective of the study is to examine the spatial and institutional factors affecting integration of street vendors into the urban economy of Kisumu City. The specific objectives were; to establish how spatial factors affect integration of street vending into the Urban Economy of Kisumu City; to determine the legal and institutional factors that affect the operations of street vending; to establish public perception of street vending in Kisumu City. A sample of 405 was drawn from a population of 2,146 street vendors and the 27 owners of formal businesses. Data was collected using questionnaires, focus group discussion, interviews and analyzed using descriptive statistics. The study established that all vendors used spaces designated for other users and creating land use conflicts. The types of conflicts created include security risks, business competition, congesting pavement and generation of solid waste. Some of the conflicts can be solved but some land uses are simply not compatible with street vending. The study also established that the policy environment is favorable for growth of the informal sector but there are many legal and institutional provisions that have not been acted on. Specifically the Urban Areas and Cities Act No. 13 of 2011 and County Government Act 2012 have provisions that if acted on can ensure that the informal sector is included in the city land use plans. The study concludes that land use conflict created by the street vendors in Kisumu City can to a large extent be resolved to pave way for integration and allocation of spaces for vending that can be done by including the informal sector in the city planning processes. The study recommends replanning of the city based on innovative planning approaches such as multifunctional land use planning which have potential for expanding land use on any given space to accommodate more diversity and higher densities such as is manifested in the informal sector.

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LIST OF ABBREVIATIONS AND ACRONYMS

CBD	Central Business District
FGD	Focus Group Discussion
GOK	Government of Kenya
ILO	International Labor Organization
ISUD-PLAN	Integrated Strategic Urban Development Plan
KBCC	Kisumu Branch Chambers of Commerce
KMC	Kisumu Municipal Council
MSE	Micro and Small Enterprise
UNCHS	United Nations Centre for Human Settlements

OPERATIONAL DEFINITIONS OF TERMS

Integration	Accommodate, provide vending space and recognize street vending as a business activity.
Street Vendors	People selling goods or services on pavements, road reserves, Bus-stops and parks.
Urban Economy	All business activities within urban areas which are regulated and the ones not regulated by the government.

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CHAPTER ONE: INTRODUCTION

1.1 Background to the Study

Most developing cities are experiencing both rapid urban population growth currently estimated at 3.7 percent and unsustainable urban development as more people move to cities (Leautier and Mehta, 2006). Consequently, high poverty levels are recorded in urban areas making people turn to urban informal sector for livelihoods resulting in rapid growth of informal employment (UNCHS, 2004; ILO, 2002; Carr and Chen, 2002). A number of entrepreneurs have entered the trade as an option, especially since 1990s when Structural Adjustment Programmes (SAPs) resulted in the retrenchment of civil servants across Africa (Rupkamdee et al., 2005). Formal labor markets in Africa have been noted to absorb less than 25 percent of entrants in the labor market annually while the informal sector absorb more than half of newcomers in the labor force (UNCHS, 2004; ILO, 2002).

In 2001, informal employment in Kenya was estimated at 4.6 million accounting for 72 percent of total wage employment and 81 percent of private sector employment. In fact the contribution of informal sector is more than double that of medium and large manufacturing sector that stands at 7 percent of the gross domestic product (Kenya, Republic, 2003). In the year 2000 alone, the informal sector employed about 5,086,400 people up from 4,624,400 in 1999 (Kenya, Republic of, 2003). Overall, the informal sector creates employment for 2.4 million people and that is 75 percent of all new jobs per year. Informal sector operations cut across all sectors of the economy, and sustain a high percentage of households in Kenya. In the 2000, the Minister for Finance noted that the informal sector activities form a breeding

ground for businesses and provide one of the most prolific sources of employment (Kenya, Republic of, 2003).

There is undisputed documentary evidence (Oyugi, 2001) that the informal sector is important to the economic development of Kenya yet its operations appear to receive far much less support from the government compared to the formal sector. Informal trading activities in the urban spaces have not been incorporated adequately in the spatial plans of the cities (Komoloh, 2010). Traders in informal business operate from insecure contested spaces. Ayeh-Solomon (2003) noted that most street vendors in Africa have no authorized sites of operation, which results in incidences of confrontation and brutality between street vendors and urban authorities. The formal sector on the other hand comprises of businesses that enjoy legal protection from the Government of Kenya. Land use plans are developed by the planning authorities (Kenya Republic, of 2012) designating spaces for the different types of commercial and industrial activities of the formal sector.

The formal sector therefore does not have to contest for spaces to locate their businesses. Komoloh (2007) pointed out that the need for survival, in an environment of rising unemployment in the formal sector, continues to draw thousands of the City of Kisumu residents to invade the city's open-spaces and road reserves. The contest for space between the informal sector and the designated land users cannot be wished away since the informal sector is here to stay. Charmes (2005) and Suharto (2004) noted that in the initial stages of growth of cities in Africa, the informal sector was expected to transform into modern economy and street vending was seen as an inconvenient reality that would disappear as modernization spread through the economy. This did not happen and the informal sector continues to provide employment for more people (ILO, 2002).

Despite being allocated spaces on urban area, informal sector still shun these spaces given to them and occupy spaces meant for other land users creating conflicts. The questions that the study should answer are: (a) why do such street vendors shun spaces allocated to them? (b) if street vendors are to remain in the areas they currently occupy, what are the nature of conflicts that are likely to arise? Can such conflicts be resolved, if so how?

The study therefore, wants to find ways of resolving urban land use conflict between informal sector activities and planned urban land users without disadvantaging any of the groups. For this to be done, it is important to establish the spatial patterns of street vending so that the planning authorities can make informed decisions on how to address land use conflicts in the contested spaces and create harmony. This study sets out to establish the spaces occupied by the vendors who form a significant part of the informal sector, the nature of contest in the spaces and the possibility of co-existence between the informal sector and the designated/planned land use.

The informal sector like any other developing sector must be regulated. This is a core function of the government and is achieved through policy, legislation and institutions (Komollo, 2007). Policies provide general guidelines of the desired sector goals and direction of development in a given sector. This is further elaborated in laws and regulations which spell out how this will be achieved and what can and cannot be done. The establishment and functions of institutions are provided for in legislation. Their main function is to implement the provision of the policy and the laws. The environment created by policy, laws and institutions must be favorable to foster development in a given sector. This is not always the case. There are instances where the policy environment is not favorable. Policy studies are therefore carried out from time to time to examine policy environment with a view to making necessary revision.

Many studies have established the need to review policy and legislation that is not supportive to the activities of the informal sector (Roever, 2006; Stren, 2004; Cross 2000; Tendai 2003; Lund and Skinner 2000). Other studies (Opoku, 1998; Ofori, 2007; Adiko and Anoh, 2003) in West Africa examined the numerous taxes and fees charged to street vendors, while Nnkya (2006) in Tanzania and Transberg (2004) in Lusaka Zambia studied the local by-laws as applied to street vendors obtained similar results. Countries like South Africa have since revised their policies and legislation to create a more favorable policy environment for the operations of the informal sector and now enjoy a thriving informal sector in cities such as Durban (King, 2006). Policy studies touching on the informal sector in Kenya were done under the old constitutional dispensation (Muiriru, 2010; Mitullah, 2003; Mochache 1985; Alila and Mitullah, 2000; Aleke-Dondo et al, 1999; Ayonga, 2008). Some things have changed but it still remains important to establish how favorable the current legal and institutional framework is towards the operations of the informal sector.

Street vending activities are perceived to cause adverse physical and environmental effects through littering, solid waste management, and environment health risks (Surhato, 2004). It is argued that street vendors erect structures which do not conform either to building codes or zoning regulations due to the temporary sites that they occupy (Jimu, 2005; Onesmus, 2005). They are viewed as a security concern since they encourage crowding which provides conducive atmosphere for criminal activities (Rogerson and Beavan, 1985). They have also been blamed for causing traffic congestion, molesting passer-bys, depriving law abiding and shops that pay licenses (Perera, 1996).

Dasgupta (1992) points out those street vendors have been negatively portrayed as obstructing the view of main stores and more so because they sell similar merchandise to those in the main shops and thus posing unfair competition to formal shops in the formal

sector. But as Muiriru (2010) argues, these problems are not made by street vendors but are as a result of lack of adequate planning. In fact Bhowmik (2005) avers that none of these problems defy fixing if people really want to fix them and that street vending can be organized and regulated such that they are clean and orderly. In order to fix these problems and integrate the informal sector in the urban economy, it is necessary to understand the local perception of the street vending.

1.2 Statement of the Problem

Informal sector is important to the urban economy of Kenya, employing 2.4 million people and creating 75 percent of all new jobs (Kenya, Republic of, 2003). In 2001, it was estimated that informal sector employed 215,000 people and created 58 percent of new jobs in Kisumu (World Bank, 2001). In Kisumu 56 percent of street vendors are aged 35 years and under and 68 percent are married women with at least two children. These women rely on street vending to maintain their families (UN-Habitat, 2006). However, informal sector shun urban spaces allocated to them for trade and occupy spaces meant for other land users such as roadsides, pavements and parks creating conflicts. The planning authorities focus more on planning and allocating appropriate urban spaces to the formal sector with barely any economic considerations for the spaces allocated to informal sector. Informal sector enjoys less legal and institutional support from government compared to the formal sector. Critical legislation such the Physical planning Act and the Public Health Act offer less support the operations of the informal sector. A general perception is that street traders constitute a threat and a nuisance to the public and are therefore not desired. This less privileged treatment of the informal sector compromises its ability to perform optimally for increased economic growth which is the objective of the government. This study sets out to examine the operations of the informal sector with a view to establishing ways in which it can be moved to a position of

enjoying more legal and institutional support from government and being effectively integrated into the urban economy of Kisumu City.

1.3 The main Objective

The main objective of the study is to examine the spatial and institutional factors affecting integration of street vendors into the urban economy of Kisumu City.

1.4 Specific Objectives

The objectives of this study are:

1. To establish how spatial factors of street vending influence the integration of vendors into the urban economy of Kisumu City.
2. To determine the legal and institutional factors that affects the operations of street vending in Kisumu City.
3. To establish public perception of street vending in Kisumu City.

1.5 Research Questions

1. Which are spatial factors affecting integration of street vending into the urban economy of Kisumu City?
2. To what extent do the legal and institutional factors promote the operations of street vending in Kisumu City?
3. How do the public in Kisumu City perceive street vending?

1.6 Justification of the Study

To ensure that urban the economy works, the two sectors (formal and informal) that form urban economy needs to be integrated for urban economies to grow. Resolving the conflicts affecting the operations of informal sector would assure informal traders of employment and income. Existing literature and statistics indicate the importance of the informal sector to the economy in its current state where it is being given less government support than the formal

sector. It therefore follows that with more support from the government it is expected to perform better.

This study has generated data that would inform planning interventions for integration of street vending in the urban economy. The town administrators and urban planners should find results useful when planning for other urban centres that cater for all groups in the urban centers and for institutionalization of a framework for the improved management and development of profitable street vending in urban centres. As one of the key drivers of innovation and competition, street vendors' sustainability is an important area of economic policy. The development of such policies can only be possible if they are backed by relevant empirical evidence. This study yielded data and information that could be useful in restructuring street vending and make them more stable and better performers, for enhanced the economic growth of the city and the country.

This study should be a valuable reference document for students of urban planning and urban planners especially on matters relating to integration of street vending into urban economy. Further, it is a useful reference for students of urban planning as well as to practitioners of urban planning. Ideally, these groups of people need not rely on haphazard personal experiences, or on tradition and fashion in their planning tasks, but should base their methods, decisions and actions on concrete knowledge of issues supported by research findings.

1.7 Scope of the Study

The study investigated the spatial and institutional factors influencing integration of street vending into the urban economy of Kisumu City with specific focus to spatial patterns, legal

framework and public perception as the basis against which the objectives of the study were pursued. The study was restricted to street vendors operating mainly from Oile market, Bus-stop, Oginga Odinga Street, Ang'awa Street, Ojino Okewi Street, Kenyatta Highway, Paul Mbuya Street, Nyamlori Street and Otieno Oyoo Road. The streets studied are the highly populated vending sites in the City of Kisumu where there are high concentration of informal activities.

1.8 Limitations of the Study

During questionnaire administration some respondents targeted for the study declined to participate. Other respondents returned incomplete questionnaires while some completely did not return the questionnaires. The numbers of incomplete and unreturned were negligible (7%) and therefore did not affect sample size anticipated and the quality of the study. At the study design stage, an allowance of 20 percent non response was made in the determination of the sample size.

CHAPTER TWO: LITERATURE REVIEW

2.1 Overview

This chapter presents theoretical and empirical background dealing with the informal sector. In view of that, spatial factors, institutional factors and perceptions regarding street vending are highlighted. This is followed by a conceptual framework at the end of the chapter.

2.2 Spatial Patterns of Street Vending and Integration

Muiruri (2010) stated that informal sector consists of those enterprises that operate in open spaces, housed in a temporary or semi structures, does not operate from spaces assigned by government or municipal authorities, operate from backyard and not registered. On the other hand, Nyakaana (1997) classified informal activities into two major groups namely; service sector and production sector. Service sector activities consist of petty services (shoe shine, hand cart transport and photograph framing), retail services (second hand clothes, foodstuffs and newspapers) and modern sector services (vehicle, electrical, phone repairs and hair salon). Production sector include tailoring, furniture, shoe making, welding, tins smith and key cutting.

Stren (2004) noted that growth in the informal sector is attributed to implementation of the Structural Adjustments Programme that led to massive retrenchments in the formal sector, rendering many people jobless who were absorbed in the informal sector. Similarly, the trade liberalization policy led to the collapse of many local industries that could not compete with cheap imports from abroad. This led to many people being thrown out of employment in the formal economy and joining the informal economy (Fontana et al., 1998). World Bank (2001) reported that informal sector employment exceeds formal sector employment and the dominant activity in the informal economy is street vending, having 50 percent of all

informal workers. Charmes (2005) concurred that across Sub-Saharan African there is a common pattern of decline in the growth of formal employment and increase in informal sector activities. In Kenya, Mitullah (2003) pointed out that there are 1.3 million SMEs employing an estimated 2.4 million people.

Oyugi (2001) stated that spatial distribution of informal sector is influenced by economic consideration as opposed to socio-political factors. The study identified accessibility to streets, nearness to residence of entrepreneur, influence of local politics, existing enterprises at the site, prohibitive regulations, proximity to market and proximity to source of raw material as some of the factors influencing spatial distribution of informal activities. These have been noted by Mitullah (2006); Mochache (1990) and Kinyajui (1996). The number of existing enterprises at the site influence location of the informal sector in two ways. First, due to the scarcity and high cost of new sites for informal enterprises, an old entrepreneur who has already acquired substantive amount of capital may move to better sites leaving the original site to friends and relatives. Secondly, belief that a site previously occupied by a successful entrepreneur will also be successful for the new occupier.

According to Ondiege (1996), enterprises in the informal sector, especially at the infant stops usually locate where there is demand for their products and services. These points are usually near the main roads passing through residential areas. This is partly, due to accessibility and due to inefficient enforcement of by-laws to discourage squatting in road reserves. The spatial distribution of enterprises, however, varies with sub-sectors. For instance, the manufacturing sub-sector clusters due to their technological needs, market niche, accessibility and infrastructure requirements. The trade sub-sector being market oriented tend to move to the CBD to compete with formal businesses (Oyugi, 2001).

Charmes (2005) pointed out that most street vendors locate themselves at strategic points with heavy human traffic. Traders settle in streets spontaneously without any official allocation. In Kenya, there are informal methods used in locating and operating within a particular site. A few traders consult the owners of neighboring yard, others negotiate with acquaintances, others, are allocated spaces by the urban authorities, while some share with friends and colleagues (Mitullah, 2006).

Oyugi (2001) pointed out that the classical theories have been used to explain that the urban land uses are purely based on land rent concept. These theories if strictly applied in the urban centers for space allocation often push the informal sector to the periphery where the land rents are comparatively low. The classical theory of the bid-rent curve which was developed by Thunen (1826) and further advanced by Alonso (1964) to explain the location of activities in urban areas were based on assumptions. Firstly, that each parcel of land is sold to the highest bidder thus all land users have equal access to land market. This assumption however, contradicts the essence of good urban governance which requires that economic principles should be looked at in a broader perspective incorporating social justice (Amin, 1976). For instance, the informal sector workers being economically disadvantaged cannot bid high for land in Central Business District (CBD) and the alternative is to encroach into private land and open spaces. It is important to note that if the positioning of these activities is based on pure economic principles, they are destined to be moved to the periphery. The street vendors being economically rational and having perfect knowledge that markets are good in the CBD will do all that they can to locate in the CBD in spite of their low bid.

This study concurs with findings of Mitullah (2006) that street vendors take up urban places at strategic points with heavy human traffic along main roads, streets, sidewalks, parks,

pavements and at prominent corners of streets and roads where traders are visible to pedestrians and motorists. Skinner (2008) noted that urban spatial planning has an important role to play in supporting street traders.

Hartshorn (1980) and Hoover (1948) analyzed Burgess (1925) concentric model of urban land use and pointed out that majority of informal sector activities locate in the zones of transition. They further extended this argument in analyzing Hort's (1939) sector model. In both cases, the authors unanimously agree that the informal sector activities locate in Zone II of the two models. Mochache (1985) corroborated these findings in Gikomba informal market in Nairobi.

Cadwallader (1985) attributed the siting of informal sector activities in the zones of transition to the location of light formal manufacturing industries in the same zones. The above theoretical postulation only forms deductive base for siting the space fixed informal sector activities such as those engaged in fabrication, which rely on the by-products of the formal industries as their raw materials (Opondo, 1989). Other researchers, such as Chapman and Walker (1991); Keeble (1968) pointed out that the major factors determining the siting of the business enterprises in the urban areas are accessibility, space, labor, market and raw material sources. Taking accessibility into consideration, it is a known fact that zones in transition are poorly accessible despite labor abundance. Coupled with the fact that informal sector activities rely heavily on family labor, they are not restricted to this zone. This explains their movement to the CBD, which is highly accessible and with good market opportunities.

Though street vendors are not the legitimate owners of the spots that they occupy, once they manage to peacefully occupy certain locations for a long time, they somehow become de

facto property owners of the urban public spaces. Kim (2013) states that the philosophical foundations of property rights are based on theories of socially agreed upon terms of exclusion, with the rights of street vendors depending on cooperation of neighbors and mutual respect for the agreed upon rights.

The street vendors' legitimate right to trespass on urban public spaces is justified by the doctrine of necessity. Jeremy (1993) endorsed a distributive principle that nobody should ever be permitted to use force to prevent another from satisfying his or her basic needs in circumstances where there seems to be no other way of satisfying them. In this regard, the callous attitude of urban planners and policy makers towards street vendors may need to be altered and the street vendors' right as an integral part of the urban development scheme recognized.

Hoover and Vernon (1962) recommends the enforcement of land use planning restriction such as of multi-storey structures in the CBD as commercial centers. A spatial approach geared towards accommodating informal activities in the cities to overcome the space obstacles. This entails the revision of development control and regulations such as plot sizes in the CBD and changing the use of particular roads in streets at specific times and days. Building multi-storey structures to accommodate informal sector may be very expensive and most urban authorities may not afford. Revision of plot sizes that have already been built is not a feasible option in most cities, while closing roads in developing countries where they are poorly planned may pose challenges to movement in the streets. The options may thus be implemented after taking care of challenges associated with them. However, this study set out to explore the possibility of accommodating street vendors in the spaces they currently occupy.

Helming et al. (2008) recommends multifunctional land use to address scarcity of land resources due social, demographic, technological, policy and economic developments in society. In doing so, it is important to address the driving force behind multifunctional land use e.g. unemployment which catalyzes the need to change the way land is used. The significance of changing land uses is highlighted by Mochache (1990) who states that all commercial activities compete for land resources and any change affecting one land use has the potential to induce changes in the others. Societal demands for land use services allows for an assessment of the value that multifunctional land use has for society. This is a cheaper option since it only involves change of policies regulating land uses.

Ofori (2007) highlights cities that have chartered new courses with innovative thinking about the realities of informal trading. For instance, Durban recognizes street trading as a permanent feature of its landscape that is critical to the development of the local urban economy (Cross, 2000). With developed policies for the informal economy and street trading, the city has drafted new programs and regulatory frameworks that seek to incorporate street vending urban planning (Donovan, 2002). Cape Town and Johannesburg have each developed informal trading policies. In Mumbai, court decisions have legitimated street vendor's constitutional rights to livelihood by using public space for street trading purposes (Ayeh-Solomon, 2003). The specific regulatory devices include permitted trading zones, evolving new markets and market management systems.

Permitted trading zones in the city, include streets, pavements, parks and other public spaces designated for trading purposes. King (2006) pointed out that permitted zones represent regulatory measure that introduces some form of propriety access rights to a practically inexcludable resource. The trading legislation sets out permitted zones and demarcated

trading sites. Access to space is restricted to permit fee and compliance with environmental and sanitation standards. Permitted zones help overcome the resource challenges that may be involved in building marketplaces by creating legal commercial space in unauthorized public space for street trade. Permitted zones exist in cities such as Durban, Johannesburg, Cape Town and Mumbai (Donovan, 2002).

Spatial leases involve outsourcing of public-private partnership. Skinner (2008) observed that in this arrangement the private property owner in a defined area of the city can apply for a side walk lease for further renting out to street traders. They may put up structures for street traders and manage informal trading activities outside the buildings they own.

Multifunctional land use is best suited to address the demand for trading sites of informal sector. It is an approach that has been used to address economic, political, technological, social and environmental changes in many countries. Building new markets and spatial leases may be very expensive for urban authorities to build and ensure uniformity for spatial leases.

2.3 Legal and Institutional Factors in Street Vending

Legal and Institutional factors refer to the support given to informal sector. Development of informal sector like any other commercial enterprise is therefore affected by several factors such as policy environment, resource availability, legal and political factors. The Government of Kenya views the sector as critical to industrialization, commercial development and income generation. However the sector faces a number of constraints which hinder its sustainable development. These include insecurity of tenure for the spaces occupied, unfavorable laws and policies, lack of access to credit facilities, inadequate market and poor infrastructure. Oyugi (2001) states that informal sector has several activities ranging from

petty, retail to manufacturing services and each sub-sector has its specific constraints affecting its operations. The unfavorable legal framework has been identified by several researchers to be inhibiting growth of the sub-informal sectors across board (Mitullah, 2003; Mochache, 1985; Alila and Mitullah, 2000; Aleke-Dondo et al., 1999). Other researchers observed that policies favor formal sector enterprises since the government believes that development is synonymous with modernization (Aleke et al., 1999; Anangwe, 1993; Degroot, 1990 and Ikiara, 1999).

International Labor Organization (1972) report recognized the potential of informal sector and urged the policy makers to support the sector through formulation of positive policy measures. The report recommended that the government change the hostile regulatory environment and enhance the technological capacity of the informal sector workers. Other studies undertaken in several countries like Ghana, South Africa, Zimbabwe, Indonesia and Malaysia support the findings by ILO (Oyugi, 2001).

Informal sector requires both financial and non-financial support to run activities efficiently. Studies regarding the effect of legal policies on informal activities have been conducted by Roever (2006) in Lima, Mexico City, Caracas and Bogota. Similarly, Stren (2004); Cross (2000); Tendai (2003); Lund and Skinner (2000) have studied the effect of legal policies on street vending in South Africa's Johannesburg City identifying legal policies affecting informal sector. Further, Opoku (1998) and Ofori (2007) in Ghana and Adiko and Anoh (2003) in the Ivory Coast have examined the numerous taxes and fees charged to street vendors. Nnkyia (2006) in Tanzania and Transberg (2004) in Lusaka Zambia focused on the local by-laws applied to street vendors. Evidently, numerous studies have been undertaken on constraints affecting operations of informal sector.

Kenya is no exception when it comes to the study of informal sector. Muiruri (2010) analyzes policy constraints in Nairobi. Other scholars Mitullah (2003); Mochache (1985); Alila and Mitullah (2000) and Aleke et al. (1999) have studied the existing policy regulations and statutory laws affecting development of informal sector activities. In addition, Ayonga (2008) assessed the causes and level of conflict in space use concentrated on the land use controls in peri-urban areas of Nairobi. Mochache (1985) has examined the evolution of informal sector activities in Nairobi with particular reference to Gikomba belt Neighborhood.

This study takes Kisumu as a case study focusing on the spatial and institutional factors that influence street vending. Basing on the significance of informal sector as highlighted by sessional papers, there is need to assess the extent to which recommendations from the papers have been translated on the ground and their result in closing the gap between informal and formal sectors in Kisumu City.

The constitution of Kenya (2010) gives citizens the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. It states that all state organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children and youth, members of minority or marginalized communities, and members of particular ethnic, religious or cultural communities. The constitution further explains that all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals. Land in Kenya shall be held, used and managed in a manner that is equitable. There is need to apply affirmative action to informal sector as provided in the constitution to allow informal sector access urban space.

The Kenya Government has subsequently made attempts to address issues of informal sector. Komolloh (2007) noted that informal sector in Kenya received recognition in 1986 when the former president Daniel Moi visited the Kamukunji informal industrial estate. The visit revolutionized the view of the sector. It thus led to restructuring the policy environment to accommodate the sector through construction of the 'Nyayo sheds' where the industrialists were to operate, introducing the concept of security of tenure for informal sector among other policy decisions.

The hallmark of the recognition of the sector came at the publishing of the Sessional Paper No 1 of 1986 on "*Economic Management for Renewed Growth*". The Sessional paper highlighted the potentials of the sector as well as ways of changing its image, from an employer of last resort to a spring of technological innovation and aggressive entrepreneurship. This paper, prepared against the background of declining economic growth, introduced radical changes and outlined a development strategy, which put great emphasis on the informal sector development (Kenya. Republic of, 1986).

In 1989, the Government of Kenya (GoK), through the Ministry of Planning and National Development published a document entitled '*A Strategy for Small Enterprises Development in Kenya: Towards the Year 2000*'. This paper focused on the constraints of the informal sector which included enabling environment, finance and promotional problems. The constraints subsequently formed the basis for designing fairly focused policies on the sector (Kenya. Republic of, 1989). By 1992, the policy focal points had been refined and were published as sessional paper No.2 of 1992 on '*Small Enterprises and Jua Kali Development in Kenya*'. This paper has since served as the basis of all programmes for the development of the sector. An agenda for action was defined covering a period 12 to 24 months in those areas considered crucial for the promotion of the informal sector. This period ended in February

1994. Early in 1994 under the agenda for early action through assessment of policies, the government strategies and programmes identified and analyzed obstacles inhibiting growth in the informal sector.

It emerged that coordination mechanism among the multitude of actors involved in various levels of policy implementation was weak. Furthermore, the government's capacity to play its facilitative role was also weak. In addition, the regulatory environment still remained hostile to informal sector activities.

In order to address the emerging issues, the Micro-Small Enterprises (MSE) unit in the Ministry of Planning and National Development was upgraded to a division with two distinct sections. The first section was policy section, mandated to develop, monitor implementation, coordinate policies, disseminate information to the target population, and further assess the impact of the policies on the beneficiaries. The second section was the deregulation unit, mandated to facilitate the creation of an enabling environment for promoting the informal sector. This was to be achieved by addressing the existing constraints, specifically those regulations that proved punitive to the sectors developments (Oyugi, 2001). Even though, the informal sector continues to form an important driving force for economic development, employment creation as well as an important tool for poverty reduction, issues of space use and legal framework have not been addressed.

The activities of the informal sector are influenced by laws and policy regulations including Physical Planning Act (Cap 286) of 2010, Urban Areas and Cities Act No. 13 of 2011, County Government Act 2012 and Public Health Act Cap 242. The Physical Planning Act (Cap 286) gives city authorities powers to reserve and maintain all the land planned for open spaces, parks, urban forests and green belts in accordance with the approved physical

development plan. No person shall carry out development within the area of a local authority without a development permission granted by the local authority. No licensing authority shall grant, a license for commercial or industrial use for which no development permission had been granted by the respective local authority. No local authority shall grant development permission for commercial purposes without a certificate of compliance issued to the applicant by the Director or an officer authorized by him or her (Kenya. Republic of, 2010).

Mitullah (2006) observed that street vendors take up spaces not intended for trade purposes such as pavements, busy streets and public places, a practice that has made street trade illegal. This finding indicates that the Physical Planning Act has not considered informal sector in the planning process. The process of applying for permission to carry out development is sought from urban authority after which the permission application is forwarded to Director of Physical Planning to approve or reject. This process favors formal businesses that are more financially endowed at the expense of informal businesses. The informal business owners therefore end up taking available spaces which cannot be licensed. This is due to specifications by the Act stating that activities taking places in areas that were not planned for them cannot be licensed. This observation supports the finding that policies of most urban centers do not provide for street vending within the central business district and most of street trading activities that take place have no legal basis (Alila and Mitullah, 2000; Mullei and Bokea, 1999).

On other hand, Urban Areas and Cities Act No. 13 of 2011 vest the county governments with powers to manage a city and municipality through the establishment of city or municipality boards to manage the towns. It further states that every city and municipality board shall operate within the framework of integrated development planning which contribute to the protection and promotion of the fundamental human rights and freedoms, thus it is supposed

to nurture and promote development of urban activities in an orderly and sustainable manner (Kenya. Republic of, 2011).

The Urban Areas and Cities Act provides that in constituting city or municipality board one of the nominees should be a representative of the registered association of informal sector in the area. The function of the board shall be to formulate and implement an integrated development plan; control land use, land development and zoning for any purpose such as commerce, markets, shopping and residential areas. The Board may deliberate and make proposals to the relevant bodies or institutions on the proposed development plans of the county and of the national government (Kenya. Republic of, 2011).

The boards impose such fees, levies, taxes and collect rates for delivery of services by the municipality or the city. It provides citizen fora where residents of a city, municipality or town may deliberate and make proposals to the relevant bodies or institutions on proposed issues for inclusion in county policies and county legislation. The Act states that an integrated urban area or city development plan shall reflect an assessment of the existing level of development in the city or urban area, including an identification of communities which do not have access to basic services and the determination of any affirmative action measures to be applied for inclusion of such communities by accessing finances from the equalization funds.

County Government Act 2012 gives the governor power to appoint a county executive committee that monitors the process of planning, formulation and adoption of the integrated development plan by a city or municipality within the county. The county executive committee assists a city or municipality with the planning, formulation, adoption and review

of its integrated development plan. The committee facilitates the coordination and alignment of integrated development plans of different cities or municipalities within the county and with the plans, strategies and programs of national and county governments. Finally, the committee takes appropriate steps to resolve any disputes or differences in connection with the planning, formulation, adoption or review of an integrated development plan (Kenya. Republic of, 2012).

The County Government Act 2012 further states that the principles of planning a county shall be to protect, integrate rights and interest of minorities and marginalized groups and communities. The Act will also promote the pursuit of equity in resource allocation within the county. County Government shall promote public participation and non-state actors shall be incorporated in the planning processes by all authorities (Kenya, Republic of. 2012).

A city or municipal plan shall be the instrument for development, facilitation and development control within the respective city or municipality. City or municipal land use and building plans shall be the regulatory instruments for guiding and facilitating development within the particular city or municipality. Each city or municipal land use and building plan shall be reviewed every five years and the revisions approved by the respective county assemblies. A county executive committee may by a resolution, introduce a proposal to amend the county's integrated development plan. A proposed amendment to a county's integrated development plan shall be considered and approved or rejected by the county assembly in accordance with its standing orders. Public participation in the county planning processes shall be mandatory and be facilitated. Although city boards and county executive committee have the power to prepare plans and introduce amendments to include street vendors in the city spatial plans, no specific plans have been prepared to provide spaces for

vending therefore vendors take any available space in the city. The planning process does not consider the needs of street vendors. There is need to find ways of integrating street vendors in urban economy.

All planning activities must comply with Public Health Act Cap 242 that gives powers to city authorities to ensure cleanliness and prevention of nuisances. City Authority takes all necessary measures to maintain its district clean and prevent occurrence of any nuisance or condition dangerous to health. Nuisance may mean any street, septic tank, sewer, garbage receptacle, dust-bin, refuse-pit or a situation which in the opinion of the medical officer of health to be offensive or to be injurious or dangerous to health. To remove nuisance the medical officer of health, if satisfied of the existence of a nuisance, shall serve a notice on the author of the nuisance requiring him to remove it within the time specified in the notice (Kenya. Republic of, 2012).

Different institutions provide specific support services like financial, training, technology and market assistance among others (Bromley, 1998). The assistance extended to informal sector varies among subsectors because each subsector has its own unique requirements. For instance, tailoring, the assistance programme should focus on credit, technical training and equipment provision.

King (2006) observed that street vendors require a number of services, which include financial and non-financial services. The non-financial services include: storage facilities, sanitary services, water and electricity that are hardly provided to street traders. The financial services are provided by a few micro financial institutions that focus on informal economic activities. However, their interest rates are high and rise as high as 20 per cent and above. Kiiru et al. (1991) identified access to credit as a major inhibiting factor to growth of micro

and small enterprises. Ondiege (1996) stated that the main sources of finance for street traders are cooperatives, rotating savings credit associations, relatives and friends. However the sources provide low amounts of finances that are not adequate for expanding the businesses.

Komolloh (2007) noted that street vendor's trade in a variety of commodities ranging from food stuff, hardware to rendering services. Mitullah (2006) pointed out that knowledge of the volume of sales is relevant for efficient planning and appreciation of the contribution of street trade. This information is generally lacking since most traders lack written records of income and expenditure. The neglect of record keeping can explain the little importance given to street trade as compared to activities in the formal sector where sales records provide a basis for taxation. Ofori (2007) observed that street vending activities are viewed more as casual nuisance services as opposed to the economic production that requires recording and quantification.

Aleke et al. (1999) observed that few financial institutions relate with street vendors and whenever it exist, the relationship is restricted to training for accessing credit. Kinyanjui (1996) pointed out that in Kenya street traders train in different areas such as tailoring, hair dressing, secretarial, sales and catering for women; whereas men had training in engraving, mechanics, joinery, tapestry, metal and electrical works among others. Most of them view access to adequate finance as the key to good business, and yet without effective business management very little progress can be made.

Despite informal sector being a major employment provider, its space and institutional framework have not been successfully addressed. The Government of Kenya through Sessional Papers: No.1 of 1986, No.2 of 1992 and National Development Plan, 'A Strategy

for Small Enterprises Development in Kenya: Towards the Year 2000' tried to address regulatory environment of informal sector though street vendors is still faced with challenges relating to space use and legal framework (Kenya Republic of, 2002). A number of constraints affecting informal sector in general have been addressed by several researchers including Ayonga (2008); Mitullah (2006) and Mochache (1985). However space and institutional needs of sub-sectors of informal sector like street vending still remain unresolved. The vendors are still on the streets occupying spaces meant for other uses.

2.4 Public Perception on Street Vending

Boyer (1992) argued that both informal and formal sectors should be perceived as important to each other and to the overall economy. Cross (2000) while agreeing that informal sector has been perceived negatively, notes that the link between the formal and informal sectors cannot be denied. According to Cross (2000), the structural forces which eroded employment creating potential of the public formal sector, forced the explosion of the informal sector. Brown (2006) concurs that people find work in street vending when they cannot get it from formal sector. From these views, the two sectors cannot be perceived as separate since millions of people who used to work in the formal sector are now self-employed informal workers, and others with formal jobs run small businesses in the informal sector. These are valid grounds for integrating street vending into urban economy.

Rakodi (2005) reported that, street vending is perceived to cause adverse physical and environmental effects, among them littering, solid waste accumulation and environment health risks. Yankson (2000) and Perera and Amin (1996) argued that these problems are unintended consequences of urban street economic activities. Perera and Amin (1996) further noted that waste disposal problems attributed to street vendors is partly because of inadequate infrastructural resources and malfunctioning systems of waste collection and

management in developing cities. King and Ayeh-Solomon (2003) on the other hand, reported that insecurity in the streets is sometimes used as an excuse to evict street traders. In both Kenya and Uganda, sites for street trade are viewed by urban authorities as dens for thugs and robbers (Mitullah, 2003). Muiruri (2010) argues that the state has the responsibility of maintaining law and order and street vendors are not to be blamed for insecurity in the city.

Ofori (2007) reported that the negative perception of street vendors and street vending has resulted in official and unofficial resistance to the street vending activities and prevented its integration in to the urban economies of most third world countries. But most opposition to street vending and calls for official controls and prohibitions often come from off-street businesses (Bromley, 1998). Dasgupta (1992) points out that street vendors have been negatively portrayed as obstructing the view of main stores and more so because they sell similar merchandise to those in the main shops and thus posing unfair competition to formal shops in the formal sector.

Street vendors are accused of obstructing foot and vehicle traffic due to their encroachment of pavements and roads. They are also unpleasant due to their haphazard shelters and are dirty and disorderly (Boyer, 1992). Nevertheless, Muiruri (2010) argues that these problems are not made by street vendors but by lack of adequate planning. A thought advanced by Bhowmik (2005) who avers that none of the highlighted problems defy fixing if people really want to fix them. He further states that street vending can be organized and regulated such that they are clean and orderly.

Hansen and Vaa (2004) notes that at independence, most developing countries perceived informal sector as a backward, traditional and a low productivity sector where many people

combined to produce what one person could produce in the formal sector. The perception was that developing cities needed to get rid of informal activities as development required modernization and a shift to higher productivity, higher technology and more capital-intensive types of production and employment (Myers, 2002). However as Potts (2006) notes, these viewpoints had shifted by the 1970s as the urban informal sector grew tremendously in the less developed countries. Poverty and unemployment in towns was a growing concern to urban economies and the informal sector became the solution to poverty and unemployment (Hansen and Vaa, 2004). Many of the characteristics that were previously deemed as negative were now redefined and seen as positive (Potts, 2006).

Msoka (2007) noted that across many cities in developing countries, it is possible to discern a continuum of official attitudes of negative positions that the governments may take, namely that vendors have no right to operate in urban spaces. Legitimizing such an assertion would be the notion that street vendors are anti-development hindering the efficient operation of the city and generally preventing progress (Lund and Skinner, 2000). At the opposite end of the spectrum is the most positive stance arguing that street vendors have every right to operate within urban areas and that they assist development and contribute to the efficient functioning of the urban economy.

In view of the above arguments, it can be concluded that street vendors have been portrayed in bad light yet they actually carry out an important role. The perceived problems can be addressed in an attempt to integrate street vending activities into the urban economy. This study therefore sets out to determine how the integration of street vending can be facilitated.

2.5 Literature Gap

The literature reviewed has brought out issues on spatial factors, legal and institutional factors and perceptions related to informal sector activities. The literature presented on spatial factors has highlighted the influences these factors have on distribution of informal activities in urban areas (Mitullah, 2006; Charmes, 2005; Oyugi, 2001; Ondiege, 1996). The literature further gives justification of why street vendors should not be prevented from satisfying their needs from the streets (Jeremy, 1993). Studies also highlight attempts by governments to accommodate informal sector within urban environment. However, studies on how spatial factors influence integration of informal sector in urban economy have not been documented. Therefore, this study would want to find out the effect of spatial factors on integration of street vending in urban economy of Kisumu City.

The study also reviewed literature on policies and laws affecting informal sector activities. The intentions and implementation status of various policies and laws were identified. This study aimed at finding out the effect of these policies and laws on informal sector in order to determine improvement that can be made to create enabling environment for informal sector to grow.

The literature has brought out the various perceptions the public have on street vending. In most cases street vendors have been perceived to cause adverse physical and environmental effects, among them littering which occur as a result of poor waste management of urban authorities but are blamed on street vendors. The documented studies have not linked these perceptions to integrating street vending in urban economy of Kisumu City. This study would want to bring out the effect of public perceptions on integration of street vendors in urban economy of Kisumu City.

2.7 Theoretical Framework

This study is guided by the tenets of critical urban theory in dealing with the social and economic problems in urban environment. Critical urban theory is an offshoot of critical social science as espoused by philosopher Roy Bhaskar (Bhaskar, 1986). Sayer (1997) observed that ‘there is no point in social science if it does not at least offer the possibility of some kind of social improvement, even if it doesn’t go beyond enlightenment and reduction of illusion, to material change’. Bhaskar (1986) has argued for an approach to social science that would ensure the emancipation of its target groups by enabling them to see how to replace unwanted determinations by wanted and needed determinations. To this effect four steps of critical social science have been identified by (Sayer 1997); namely,

- i. Problem identification; unmet needs, suffering, false beliefs
- ii. Identification of sources or causes of those unmet needs, suffering, false beliefs
- iii. Passing to a negative judgment of those sources of illusion and oppression
- iv. Favoring, other things held constant, actions that remove those sources.

This study therefore embraced this philosophy of emancipator social science in its examination of the phenomenon of street vending in Kisumu city in order to better understand the dynamics of the actors as part of critical urban theory.

Critical Urban Theory

In his comprehensive definition of critical urban theory, Brenner (2009), attributes the theory to the body of literature generated by Marxist or radical urban scholars during the post-1968 period—for instance, those of Henri Lefebvre, David Harvey, Manuel Castells, Peter Marcuse and others who have been inspired or influenced by them. Among other things critical urban theory “emphasizes the politically and ideologically mediated, socially

contested and therefore malleable character of urban space—that is, its continual (re)construction as a site, medium and outcome of historically specific relations of social power” (Brenner, 2009, p. 198). Critical urban theory is grounded on an antagonistic to existing urban formations; it insists that another, more democratic, socially just and sustainable form of urbanization is possible, even if such possibilities are currently being suppressed through dominant institutional arrangements, practices and ideologies (Brenner, 2009). Therefore critical urban theory involves the critique of ideology (including social–scientific ideologies) and the critique of power, inequality, injustice and exploitation, at once within and among cities (Brenner, 2009).

According to Brenner (2009) Critical Urban Theory is characterized by:

- i. Epistemological and philosophical reflections;
- ii. The development of formal concepts,
- iii. Generalizations about historical trends;
- iv. Deductive and inductive modes of argumentation;
- v. Diverse forms of historical analysis.

It may also build upon concrete research, that is, upon an evidentiary basis, whether organized through traditional or critical methods (Brenner, 2009, p. 201). The task of critical theory is therefore not only to investigate the forms of domination associated with modern capitalism, but equally, to excavate the emancipator possibilities that are embedded within, yet simultaneously suppressed by, this very system (Brenner, 2009,). Presently, “the emancipator possibilities”, embraced in current literature is: The Right to the City.

The Right to the City

Critical urban theory is open to many interpretations. One of the most captivating interpretations is by Peter Marcuse in his article “From critical urban theory to the right to the

city” where he argued that: “the ultimate purpose of critical urban theory is to implement the demand for the Right to the City” (Marcuse, 2009, p. 185). However, the Right to the City is not Marcuse’s own invention. The Right to the City came into being as a slogan dealing with urban problems of the underprivileged following the 1968 riots in Paris. It was coined by Henri Lefebvre the French Marxist philosopher and urban space theorist who pointed out that “it would also cover the right to the use of the center’ (Lefebvre, 1991), emphasis not in the original. Since its coinage the slogan has been used by various groups of people attributing various meanings to it. Consequently, Mayer (2009) isolated two strands of the right to the city, the Lefebverian and the meanings attributed to the use of the term by UN-Habitat and UNESCO. The meaning linked to the critical urban theory is of course Lefebverian.

The Lefebverian meaning is explained by Marcuse (2009, p. 190) who insists that “the demand is of those who are excluded, the cry is of those who are alienated; the demand is for the material necessities of life, the aspiration is for a broader right to what is necessary beyond the material to lead a satisfying life”. In this context he makes it clear that “it is not everyone’s right to the city with which we are concerned, but that there is in fact a conflict among rights that need to be faced and resolved, rather than wished away”. Some class of people (including the financial powers, the real estate owners and speculators, the key political hierarchy of state power, the owners of the media) already have the right to the city, and are running it. These are the privileged few and yet there are the underprivileged majority excluded from it. In his follow up article titled “Strategic reading of the right to the city”, Marcuse (2009) identifies the underprivileged as:

“a wide variety of groups suffering from the existing conditions of their lives in the new urban society: the very poor, the homeless, those dependent on welfare grants or charity, those discriminated against because of race, religion, ethnicity, sexual

orientation, the legal restrictions of citizenship laws and gender inequality. These are groups whose economic position does not give them the power, through the withholding of their labor, to threaten the functioning of the economic system, and whose political power can be effectively reduced through the power of the 1%, despite their much larger numbers, in a democracy still subject to the disproportionate power of the rich”.

Therefore, the right to the city is a claim and a banner under which to mobilize one side in the conflict over who should have the benefit of the city and what kind of city it should be. Marcuse (2009) says that it is a moral claim, founded on fundamental principles of justice, of ethics, of morality, of virtue, of the good. ‘Right’ here is not meant as a legal claim enforceable through a judicial process today (although that may be part of the claim as a step in the direction of realizing the Right to the City). Rather, it is multiple rights that are incorporated here: “not just one, not just a right to public space, or a right to information and transparency in government, or a right to access to the center, or a right to this service or that, but the right to a totality, a complexity, in which each of the parts is part of a single whole to which the right is demanded” (Marcuse 2009: emphasis not in the original).

From Theory to Applications

Although Marcuse (2009) presents the right to the city as an ideal aggregate of many rights, scholars have mainly dwelt on the right to public space and the right to access the centre. Kuymulu (2013), for instance, has mirrored the 1968 Parisian uprisings by situating the recent urban uprisings in Turkey in the conceptual background of the Lefebverian right to the city. Lefebvre had argued that the globalization of urbanization and the role of distinctively urban processes in the accumulation of capital were bringing about a specifically urban crisis that could not easily be subsumed under the crisis of industrial capitalism. This led Lefebvre

to highlight ‘the urban’ as a particular locus of resistance and activism for claiming ‘the right to the city,’ understood as a right of urbanites to radically transform the processes that orchestrate the production and use of urban space (Kuymulu, 2013).

According to Kuymulu (2013), the resistance in Turkey was sparked by an urbanism that puts the interests of capital over the interests of ordinary inhabitants of Istanbul. Hence the riots began over the government backed plans to redevelop Gezi Park, an urban public space, into a shopping mall by global capitalists. Therefore the initial resistance organized at Gezi Park, had a clear urban agenda to reclaim the right to the city of ordinary urbanites who rely on use value in the city and to place it over the right to the city of capitalists, developers and their allies who recast the city as a locus of exchange value and capital accumulation (Kuymulu, 2013). Contemporary urbanism, which puts the interest of capital over that of the people, and which is remarkably authoritarian and neoliberal in character, was recognized for what it is by the protestors at Gezi Park (Kuymulu, 2013).

In South Africa too, Huchzermeyer (2014) has explained the strategy of the shack dwellers’ movement Abahlali baseMjondolo in Durban as invoking a Lefebvrian notion of the right to the city. The movement is considered the most vocal in South Africa in referring to a right to the city in its urban struggles. Huchzermeyer (2014) has essentially explained philosophy as well as the context in which Abahlali baseMjondolo invokes a right to the city leading to the conclusion that the Lefebvrian right to the city is already being invoked from below, irrespective of the academic discourse (Huchzermeyer, 2014).

Similarly, Cabannes and Raposo (2013) identified migrant populations practicing peri-urban agriculture as one of the urban groups likely to face social exclusion in the context of the right to the city. They conducted a comparative study between two groups in London and

Lisbon exploring the question: to what extent does urban and peri-urban agriculture contribute to the social inclusion of migrants? The study concluded, in part, that in London where the practice of urban agriculture is regulated it served to integrate immigrants into the British lifestyle as opposed to Lisbon where it is unregulated and brings about isolation immigrants from the urban fabric by helping to maintain their cultural identities. There are many other studies on Lefebvrian right to the city but it is not possible to review all of them here: see for instance Jones (2012) on South Central Farm, Los Angeles; and Glover et al. (2013) on Gilda's Club of Greater Toronto.

Therefore studies from elsewhere in the world have shown that the Right to the City can be used as a guiding theory to render philosophical explanation to real urban situations. In the same breath this study has used the right to the city as a guiding theory to explain the street vending situation in Kisumu.

The Case of Kisumu

Like the other empirical studies, as cited above, that have invoked the right to the city, this study has concentrated on the competition of urban space by various urban economic activities. While most of the cited empirical studies focus on the production of space, this study has taken a different orientation and focused on access to central urban spaces. From the foregoing discussion of urban critical theory and the right to the city three most important issues stand out. These are

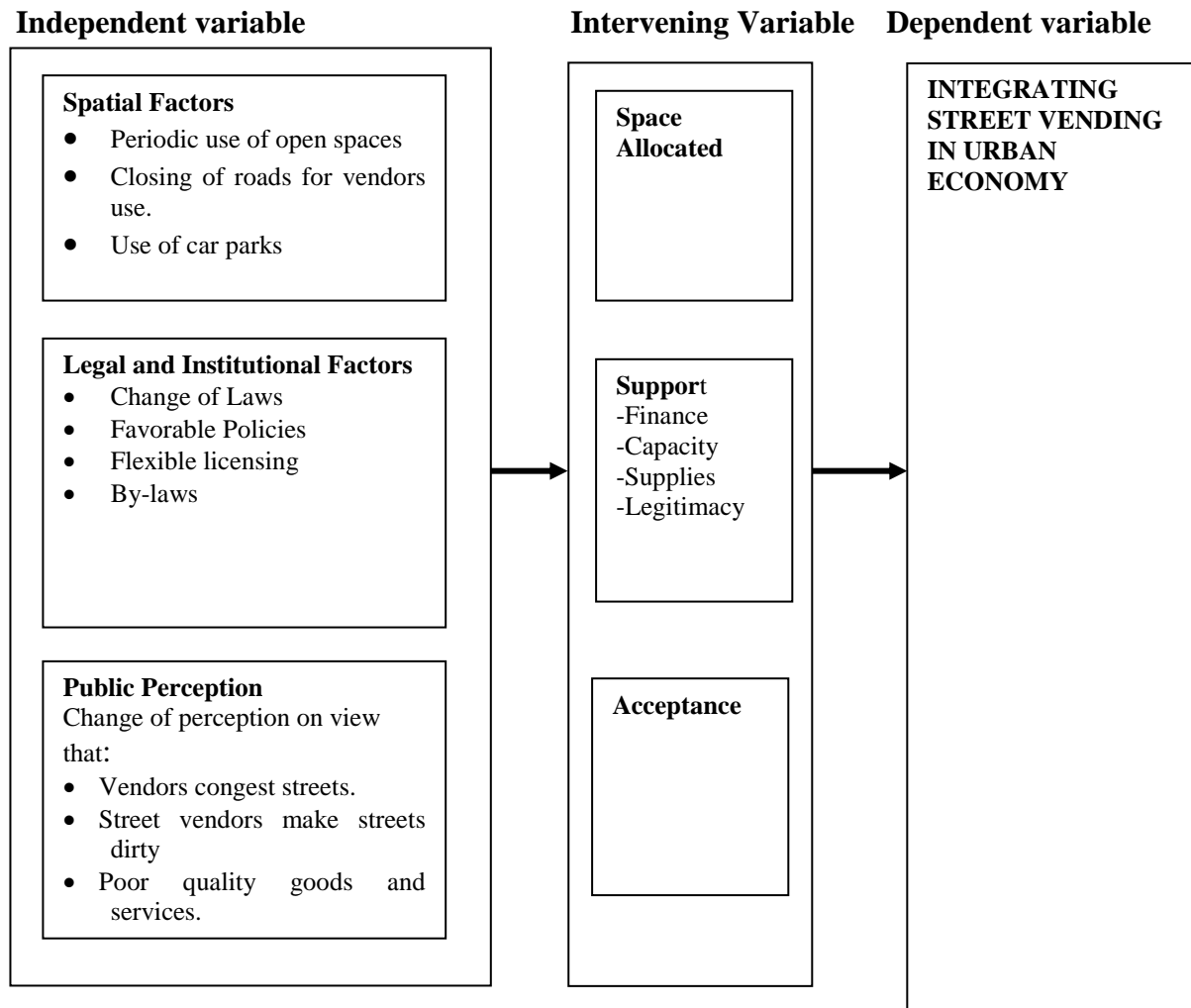
- i. Identification of claimants to the right to the city
- ii. Identification of sources or causes of constraints to the right to the city
- iii. Identification of actions that will remove those sources or causes (invoking the right to the city)

As we have seen from Marcuse (2009) definition of the right to the city, not every group is entitled to this demand. He has specifically excluded, for example, “the financial powers, the real estate owners and speculators, the key political hierarchy of state power, the owners of the media”, who are already enjoying an exclusive access to the city’s spaces, services and resources. The legitimate claimants should be the “wide variety of groups suffering from the existing conditions of their lives in the new urban society”. Therefore, before invoking the right to the city for any group of people, it is important to do a background check to find out whether they are the right claimants. The study has proposed that street vendors are claimants to the right to the city hence it is imperative to profile them for purposes of verification.

As embedded in Sayer (1997)'s explanation of critical social science, it is important to identify the oppressor factors that have denied the study group its right to the city. These could be legal framework, public perception and spatial pattern and controls. The next step is to find the status of integration of street vendors in urban economy.

2.8 Conceptual Framework

The study is guided by the framework depicted in Figure 2.1



Source: Researcher

Figure 2.1 Conceptual Framework

This conceptual framework is conceived from the critical urban theory that identifies institutional arrangements, practices and ideologies as some of the variables that have been used to exclude other groups from accessing the city centre. It is argued that some class that have financial powers such as the real estate owners and the owners of the media already have the right to access the city resulting in the exclusion of the underprivileged majority. The right to the public space in the city is contested. Critical urban theory as a slogan can be applied to Kisumu City to address urban problems including street vending. The theory

proposes identification of the causes of constraints and coming up with possible solution. This theory and literature have identified problems of space, legal and institutional framework and perception as the challenges street vendors are facing in Kisumu City.

The street vendors were found to occupy various spaces in the city center. Since the spaces are already being put to multiple use the Kisumu City Board can institute changes in law to allow vendors to access these places periodically and at different times of the day. This is a measure that may entail periodic use of public open spaces, closing different roads at certain days of the week to allow the vending activities in the CBD the use, of car parks from 4.00 P.M. to 11.00 P.M. for the general merchandize. This will allow street vendors to have a space allocated for them.

The laws that are hostile to street vending can be changed and favorable policies enacted which allows street vendors to operate. The space requirements of street can be incorporated through the Urban Areas and Cities Act that allows proposals for new plans to be implemented by the county government. This process can result in including street vendors in spatial plans hence providing them with vending spaces.

Perception is another variable that affects integration of street vending. The association of street vending with negative aspects in urban environment such as littering the streets and selling poor quality goods and services creates resistance toward integrating them in CBD. Since most of these negative aspects cannot be fully attributed to street vendors, a change in these perceptions will allow positive attitude that can contribute toward integrating street vending in the urban economy. Allowing flexible use and licensing of urban spaces, changing of laws and public perception can lead to integration of street vending in urban economy of Kisumu City.

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Overview

This chapter presents a description of the study area, land uses and tenure system. This is followed by the research design, study population, sampling procedure and sample size. Data collection and analysis methods are also included the end of the chapter.

3.2 Area of Study

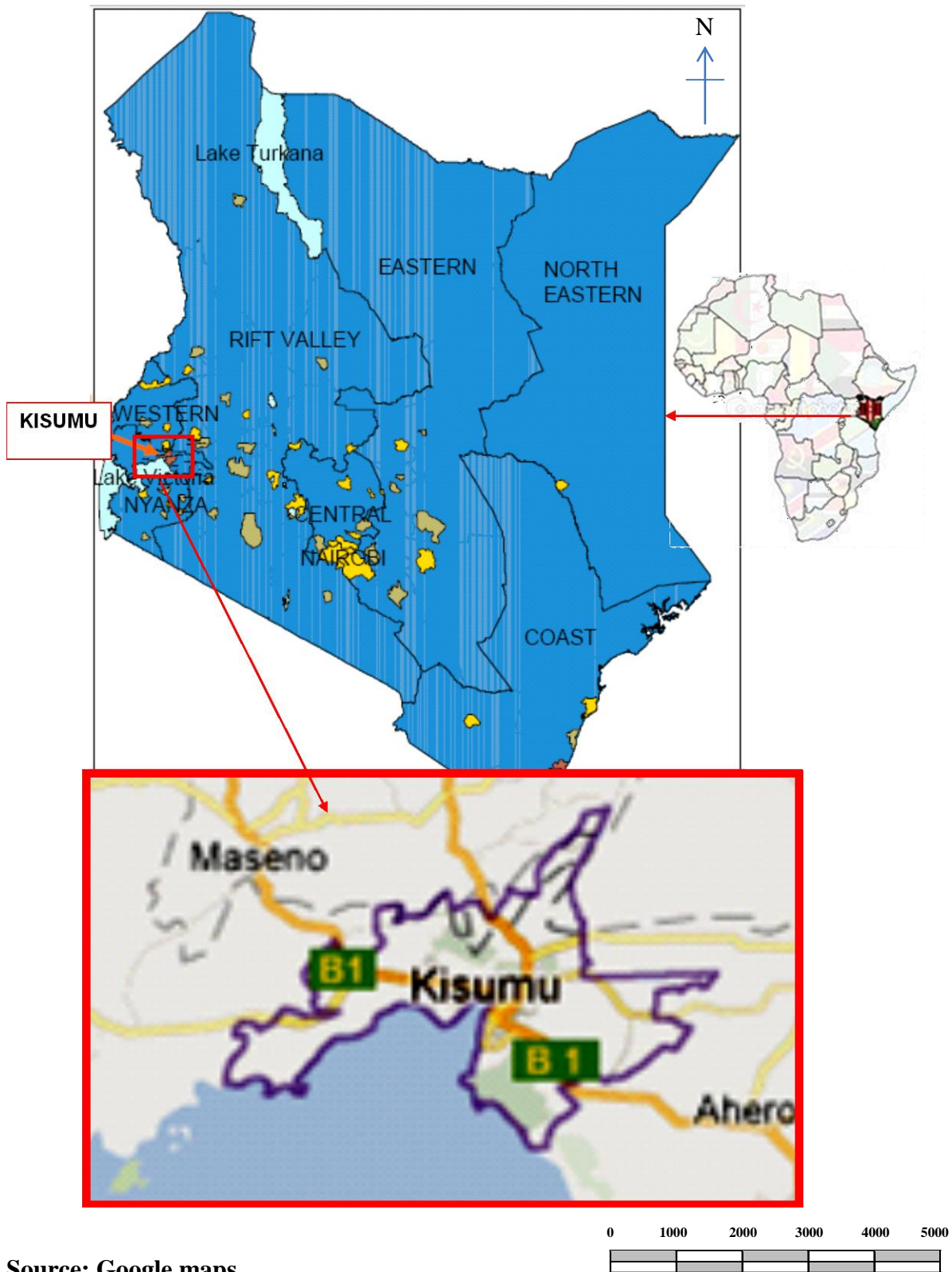
Kisumu City is located on the shores of Lake Victoria, the second largest fresh water lake in the world, at an altitude of 1160m above sea level. The location of Kisumu City in Kenya is illustrated in Figure 3.1. Kisumu City was identified by the British explorers in early 1898 as an alternative railway terminus and port for the Uganda railway, then under construction. In July, 1899 the first skeleton plan for Kisumu Town was prepared. It demarcated the government buildings, retail shops and landing places along the shores of Lake Victoria. In December 1901, the railway line reached the Kisumu pier. Another plan was prepared in May, 1902 and plots were allocated to a few European firms and Indian traders who had travelled to Kisumu on contracts to build the Uganda Railway and had decided to settle (www.unhabitat.org, 2010).

It was later realised that the site originally chosen for township north of the Nyanza Gulf was unsuitable for the town's expansion, due to flat topography and poor soils. An alternative site was therefore, identified and the town's location moved to the ridge on the southern shore of the gulf, where it sits today. This was followed by construction of a number of government buildings, notably the former provincial commissioner's office (Now State Lodge) and Old Prisons (under construction for an Anglican Cathedral). Kisumu Town became the administrative centre in 1910 soon after the railway line from Mombasa was completed. In 1903, the township boundaries were gazetted and 12,000 acres, including water was set aside

for its development. By the 1930's and 40's the town had become both commercial and an administrative centre. The town was elevated to the status of Municipality Board in 1940 and later to Municipal Council in 1960 (Obudho and Obudho, 1972).

The city covers an area of approximately 417 Km², of which 297 Km² is dry land and approximately 120 Km² is under water. Kisumu City is situated approximately 00 ° 06' South of the Equator and 34° 45' East of Greenwich. It lies between Lake Victoria with an elevation of approximately 1140m above sea level and the Nyando Escarpment to the North, which rises to over 1800m. Kisumu town's boundaries were gazetted in 1960. It consisted of what is commonly referred to as the "old town", which comprise of the Central Business District and Milimani, Kibuye, Stadium and Upper railway. The boundaries were extended in 1972 to include the peri urban areas of Manyatta, Nyalenda, Bandani, Kanyakwar and Nyamasaria.

Kisumu City has a population of 788,311 (Kenya Population and Demographic Census, 2009). It has a multi-ethnic population. The population growth rate stands at 2.8 per annum with an average population density of 828 persons per square kilometer. The biggest challenge facing Kisumu is how to develop policies that will provide employment and urban infrastructure for the fast growing population.



Source: Google maps

Figure 3.1 Location of Kisumu City in Kenya

3.3 Research Design

A research design is a procedure used by a researcher to explore relationships between variables, to form subjects into groups, administer treatments and analyze data (Amin, 2005). Qualitative data was collected by use of interviews and focus group discussions (FGD). The interviews provided in-depth explanation on issues surrounding integration of street vending. Quantitative data was collected through cross-sectional survey. According to Oso and Onen (2009) a survey is a present oriented methodology used to investigate populations by selecting samples to analyze and discover occurrences. According to Creswell (2003) and, Mugenda and Mugenda (2003), a survey provides quantitative descriptions of some part of a population, and it is basically concerned with explorations, descriptions and explanations of opinions, attitudes, preferences and perceptions of groups of people of interest to the researcher. According to Cohen (1988), surveys explain events as they are, as they were, or as may be without manipulation of variables. Thus according to Cohen, a survey is the best design when a researcher wants to describe events or opinions without manipulating variables.

The study was conducted in two phases: the first phase involved a field survey while second phase, involved interviews and focus group discussions with the relevant stakeholders. In phase one, a cross-section of street vendors in different locations in the CBD were surveyed in an exercise that targeted the vendors who occupied urban spaces for vending purposes. This design enabled the researcher to quantitatively describe the influence of spatial and institutional factors on integration of street vending in Kisumu City using a representative sample of the population (Creswell, 2003).

Phase two, was a purely qualitative inquiry and explored perceptions of members of the public, Kisumu City Administrators, street vendors and owners of formal shops over the use

of urban space in the CBD. Qualitative investigation systematically looks at data in order to discover socio-economic factors and develop in-depth understanding of major themes relating to a phenomenon, their relationships, and the context and processes (Charmaz, 2006; Bowen, 2005; Dick, 2005). In this second phase, qualitative investigation was a means to generate systematically empirical constructs that illuminate salient facts relating to street vending activities that are common among street vendors.

3.4 Study Population

The study population consisted of 2,146 street vendors (KMC, 2010), key informants included 6 Kisumu City Administrators, 64 members of the public, 27 owners of formal businesses who were members of Kisumu Branch Chamber of Commerce (KBCC). The street vendors in the CBD are clustered around the Bus-stop, Oile market, Kenyatta Highway, Oginga Odinga Street, Ojino Okewi, Ang'awa, Paul Mbuya, Nyamlori and Otieno Oyoo. The views of street vendors were considered useful in analyzing vending activities and how to integrate them in urban economy. The 64 members' of public were obtained through snowballing procedure from nine areas targeted for study. Since they buy from street vendors and use the public spaces occupied by street vendors their views was considered significant in informing urban planners on whether they agree or not to accommodate street vendors in the public spaces they currently occupy.

The owners of formal businesses in the streets selected were included in the study to provide their views on street vendors as direct competitors in terms of provision of goods and services. Kisumu Branch Chamber of Commerce (KBCC) which is an umbrella body that represents the interest of formal businesses provided the names of all their members who operate in the streets selected for the study. The Chairman of KBCC made calls to their members located in the streets selected for the study and asked them to participate in the

study. The 27 members of KBCC chosen for this study operate their formal businesses in the streets where vendors operate therefore they were believed to have important information regarding integration of street vending. Secondary literature also provided information on how laws and policies influence street vending.

3.5 Sampling Procedure and Sample Size

This study was conducted in Oile Market (former Jubilee Park), Bus-stop, Kenyatta Highway, Oginga Odinga street, Ojino Okewi street, Ang'awa street, Paul Mbuya, Nyamlori and Otieno Oyoo Road in the CBD. These areas were purposely chosen for study because they recorded the highest number of vendors in the CBD. Equity was used to determine the number of members to participate in the study from each group in the study area. Simple random sampling was used to determine the members who participated in the study.

The study sample consisted of 405 respondents selected from the 2,146 street vendors who operate in Oile Market, Bus-stop, Kenyatta Highway, Oginga Odinga street, Ojino Okewi street, Ang'awa street, Paul Mbuya, Nyamlori and Otieno Oyoo Road. Stakeholders contacted included 64 members of the public obtained through snowballing procedure in the targeted area of study, 27 owners of formal businesses operating in Ang'awa street, Oginga Odinga street, Paul Mbuya, Ojino Okewi and Kenyatta Highway where the study was carried out. These were the streets where formal businesses were found in the streets selected for study. The sample size of street vendor was determined according to Israel (1992) tables of samples (see appendix X). Use of published tables is recommended for determining sizes from given finite populations (Creswell, 2003). Israel (1992) recommends that for a research population of 2,146 units, a sample size of at least 333 is sufficient within $\pm .5$ level of precision and 95% confidence level. A sample of 337 street vendors was decided on. But Israel's formula also returned the same results.

$$n = \frac{N}{1 + N(0.05)^2}$$

$$n = \frac{2,146}{1 + 2,146(0.05)^2} = 337$$

But a sample size of 405 was used, being obtained by adding the recommended sample size from the published table (337) to 20% (or 68) allowable non-response rate and incompletely filled questionnaires. The sample size of 405 was proportionately distributed among the areas of study as shown in Table 3.1.

The study employed proportionate stratified, simple random, purposive and convenience sampling techniques to select the individual members of the sample. Stratified sampling was used to determine the proportions of each stratum to be included in the sample. Stratified sampling is used in heterogeneous populations to create homogeneous subsets that share similar characteristics (Creswell, 2003). Street vendors in Kisumu City are mutually and exclusively divided into areas and it is not possible for a vendor to sell in an area outside his or her designated territory. It was necessary to capture the characteristics of each stratum of street vendors in the sample. This could only be guaranteed through stratified sampling. For each stratum, the sub-sample size was determined as:

$$\text{stratum sample size} = \left(\frac{\text{stratum population}}{\text{total population}} \right) \text{required sample size}$$

For instance, the size of Oile market stratum was determined as:

$$\text{Oile Market Sample Size} = \left(\frac{642}{2,146} \right) \times 405 = 121$$

The same procedure was followed for all the strata of street vendors, and the sample sizes shown in Table 3.1 were obtained. This meant that the street vendors who participated in the survey from a stratum was proportionately distributed depending on size of the stratum. Strata that had more people contributed more respondents to the study while smaller strata contributed fewer respondents. Stratification was followed even at the group level. For example, at Oile market one group-Ngoka Self Help Group had 42 members - therefore, the number of street vendors from this group that participated in the study was determined proportionately as:

$$\text{Ngoka Self Help Sample Size} = \left(\frac{42}{642} \right) \times 121 = 8.$$

The owners of street vending enterprises were the unit of analysis in this quantitative study. Stratified sampling ensured that the street vendors were divided into homogeneous strata, and that each stratum was represented in the sample in proportions equivalent to its size in the population, and that each subgroup characteristic were accounted for.

Table 3.1 Population of street Vendors and Formal Businesses

S/N	Stratum	Population of street vendors (x)	Population formal business owners'	Stratum Sample Size $(\frac{x}{2146}) \times 405$	Groups in each Stratum	Group Sample
1	Ang'awa Street	186	8	35	i. General Street Hawkers Self Help Group (55). ii. Owen Self Help Group (75). iii. Weka Weka Self Help Group (56)	10 14 11
2	Bus-Stop	407	-	77	i. Pap Mutumba Group (139) ii. Museka Women Group (86) iii. Rack Self Help Group (107) iv. Kisumu Soda Trolley Operator Group (75)	25 16 20 14
3	Kenyatta Highway	119	3	23	i. New Canaan Self Help Group (38). ii. Ramogi Youth Group (76). iii. Tivoli Youth Group (15).	7 13 3
4	Paul Mbuya Street	111	1	20	Agha Khan Crescent Hawkers (111).	20
5	Nyamlori Street	94	-	18	i. Nyamlori Road Back Group (58). ii. Nyamlori Street Traders Group (36).	11 7
6	Oginga Odinga Street	322	7	60	i. Oginga Odinga Street Traders (203). ii. Moreco Women Group (34). iii. Atonga Women	37 7

					Group (19)	4
					iv. Affiliate Group (22)	4
					v. Mabatini Self Help (17).	3
					vi. Oginga Odinga Self Help Group(27)	5
7	Oile market	642	-	121	i. Ngoka self Help Group (42)	8
					ii. Kisumu Street Traders Assoc. (435)	78
					iii. Round about Women Group (29).	6
					iv. Miti Kumu Group (35)	7
					v. Oile Fruit Dealers (24)	5
					vi. Oile Grain and Vegetables (52)	11
					vii. Shusemo Group (25)	6
8	Ojino Okewi	172	8	33	i. Ojino Okew Group (111).	21
					ii. Ojino Street Trade (61)	12
9	Otieno Oyoo Road	93	-	18	i. Hekima Development Group (29).	5
					ii. Umoja Group (64).	13
10	Total	2146	27	405		405

Source: Researcher survey, 2010.

Once the sizes of each stratum was determined at all levels, the individual street vendors from each stratum were selected through a simple random procedure using a sampling frame of street vendors obtained from vendors' offices. Simple random sampling, being a chance technique, guaranteed that each vendor had equal and independent chance of being included in the sample. This equal and independent chance ensured that the sample was random, and a fair representation of the population of street vendors in the central business district on the

major issues of interest to the study. The random selection was done using random numbers technique, from a sampling frame constructed from a list of vendors obtained from the vendors' offices in 2010.

3.6 Purposive Sampling Technique

Those who participated in qualitative inquiry were purposively selected based on the grounded theoretical sampling and availability (Bowen, 2005; Charmaz, 2006). The goal of qualitative sampling is to enable the researcher to seek out individuals who are to help answer the research questions and thus, offer the best chances of describing the phenomenon (Strauss and Corbin, 1990). The participants were, therefore, chosen from members of the public, city administrators and owners' of formal shops.

Public members consisted of people who use the urban spaces that street vendors occupy. Purposive sampling was used to collect data from the members of the public. In order to gain their perception regarding integration of street vendors in urban spaces, members of the public who use pavements, parks, make purchases from formal shops and park close to where vendors operate were requested to participate in the study. Sixty-four (64) members of the public were obtained through snowballing procedure. The vendors who participated in questionnaire survey were asked to introduce the researcher to their regular customers. The respondents who were interviewed further introduced researcher to people they know use urban spaces. Gender was considered when choosing members of the public to be interviewed, 53 female customers were interviewed against 31 males.

City administrators comprised of: the Mayor, Town Clerk, Director of Planning, Town Treasurer, Public Health Officer and Town Engineer. The city administrators are the accounting officers of Kisumu City and the ones, who deal directly with the matters of street

vending in the county, therefore were deemed to be in better positions to describe the various practices of street vending and their effect on integration into the urban economy of Kisumu City. They were therefore selected purposively to ensure that the study captured these typical and useful cases. Formal shop owners operating in the streets under study were involved in the survey because street vending activities affect their business operations. The views of the shop owners were important to the planning process of integrating street vendors into the urban economy of Kisumu City.

Focus Group Discussions were subsequently organized for leaders of street vendor groups at the Bus-stop, Oile market, Kenyatta Highway, Oginga Odinga Street, Ojino Okewi, Ang'awa, Paul Mbuya, Nyamlori and Otieno Oyoo. The leaders from each group attended the focus group discussions (FGDs) to represent the streets where they vend. For large areas like Oile market, 12 leaders mainly chairperson and secretary of each group were recruited for the FGD while in smaller stratum like Paul Mbuya, all the officials and a few members participated in the FGD. The number of participants in the FGDs ranged from six to twelve in order to yield fruitful results as recommended by (Dick, 2005). A total of 9 FGDs were conducted for street vendors. Similarly, focus group discussions were carried out with formal shop owners situated along Ang'awa Street, Paul Mbuya Street, Oginga Odinga Street and Kenyatta Highway. Four FGDs were conducted in each street.

3.7 Data Collection Methods

3.7.1 Interview of Vendors

Questionnaires were used to collect data from street vendors and owners of formal businesses. Questionnaire was preferred because the study was concerned mainly with views, perceptions and feelings, and these could not be directly observed. Secondly, the sample size of 405 that was used in the study was quite large. Moreover, considering time and other resource constraints, questionnaire was the ideal tool for collecting data within the shortest possible time. Questionnaire is also the most suitable tool for survey research (Amin, 2005), which was the design adopted in this study. Semi-structured questionnaire (Appendix I) was used to enable collection both qualitative and quantitative data at the same time for a fuller description of the environment for interrogation of street vending in the economy of urban centers. The questionnaire for street vendors was divided into four sections: There was a section on demographic issues, spatial patterns and perception of street vending. The questionnaires were administered to all sampled street vendors to obtain their opinions on spatial and institutional factors.

3.7.2 Key Informant Interview

Interview was used to collect data from city administrators in charge of urban planning and members of the public. Interview method allowed for on spot improvements, explanations, adjustments and variations to be introduced at various stops in the data collection process. It also allowed the researcher to follow respondents' incidental comments; using facial and bodily expressions, tone of involvement, gestures, reactions and feelings and attitudes to obtain the feelings behind their words. The interview method made possible for the researcher to obtain detailed information on specific issues, and to collect information that could not be directly observed. It also enabled the researcher to capture the stories behind

respondents' experiences through pursuing in-depth information on issues of interest. This was made possible due to the flexibility inbuilt in the interview method.

3.7.3 Focus Group Discussion

Focus Group Discussion (FGD), using the interview guide in Appendices II and VI were used to collect data from leaders of street vendors' and owners of formal shops respectively. There were nine focus group discussions, one in each stratum of street vendors. The members of a focus group were drawn from the leaders of each group in a stratum. The participants included the chairperson and secretary or treasurer of each group. Four FGDs were carried out with formal shop owners who were working in the streets selected for study. The members involved in FGD were drawn from formal shops found along specific streets. The FGD technique enabled the collection of more refined data through creating fora for respondents to criticize each other's views. The interaction between members of the group was necessary to sharpen group members' views and ideas so that decisions arrived at were more refined than if members were interviewed individually. While more time was spent to arrive at or to obtain consensus, the quality of the information was worth the time spent to collect it. The FGD guide covered issues on spatial patterns and public perception on integration of street vending in urban economy. The researcher moderated all the discussions and trained research assistants took detailed notes during FGDs.

3.8 Validity and Reliability

3.8.1 Reliability of Instruments

Reliability is the extent to which research results are consistent over time, over place and over methods (Oso and Onen, 2005). Reliability was determined by the test-retest method. The researcher administered the instrument to a random sampled of 30 vendors at Kisumu bus-stop twice within a span of 14 days. The instruments were collected and all responses coded

1. The score of each respondent was determined by adding the codes on each instrument. This produced a score of 33 for each respondent. Thus at this stop the researcher had 30 scores of 33 each. After 14 days, the same instrument was administered to the same sample (re-test). The instruments were collected and coded such that all responses of each respondent that was similar to the response in the first administration were coded 1, and any different response was coded 2. The scores of each respondent were determined by adding the codes on each questionnaire. This produced a score of 33 if the respondent answered in exactly the same way all items as in the test-1, and 66 if the respondents answered differently in all the items. At this stop the researcher had 30 scores of between 33 and 66 as summarized in Appendix VIII. The scores were then correlated using Oso and Onen (2005) reliability technique in equation below.

$$r = 1 - \left(\frac{\sum T_2 - \sum T_1}{\sum T_2} \right)$$

where T_1 are the scores for each participant in Test - 1 and T_2 the scores for Test - 2. For the above data, reliability would be:

$$r = 1 - \left(\frac{1122 - 990}{1122} \right) = 0.882$$

This is equivalent to a reliability coefficient of 0.882 in other scales. Hence a reliability index of 0.882 was reported indicating that at least 8 out every 10 items produced consistent responses over time. This was also acceptable validity index since it was higher than the .70 recommended in social research by Amin (2005), and Oso and Onen (2005).

3.8.2 Validity of the Instruments

Validity is the extent to which research results can be correctly interpreted and generalized to other populations. It is a measure of the accuracy of the study (Oso and Onen, 2005). Validity was ensured through use of experts who were the supervisors of the student. The questionnaires were given to the two supervisors to evaluate and rate the relevance of each item to the objectives as “not relevant” and “relevant” on a scale of the 1 - 4 such that 1 was *Not Relevant*; 2 was *Somewhat Relevant*; 3 was *Quite Relevant*; and 4 was *Very Relevant*. Content validity index was then determined from the assessors agreement scale as:

$$CVI = \frac{n_{3/4}}{N}$$

where $n_{3/4}$ is the number of items marked 3 or 4 by both judges, and N the total number of items assessed. The items were then modified to attain a validity index of at least .70 which is the least accepted validity index in survey research (Amin, 2005). The results summarized in Table 3.2 were obtained.

Table 3.2 Expert Rating of Research Instruments

		Judge I				Total
		1	2	3	4	
Judge II	1	0	1	0	0	1
	2	0	0	1	0	1
	3	1	1	6	7	15
	4	0	1	7	8	16
Total		1	3	14	15	33

Table 3.2 shows that there were 33 items in all the instruments that were used in this study and that the total items rated relevant (3 or 4) by both experts were 28. Hence a content

validity index of $CVI = \frac{28}{33} = 0.85$ was reported. This means that at least eight (8) items out

of any ten items used in this study correctly measured what they were intended to measure.

This was an acceptable validity index since it was higher than the .70 recommended in social research by Amin (2005), and Oso & Onen (2005).

3.9 Data analysis

3.9.1 Quantitative data

The researcher examined and summarized the data collected. The information contained was then coded. The result was presented in frequencies, percentages, tables and pie charts which were inferentially interpreted by the researcher.

3.9.2 Qualitative Data Analysis

Thematic analysis was undertaken simultaneously with collection of qualitative data. The first step involved reading interview scripts, and coding in order to fracture them to facilitate comparison between issues in the same categories, and organize data into broader descriptive categories or themes. A theme was deemed to exist if it occurred at least five times across all respondents. This procedure eliminated the factors that occurred only a few times across the interviewees in the FGDs. Themes or categories functioned as a basis for sorting the data for further analysis. Secondly, the responses were described to produce interim reports, and areas that required additional information identified and the requisite data sourced. The researcher constantly wrote memos and compared data to document ideas and insights emerging from the data. The interim report was systematically analyzed and interpreted, and integrated with quantitative data in the main report.

CHAPTER FOUR: RESULTS AND DISCUSSION

4.1 Overview

This chapter presents in detail the study findings. The results and discussions begin by presenting demographic characteristics of street vendors including distribution by age, level of education, residence and household size. This is followed by presenting of qualitative and quantitative data on the first objective, the spatial factors. Spatial factors are examined by analyzing location of street vendors, the land use conflicts, reasons for choice of sites and constraints encountered in the course of their operations.

The second objective addresses the legal and institutional factors that influence operations of street vending in the urban economy of Kisumu City. Like the first objective, the information on influence of legal and institutional framework on street vending was obtained by reviewing and analyzing policy documents and laws related to street vending in Kenya. This objective aimed to bring out the influence of legal and institutional framework on integration of street vending into urban economy of Kisumu City.

The third objective explored the influence of public perceptions on integration of street vending in the urban economy of Kisumu City. The respondents provided information relating to street vending such as street congestion, provision of goods and services, street cleanliness, and quality of goods and services offered.

4.2 Demographic Characteristics of the Respondents

Distribution of Street Vendors by Age

The respondents were requested to state their ages (in years). This was necessary to determine whether or not there was age limitation in participation in street vending. The results are summarized in Table 4.1.

Table 4.1 Distribution of Street Vendors by Age and Sex

Age	Male	Female	Total
18 - 30	48	85	133 (35.2%)
31 - 40	59	47	106 (28.0%)
41 - 50	33	47	80 (21.2%)
Over 51	31	28	59 (15.6%)
Total	171 (45.2%)	207 (54.8%)	378 (100.0%)

Source: Field Survey, 2011.

Table 4.1 shows that most of the respondents (35.2%) were aged between 18-30 years while 28% were aged between 31 - 40 years. Those aged between 41-50 years were 21.2%, and those aged over 51 years were 15.6%. This indicates that majority of street vendors are young people in the age bracket of between 18 - 40 years. This result concurs with Opoku's (1998) observation that most vendors are aged between 20 and 50 years. This being the most productive age in any economy, the energy of street vendors should not be wasted in unproductive activities like street battles with security officers. Integration of street vending in the urban economy could lead to security of the young peoples' employment in the streets.

Distribution of Street Vendors by Levels of Education

The respondents were asked to state their highest levels of formal education. It was important to determine whether there was any relationship between levels of education and street vending. The results are summarized in Table 4.2.

Table 4.2 Education Levels of Respondents by Sex

Level of Education	Male	Female	Total
None	21	62	83(22.0%)
Primary	83	75	158 (41.8%)
Secondary	37	56	93 (24.6%)
Diploma	24	9	33 (8.7%)
University	6	5	11(2.9%)
Total	171(45.2%)	207(54.8%)	378 (100.0%)

Source: Field Survey, 2011.

Table 4.2 shows that most (41.8%) of the respondents had primary level education while 24.6% had secondary education. Another 22.0% had non-formal education while 8.7% had diploma level education. Only 2.9% had university education. Thus the majority of vendors (63.8%) have primary education though a few highly educated persons engage in street vending. This finding is consistent with that of Bhowmik (2005) which states that most street vendors around the world are persons with basic education and skills that can only make them fit in vending. The finding is also in agreement with the reports in Mumbai and Bangalore which indicated that 25% of the hawkers were found to be illiterate. Westley and Michalev (2002) also concluded that 80% of the hawkers in the cities around the world are either illiterate or have read only up to middle school (8th grade). Comparatively, most female vendors have lower education levels than their male counterparts. Thus, education level can be used to predict the probability of joining street vending with people of low education having a higher propensity of joining street vending.

Distribution of Street Vendors by Residence

The respondents were asked to state their areas of residence. The concern was in determining whether street vendors came clustered round certain geographic areas of residence, or whether came from all regions of the Kisumu City. The Figure 4.1 summarizes the responses of the vendors regarding their areas of residence.

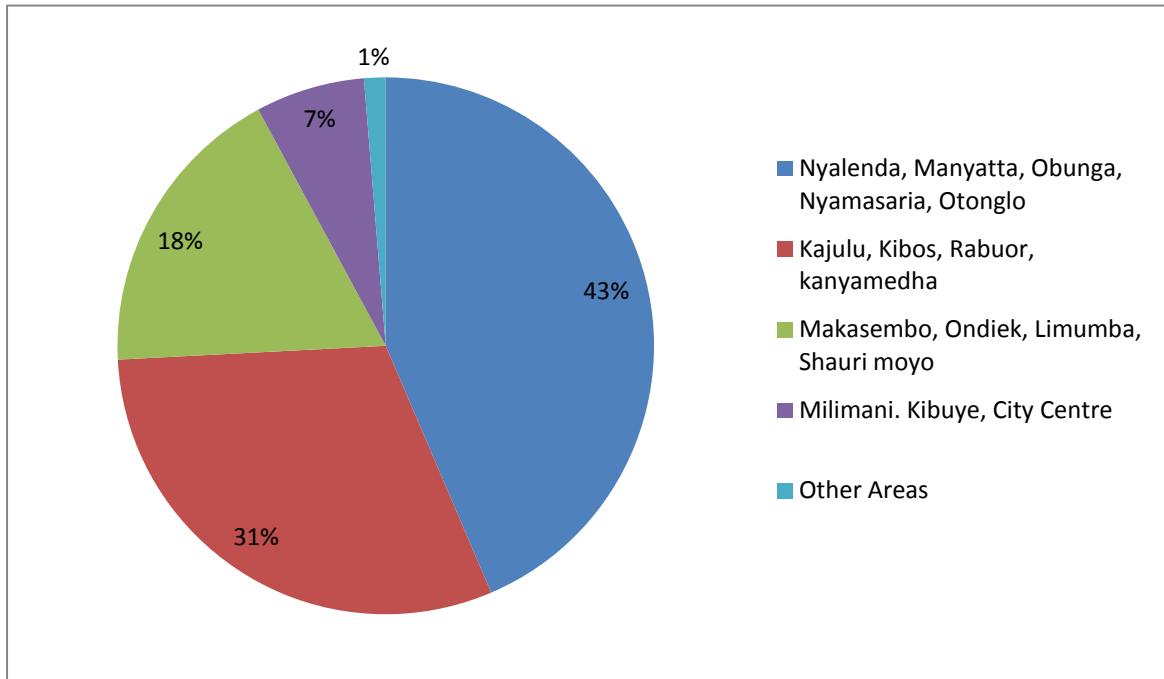
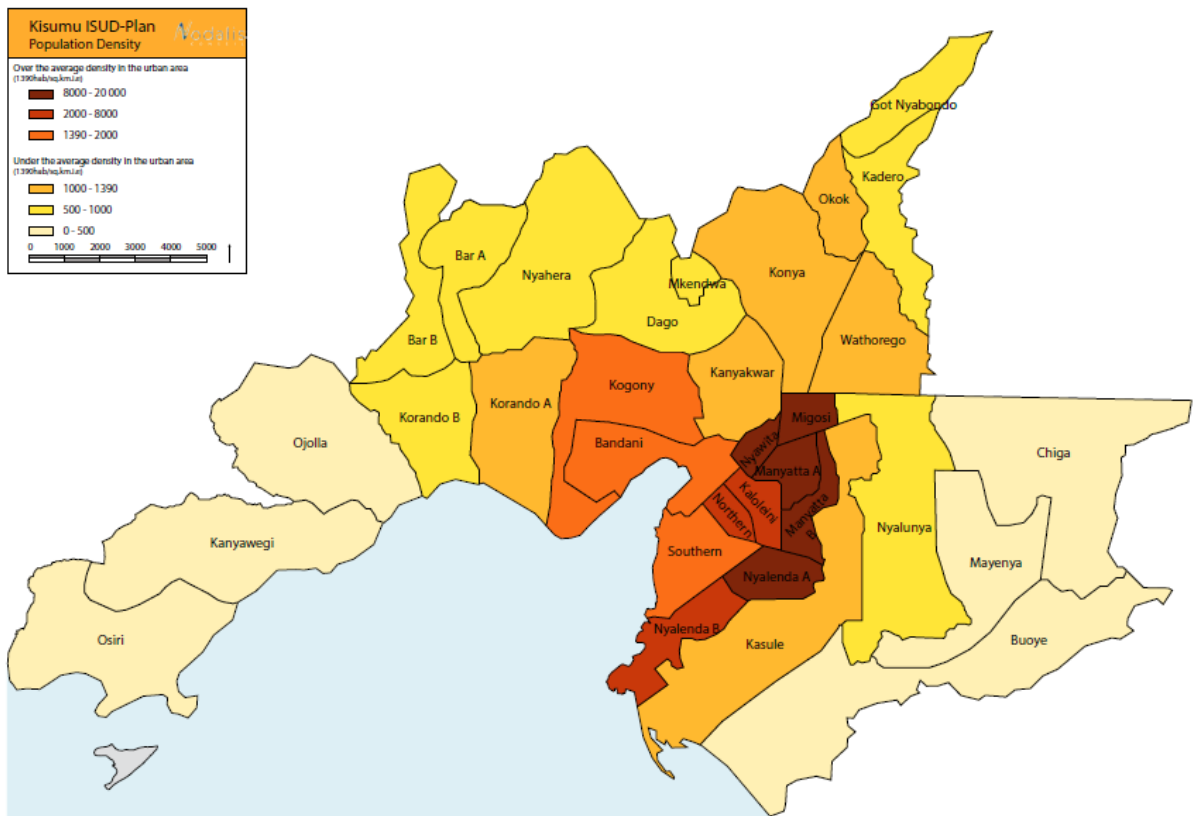


Figure 4.1 Residential Areas of Street Vendors.

Figure 4.1 shows that most (43 percent) of street vendors reside in Nyalenda, Manyatta, Obunga, Nyamasaria and Otonglo, while 31 percent reside in Kajulu, Kibos, Rabuor and Kanyamedha. Another 18 percent of street vendors reside in Makasembo, Ondiek, Lumumba and Shauri Moyo, while about 7 percent of the street vendors reside in Milimani, Kibuye and the City Centre. Other areas accommodate about 1 percent of street vendors. These findings are consistent with the finding of UNHABITAT (2005) that identified Manyatta, Nyalenda and Obunga as slum settlements inhabited by low income urban residents involved in informal trade. The finding is also consistent with that of Kamunyori (2007) which revealed

that majority of street vendors reside in low income estates. Majority (74.1 percent) of street vendors in Kisumu City also reside in low class regions.



Source: Kisumu ISUD-Plan, 2014

Figure 4. 2 Map of Residential Areas

Distribution of Street Vendors by Number of Children

The respondents were asked to indicate the number of persons in each household. This was necessary to determine the family size of street vendors, in order to assess their actual economic impact. The Figure 4.3. summarizes the responses of the street vendors.

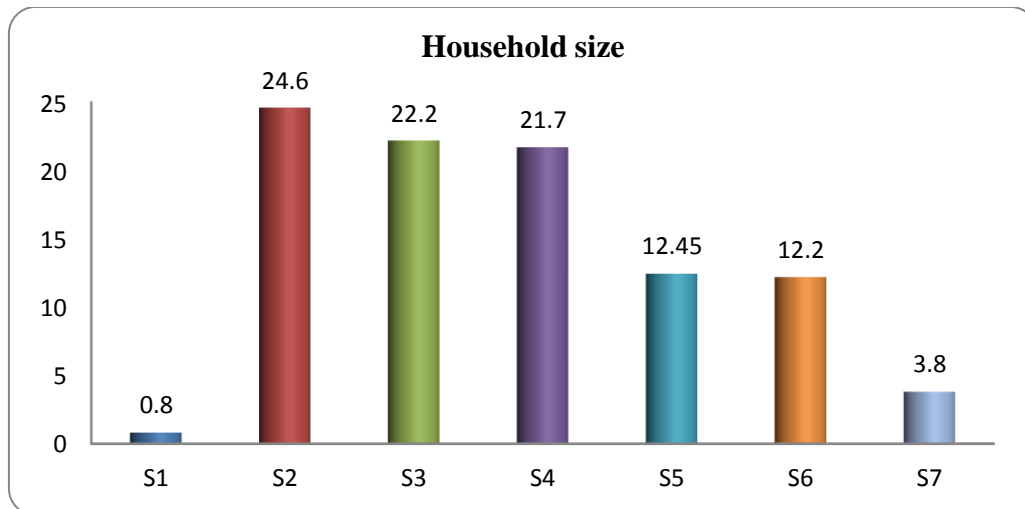


Figure 4.3 Household Size of Street Vendors

Figure 4.3 shows the household size of each street vendor. It shows that most (24.6%) of street vendors have two children, 22.2% have three children, 21.7% have four children. Another 12.45% have five children, 12.2% have six children and 3.8% have seven children. These results indicate that street vendors have to provide for their families. This finding supports that of Lund and Skinner (2000) and Mitullah (2003) that street vending activities provide jobs to people who are unemployed and have families in urban centers.

4.3 Spatial Patterns and Street Vending in Kisumu City.

The first objective of this study was to examine the spatial factors of street vending in Kisumu City. The focus group discussion with vendors explored the spaces where street vendors position themselves when conducting their economic activities. The study found that vendors often identify empty spaces in front of shops, car parks, pavements, veranda of

permanents and corridors leading to back gates buildings to conduct their business in. A member of the focus group discussion stated that;

“I do not have any document stating that I own the veranda where I shine shoes though I just work unless city 'askaris' chase me away”.

Another participant in the FGD noted that in the case of new vendors, consultation has to be made with already existing vendors to determine whether they will allow the new trader to start another business next to them. Further, participants in the FGD noted that they make better sale in the CBD than outside the city centre with one participant emphasizing that he could never vend outside the CBD.

The location selected for vending is based on the possibility of making good sales as was highlighted during the FGD. Consequently, attempts by the World Bank to provide street vendor with alternative sites by building markets in Manyatta and Nyalenda failed to take off because the sites were deemed unsuitable for vending and the vendors ended up returning to the CBD. According to the FGD , Vendors returned to the CBD due to the high circulation of traffic and pedestrians as opposed to areas where they were relocated to. Thus, streets have become the much sought place of business for vendors and evicting them from spaces they currently occupy would make them loose their customers.

Through the FGD, the study found that vendors did not view their activities on urban spaces to be obstructive in nature. They pointed out that they do not block pathways, but rather take portions of pedestrian sidewalks. Further, the vendors maintained that they also ensured cleanliness by transporting waste material to disposal points. A participant in FGD had this to say:

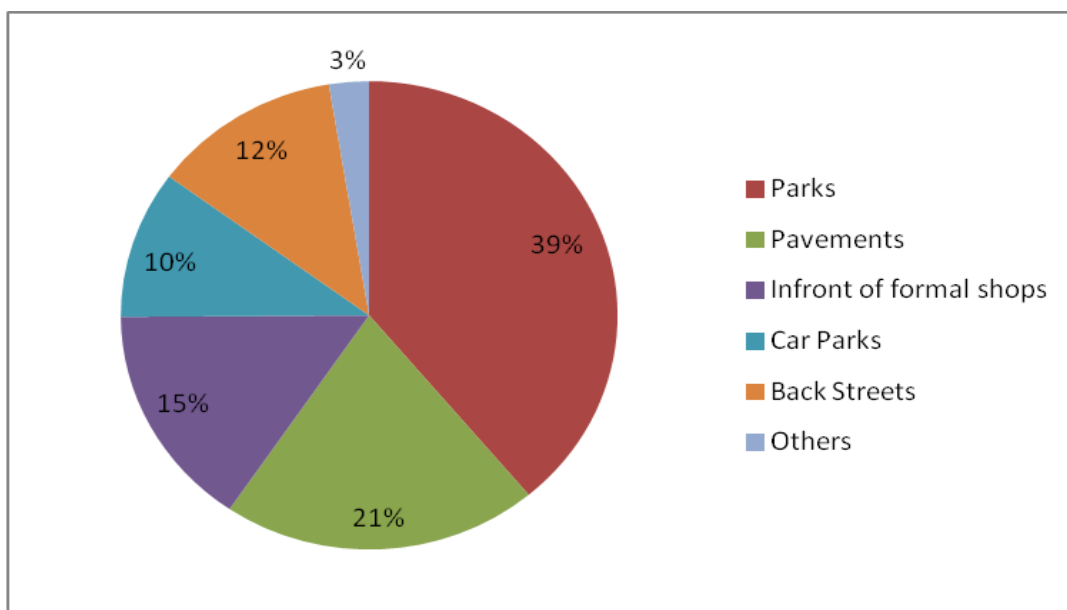
“We should not be wholly blamed for the waste that is thrown all over the place, it is our customers to blame. When a product is packaged and then sold to a customer, some customers remove the package and throw it away contributing to waste material thrown all over. It is our customers who do not take care of the environment”.

Formal business owners who participated in the FGD however felt that street vendors should not be allowed to occupy the spaces they are currently using for vending. They felt that it is street vendors who make the town dirty and should therefore be removed or relocated outside the CBD. However, an interview with one customer of the street vendors revealed that:

“Street vendors congest the roads but they give us convenience because I can shop on my way home from the office. Let them be there, do not relocate them”.

A respondent stated that in Oile market the vendors are so organized, that they have left small paths where customers pass easing movement. Majority of the respondents felt that street vendors should be allowed to occupy the spaces they operate from, so that they are accessible to their customers.

A survey was conducted in order to further investigate the variables on spatial factors. The street vendors were asked to indicate the spaces that they take up as vending sites. The responses are presented in Figure 4.4.



Source: Field Data, 2010

Figure 4. 4 Sites for Street Vending.

The results indicated 39% conducted their businesses in parks, 21% on pavements, 15% in front of formal shops, 10% in car parks and 12% in back streets. The parks are therefore popular sites.

The population of street vendors targeted for the study varied from one vending site to the other. The results of population of vendors per vending area are presented in the Figure 4.5.

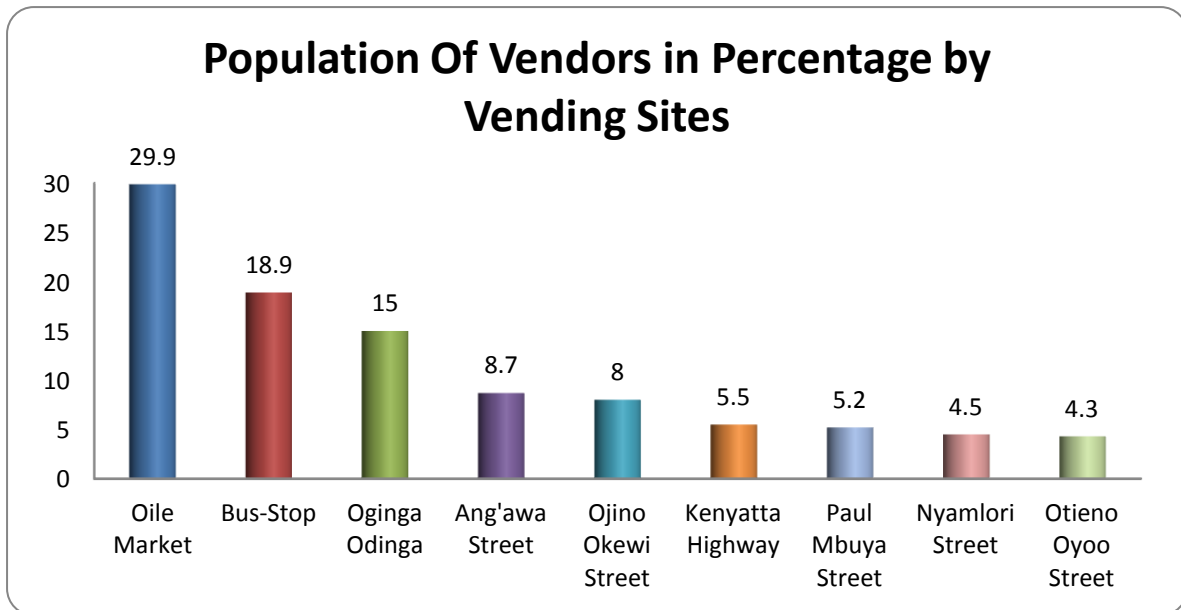


Figure 4.5 Population of Vendors in Percentage by Vending Sites

The data presented in figure 4.5 indicates that majority (29.9%) of street vendors are found in Oile market followed by Bus-Stop 18.9%, Oginga Odinga 15%, Ang'awa 8.7%, Kenyatta Highway 5.5%, Paul Mbuya 5.2%, Nyamlori 4.3% and the least number in Otieno Oyoo Road.

The study investigated the reasons why street vendors occupy these specific sites. The results are summarized in the Table 4.3.

Table 4.3 Reason for the Choice Vending Site.

Reasons	Responses %				
	SA	A	NC	DA	SDA
i. Security Tenure* for the spaces occupied.	14.3	9.5	21.7	26.2	28.3
ii. The site accessibility to major streets.	29.6	23.3	23.8	4.0	19.3
iii. Attracted by existing enterprises on the site.	28.6	22.2	16.7	15.6	16.9
iv. Lack of alternative planned zones	38.9	25.4	12.7	3.4	19.6
Total	27.85	20.1	18.73	16.2	21.03

Note. SA is Strongly Agree; A is Agree; NC No Comment; DA is Disagree; SDA is Strongly Disagree. The responses are reported in percentages.

Security of Tenure* =Some form of authority to occupy the space

Source: Field Survey, 2011

Table 4.3 shows the responses of street vendors on the reasons for spatial patterns. The study pointed out that 23.8% of respondents agreed that they have security of tenure in the spaces they occupy, against 54.5% who recorded insecurity of tenure. The kind of security of tenure the street vendors indicated to have is a form of authority to occupy the space without any document. There is disparity between street vendors (23.8%) who agree to having security of tenure for vending places and those in the formal sector where approximately 83% agree that they operate from sites allocated by urban authorities as shown in Table 4.3 and Table 4.8. The result indicates spatial inadequacy in allocating space to street vendors. The results support findings of Msoka (2007) that street vending is inconsistent with modernity. Ofori (2007) observed that unofficial occupation of streets and other public spaces by street vendors is viewed by local authority as erosion of city image and city aspirations to attain ‘world class’ recognition.

About 52.9% of street vendors agreed that they take up sites that are accessible to major streets for vending while 23.3% disagree. The findings pointed out that accessibility to major streets is a major factor in making decision to locate a vending enterprise. Over 50% of respondents from formal businesses agreed that street vendors should be relocated from the spaces they currently occupy (Table 4.8). This result supports findings of Perera and Amin (1996) which observed that urban authorities have the tendency to relocate street vending to sites outside the CBD. Perera and Amin (1996) further attributed spatial problems to failure of unresponsive planning systems which do not cater for the needs of urban informal production. Yankson (2000) argues that the economic contribution of the informal sector to local and national economies strengthens their case for accommodation than for their exclusion. The finding further corroborates the study by Nnkya (2006) that street vendors who were evicted from streets were relocated to new markets or given sites outside the CBD in Tanzania.

The other reason advanced for locating vending enterprise was type of enterprises already in the street. About 50.8% of respondents agreed that the enterprises already in the site influenced their decision to locate their businesses while 32.5% disagreed arguing that the enterprises already in the site did not influence their location decision. Lack of alternative planned zones for informal sector is a factor that influences the decision to take up a site for vending purposes. Over 64% of the respondents agreed that lack of alternative planned zones for informal sector influence their decision to site a vending enterprise while 23% disagreed that lack of alternative planned zones for informal sector influence their decision locate their vending enterprises. Mitullah (2006); Mochache (1990); Kinyajui (1996) stated that spatial distribution of informal sector is influenced by economic consideration as oppose to socio-political factors.

These findings are consistent with observation of Kamunyori (2007) that if street vendors are to have a secure livelihood and invest both in their economic activities and their trading areas, assignment of official spaces (security of tenure) is critical. Mitullah (2006) observed that in Kenya, street vendors are evicted at will by urban authorities because the vendors do not have security of tenure for the sites rendering street trade illegal. The study found out that the most critical problem vendors face in siting their vending enterprises is lack of assigned sites to trade on. Nnkya (2006) reported that countries that have integrated street vending in their economies like Tanzania, South Africa and India have realized greater economic benefits. King (2006) noted that change in legal approach to informal trading and acknowledging street traders as business people who contribute to the economy provided them with the right to trade.

The findings indicate that decision to site vending enterprise in parks, pavements, in front of formal shops, car parks and back street is influenced by whether the site is accessible to major streets, existing enterprises and lack of alternative planned zones for informal sector. Areas that are more accessible are likely to bring more economic returns (Oyugi, 2001). Based on the findings and given that street vending is important to the urban economy of Kisumu City, the City management should consider these factors when allocating street vendors sites for operation. Ofori (2007) noted that cities such as Durban, Johannesburg and Cape Town have come up with innovative methods to accommodate informal sector in the city centres.

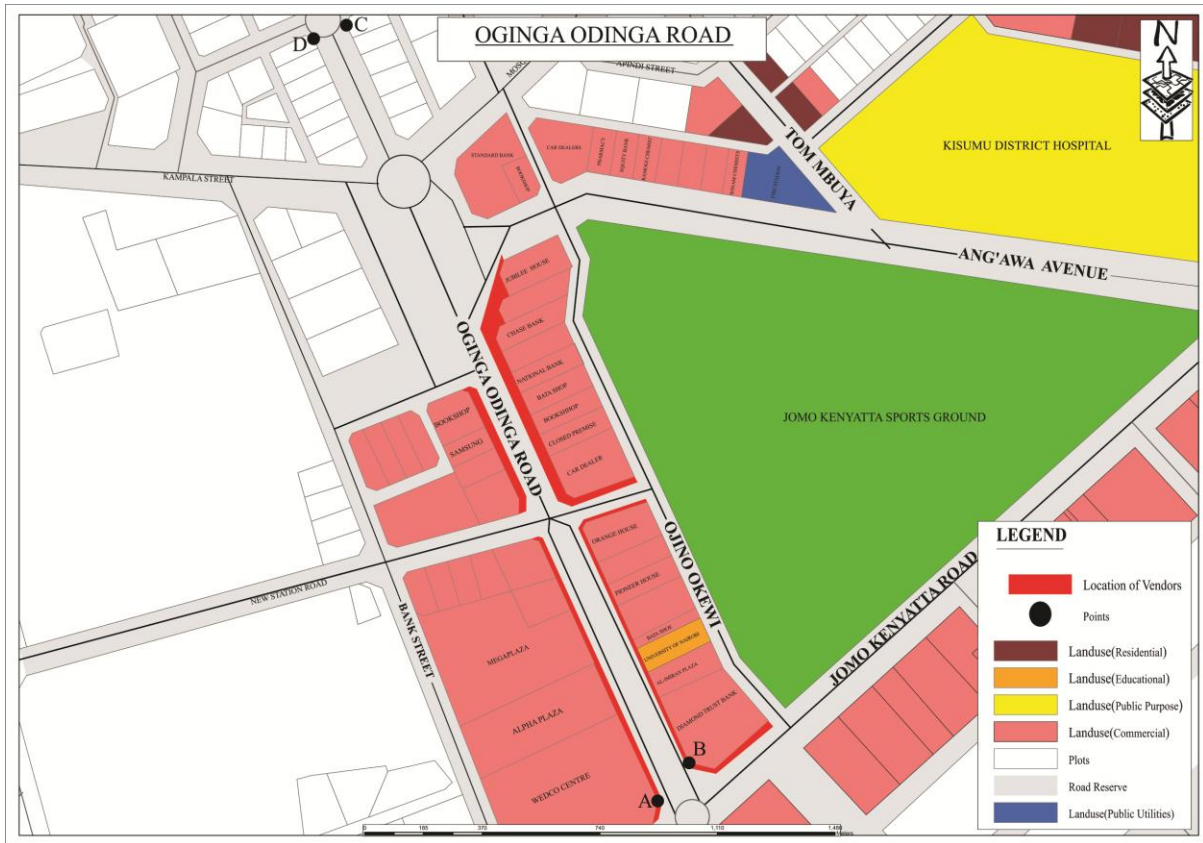


Figure 4.7 Vending sites on Oginga Odinga Street

The study explored the nature of conflict street vendors' face in the spaces they occupy in Oginga Odinga Street. The nature of urban space use conflicts are identified as, security risks, business competition, congestion on pavements or road reserves and generation of waste. The results of conflicts in Oginga Odinga Street are presented in Figure 4.8.

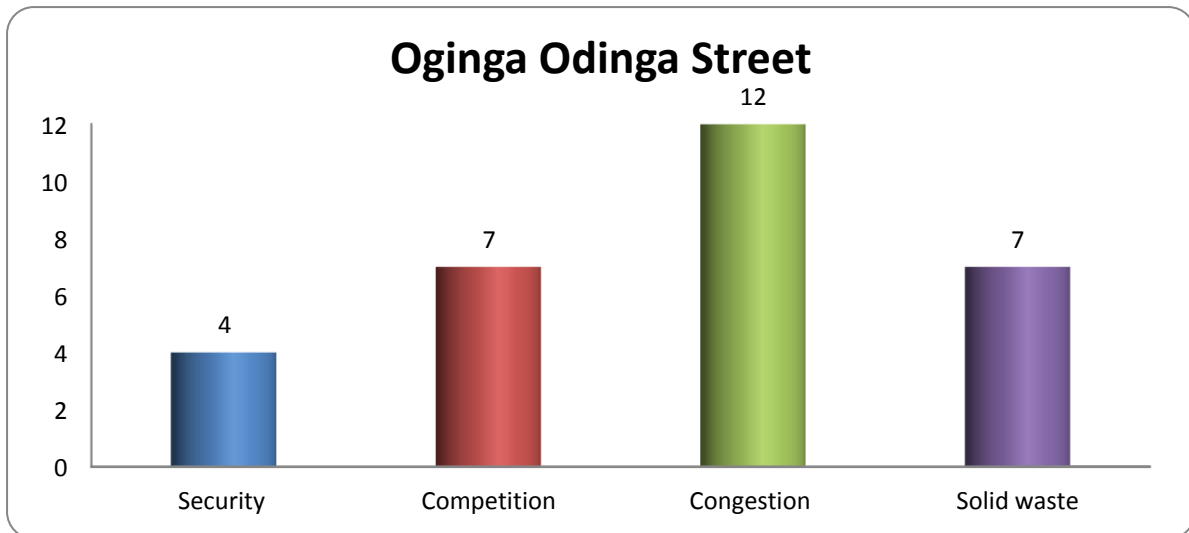


Figure 4. 8 Conflicts in Oginga Odinga Street

Figure 4.8 shows that conflicts street vendors’ faces in Oginga Odinga are; security risks, business competition, congestion on pavements or road reserves and generation of waste. Conflict relating to congestion was mentioned 12 times, solid waste generation 7 times, competition 7 times and security risks 4 times. Based on the results congestion is the main conflict street vendors’ face in Oginga Odinga Street. Comparatively, the conflicts are more intense in this street than other streets.

Ojino Okewi

This is a back street of businesses in Oginga Odinga Street as shown in Figure 4.9.



Figure 4.9 Vending Sites on Ojino Okewi Street

Ojino Okewi Street is one of the streets that record the highest number of street vendors. The conflicts identified in this street were presented in Figure 4.10.

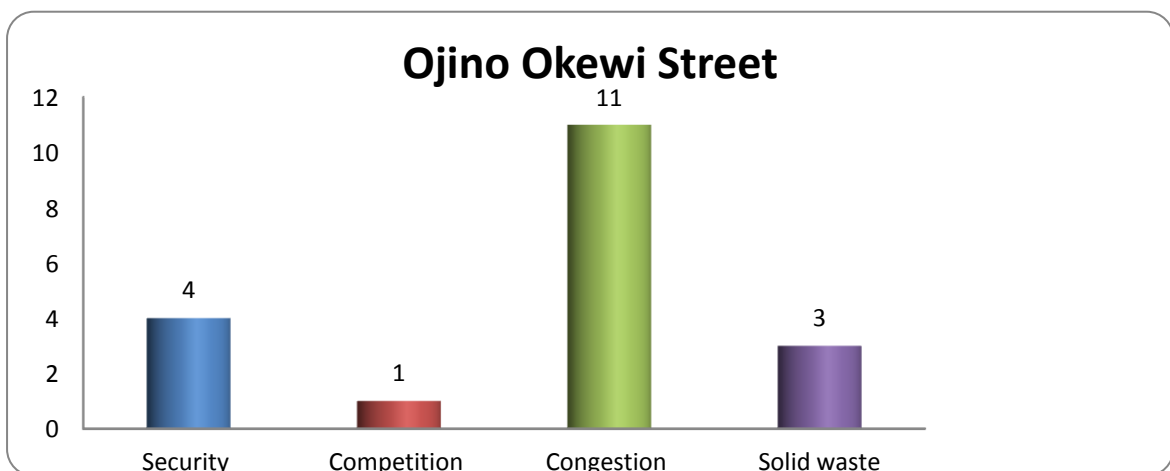


Figure 4.10 Conflicts in Ojino Okewi Street

In Ojino Okewi Street, congestion was mentioned more than security risks, competition and solid waste generation. Competition between formal shops and street vendors was recorded the least number of times as a conflict. Ojino Okewi being a back street the competition with formal shops is lower but the vendors hinder the movement of goods into the shops.

Ang’awa Street

It is one of the main streets linking Oginga Odinga Street and Otieno Oyoo Road which is the road from Nairobi.

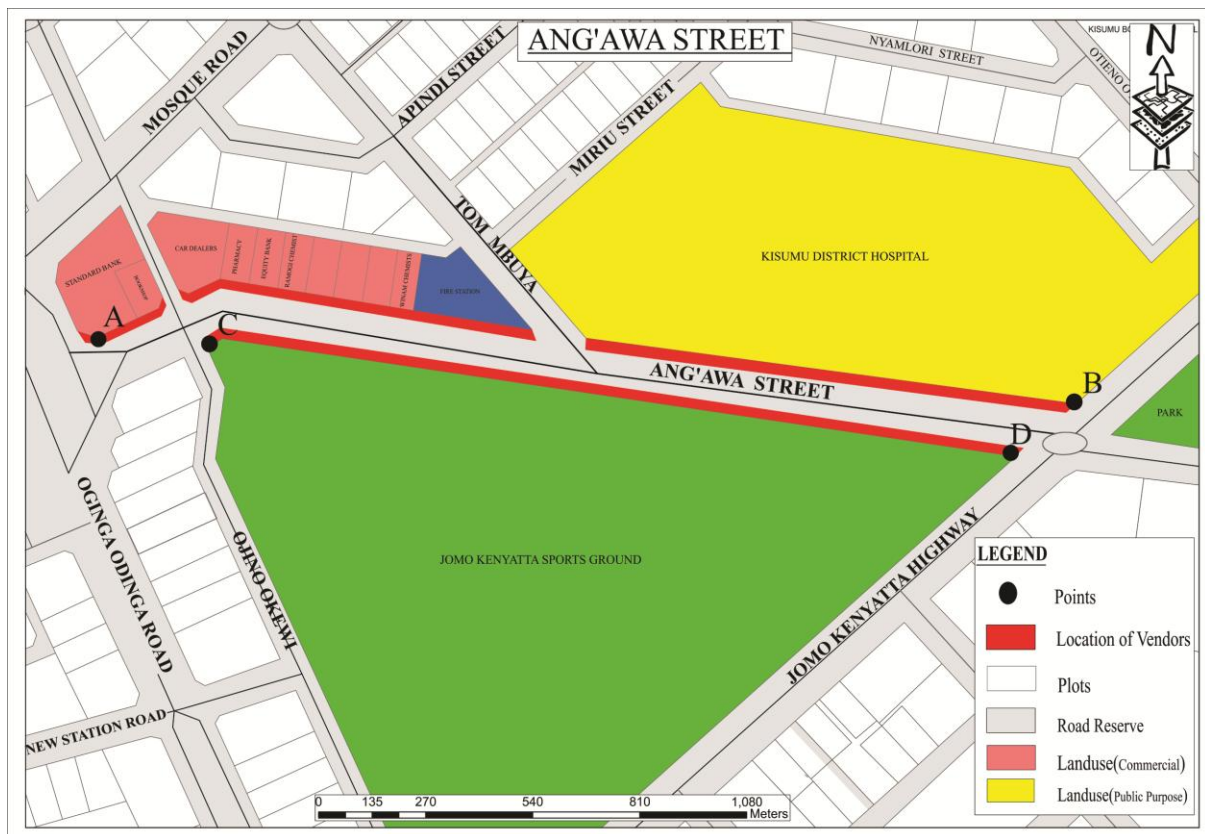


Figure 4. 11 Vending Sites on Ang’awa Street

A survey of conflicts encountered by street vendors and formal shops was conducted and results presented in the Figure 4.12.

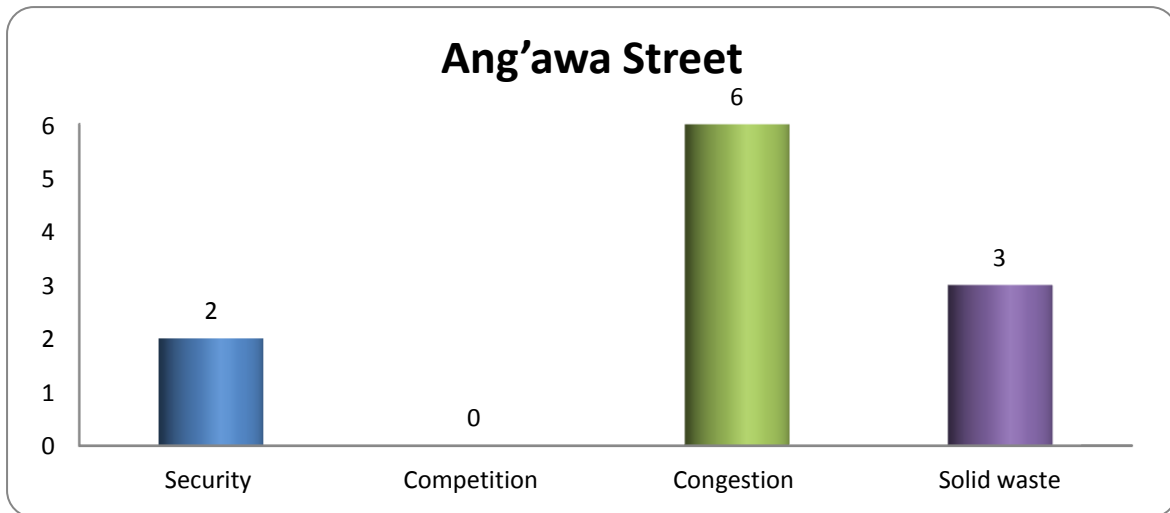


Figure 4. 12 Conflicts in Ang'awa Street

From the data presented in Figure 4.12 competition was not a major source of conflict in this street. The main source of conflict between street vendors and formal businesses in Ang'awa Street was found to be congestion and solid waste generation. Security was mentioned only twice.

Kenyatta Highway

This is the main highway that joins Oginga Odinga Street from Kakamega town. The street is presented in the Figure 4.13

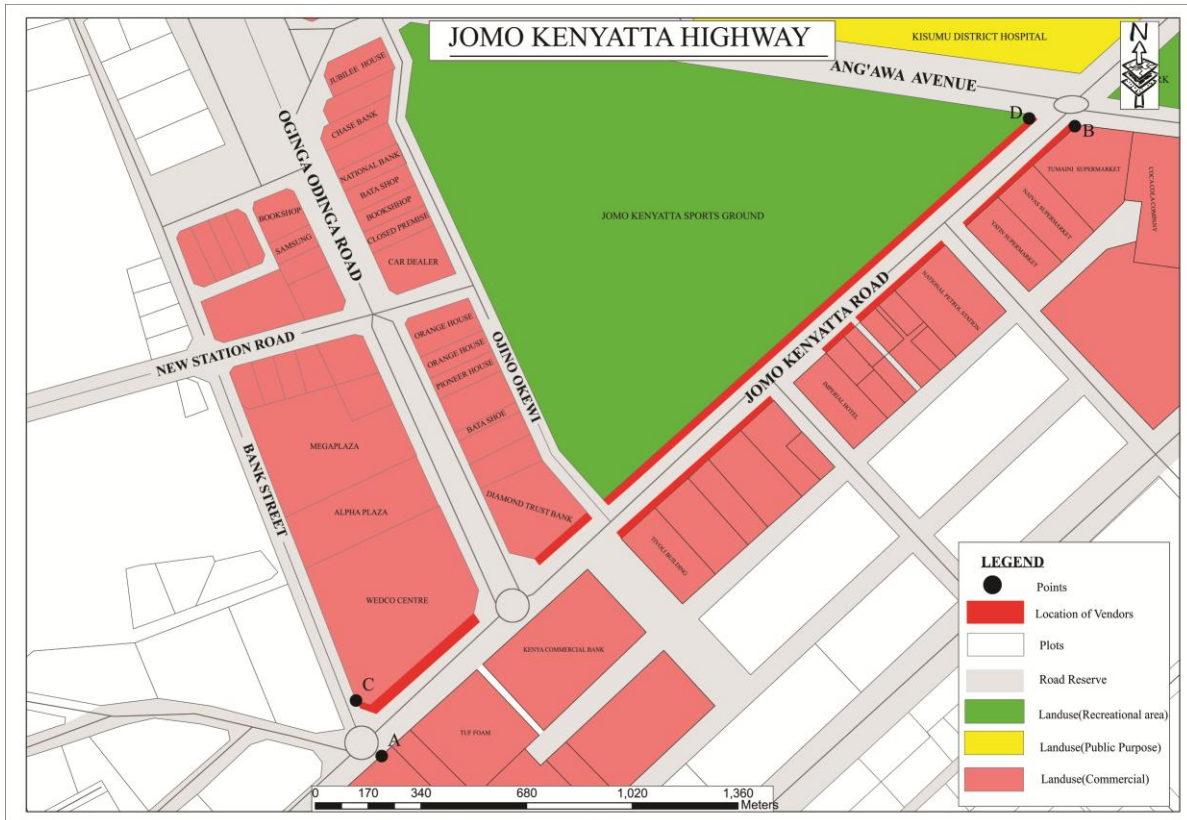


Figure 4. 13 Vending Sites on Kenyatta Highway

The study investigated the conflicts between street vendors face and their counterparts working in the formal shops in Kenyatta Highway. The natures of conflicts identified are presented in Figure 4.14.

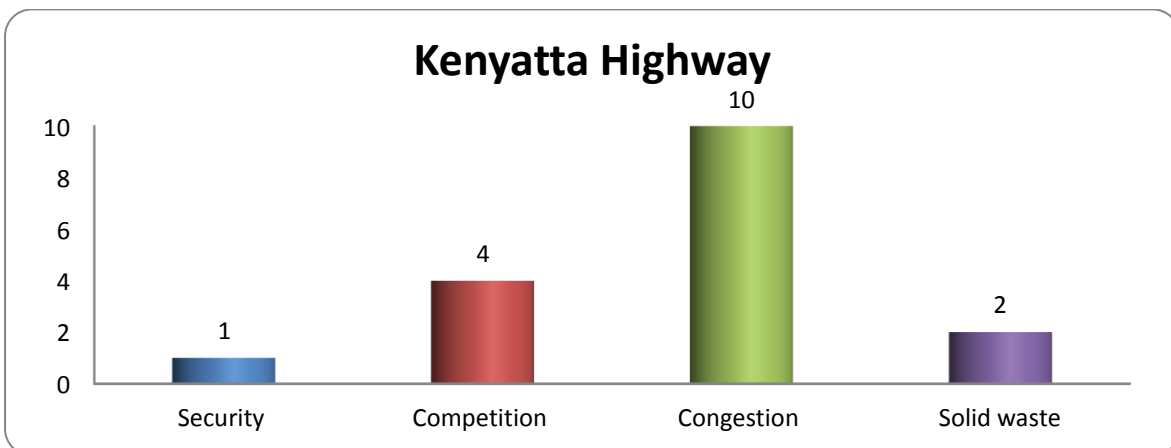


Figure 4. 14 Conflicts in Kenyatta Highway

The street vendors were found to face all the four the types of conflicts in Kenyatta Highway. Congestion was identified as the leading form of conflict making it the main conflict faced by traders on that street. Security, competition and solid waste generation although mentioned did not rank as high as congestion.

Bus-Stop

The vending sites found in Kisumu Bus Stop are illustrated in Figure 4.15.

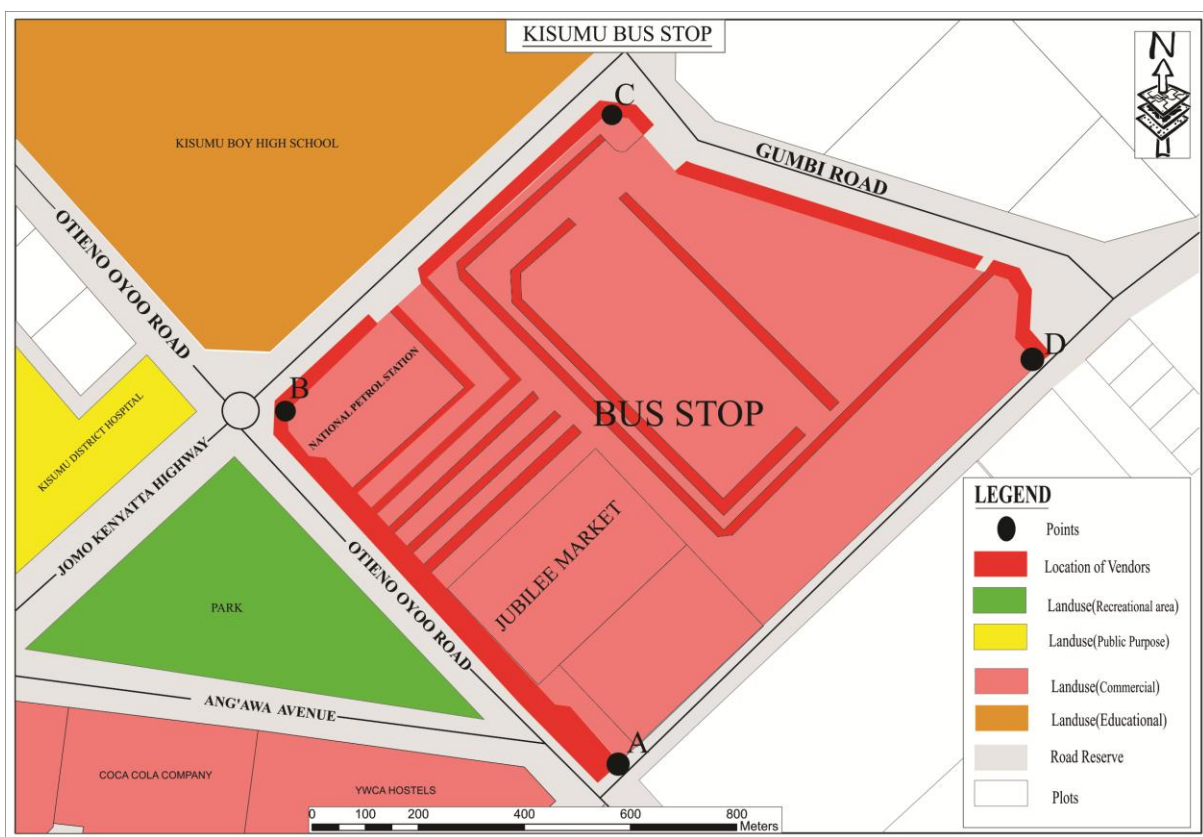


Figure 4. 15 Vending Sites on Bus-Stop

Enquiry into conflicts street vendors in Bus-Stop encounter was explored and data collected presented in the Figure 4.16 below.

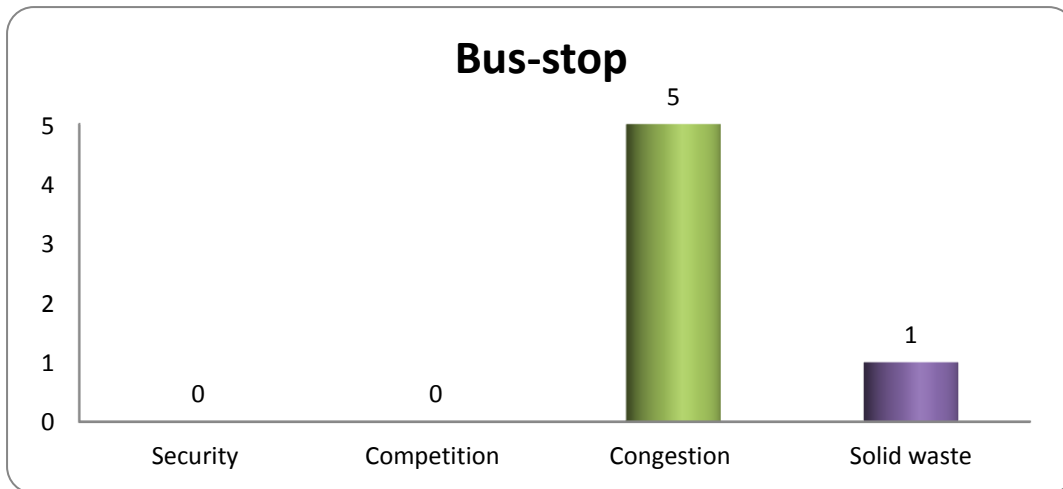


Figure 4. 16 Conflicts in Bus-Stop

At the bus Stop security and competition were not found to be sources of conflict between the street vendors and formal business owners. The main source of conflict was identified as congestion and solid waste generation. Congestion was the most serious problem conflict found in this street.

Oile Market

Oile market was formally known as Jubilee Park. It attracts the highest number of street vendors. The market is marked by seasons of evictions and being allowed to use the park as a market by city authority. Normally, for political reason just before general elections take place, the vendors are allowed to use the park and after elections they evicted. At the time when this research was carried out, the street vendors were all over the park, however, at the time of submitting this report the vendors had been evicted and they were using road reserves surrounding the park. The location of Oile market and spaces vendors occupy are presented in the Figure 4.17 below.

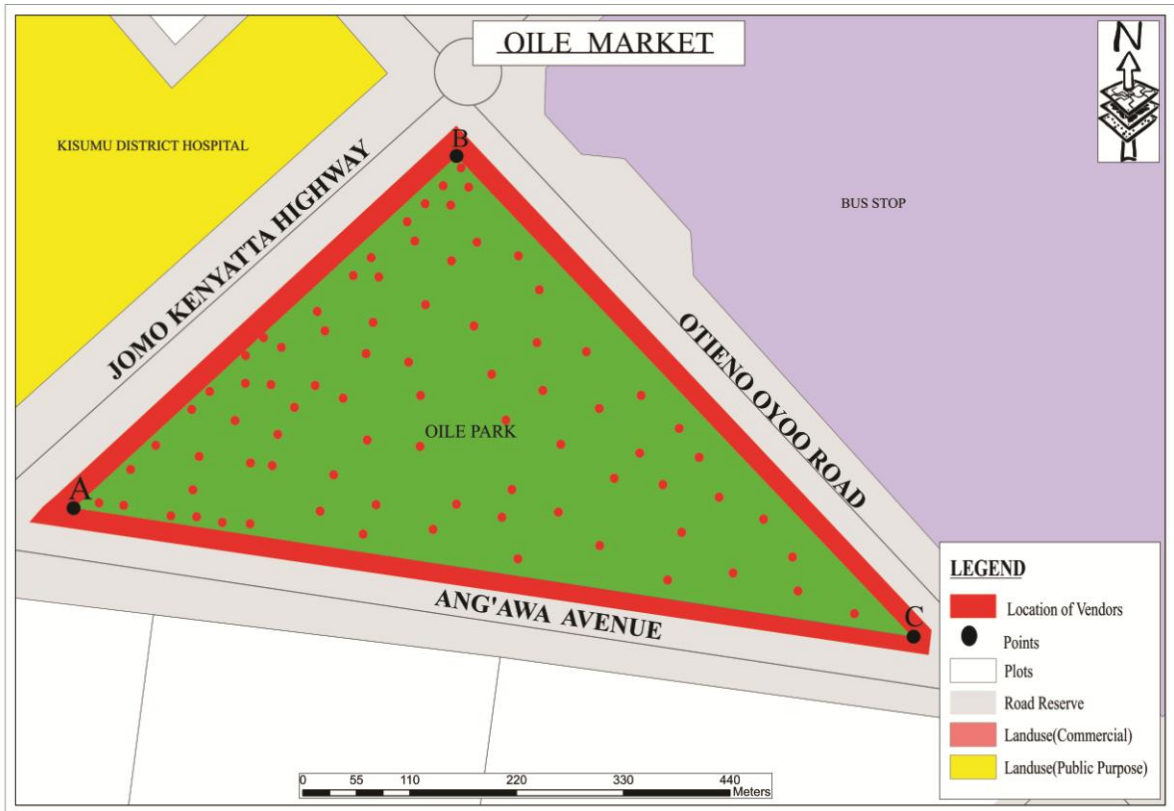


Figure 4. 17 Vending Sites in Oile Market

Study identified conflicts street vendors’ face in Oile Markets. The data collected are presented in Figure 4.18.

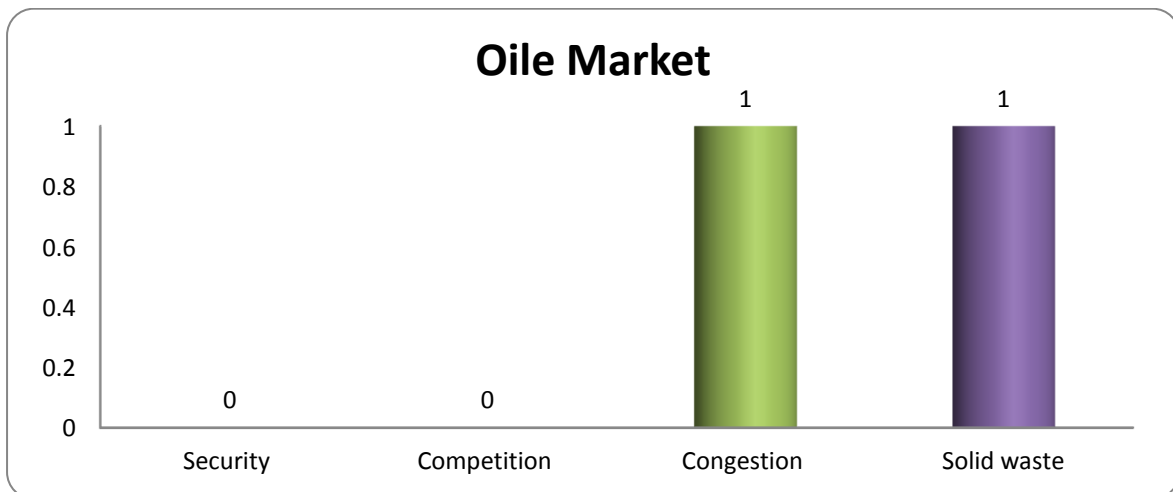


Figure 4. 18 Conflicts in Oile Market

The study revealed that there are two major conflicts in the market namely, congestion and solid waste generation. The market having been a park showed no conflict in the area of security and competition.

Paul Mbuya Street

The location of Paul Mbuya Street and the spaces street vendors occupy are presented in the Figure 4.19

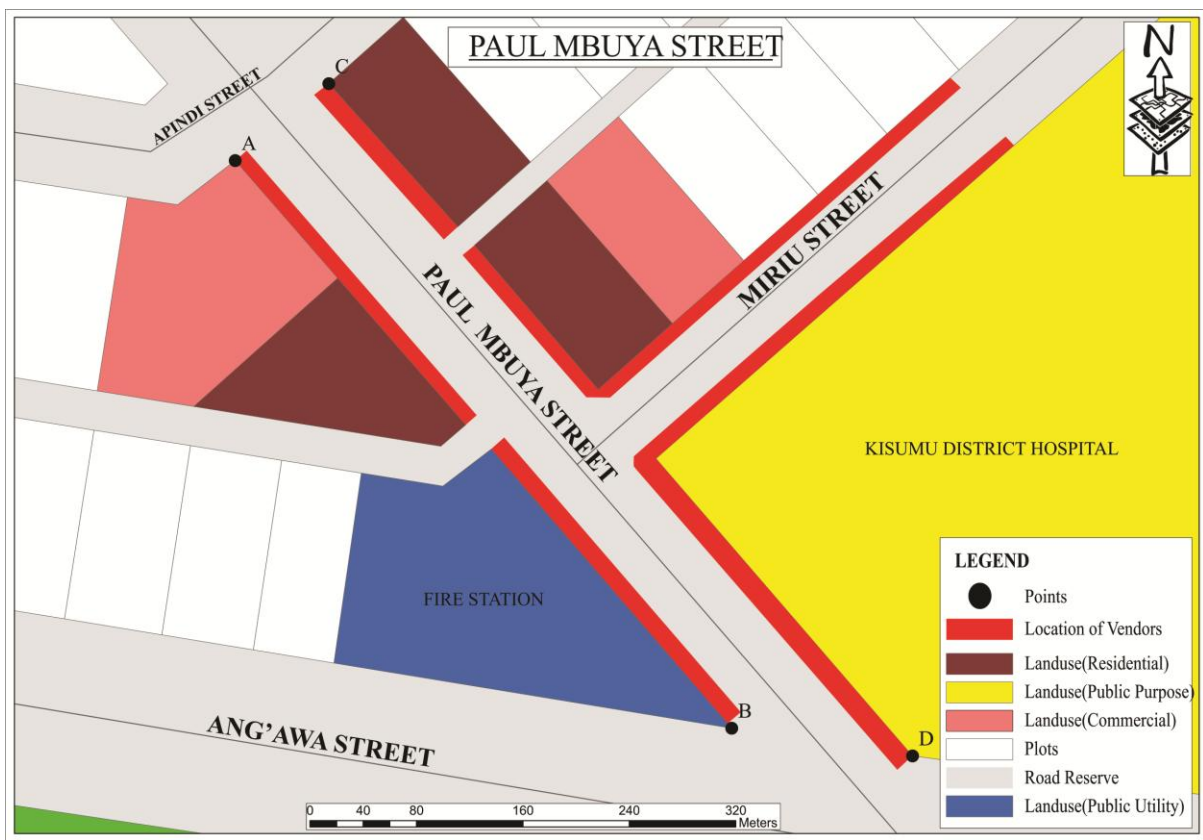


Figure 4. 19 Vending Sites on Paul Mbuya Street.

An investigation on conflicts found in Paul Mbuya Street generated data that is presented in Figure 4.20.

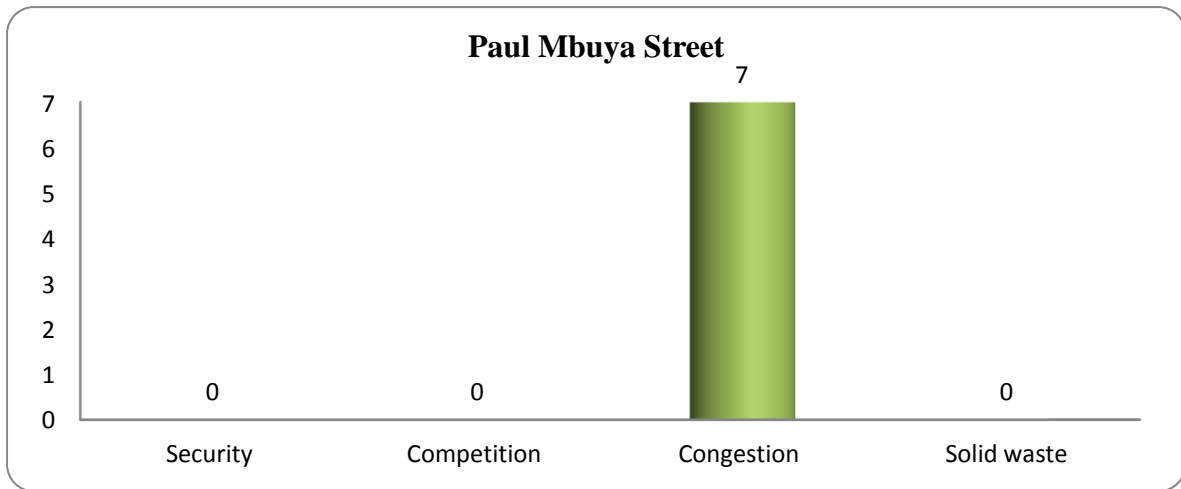


Figure 4. 20 Conflicts in Paul Mbuya Street.

The main conflict identified in the street is congestion. Vendors in this street are mainly selling shoes and clothes. Therefore street vendors had no conflict related to security, competition and solid waste generation.

Nyamlori Street

This street is next to the Bus- Stop. The location and vending spaces are shown in the Figure 4.21 below.

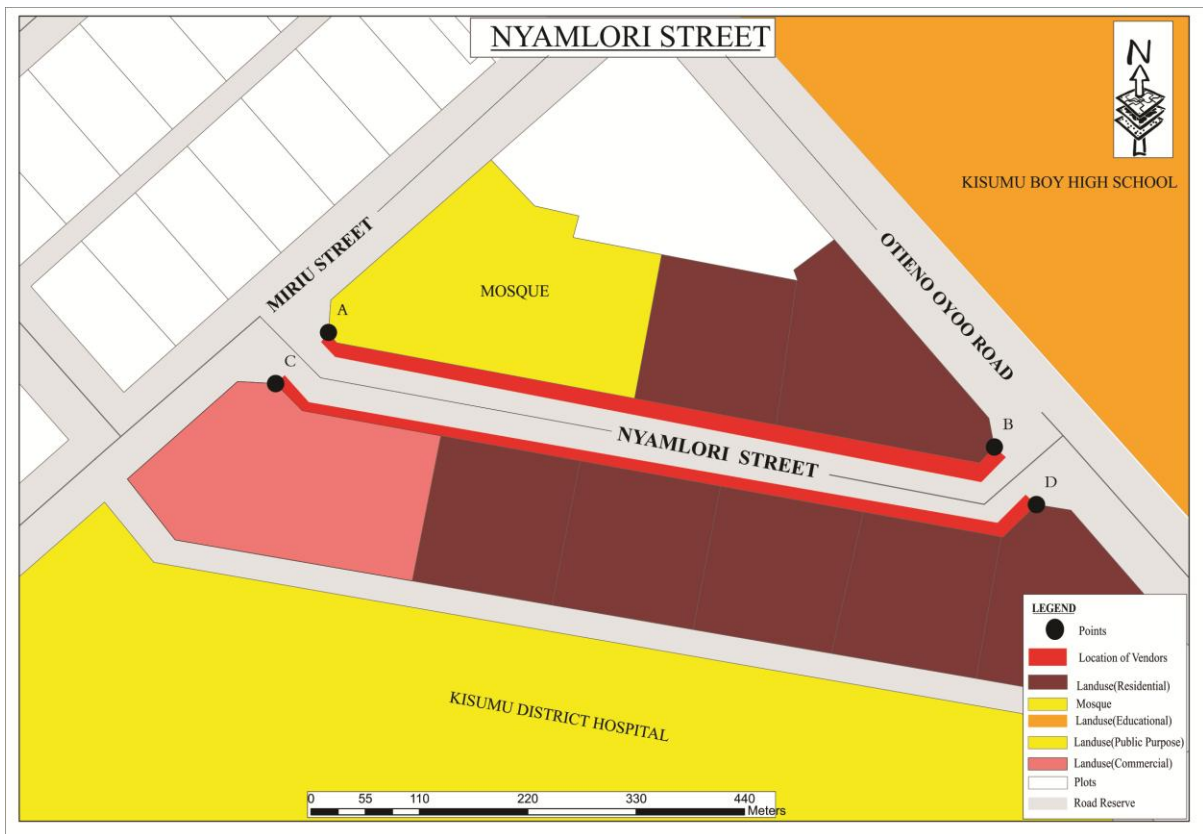


Figure 4. 21 Vending Sites on Nyamlori Street

The data collected on urban land use conflict in Nyamlori is presented in the Figure 4.22.

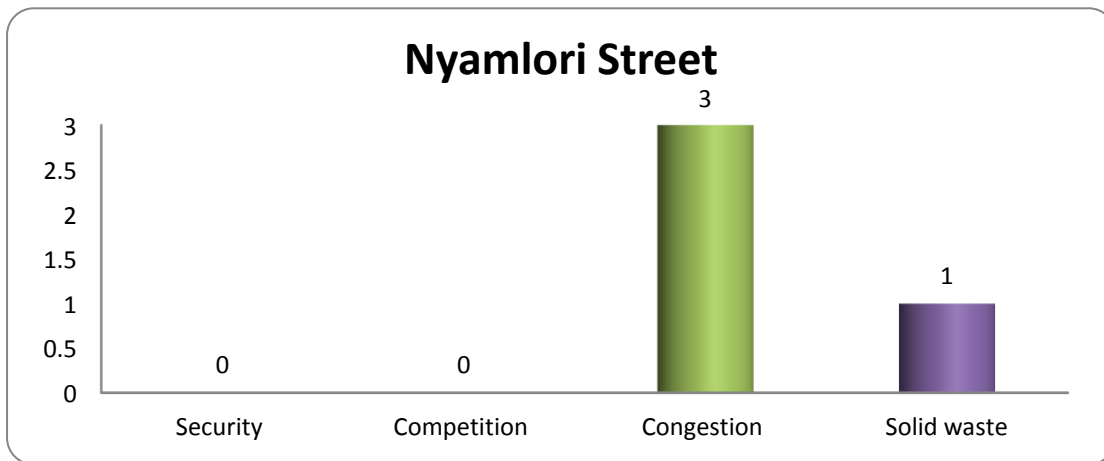


Figure 4. 22 Conflicts in Nyamlori Street

Figure 4.22 indicates that the conflicts street vendors' encountered in Nyamlori are mainly due to congestion and solid waste generation. There is no conflict related to security and competition.

Otieno Oyoo Road

This is the main road that crosses Kisumu City from Nairobi to Busia. The location of vending sites is shown in the Figure 4.23 below.

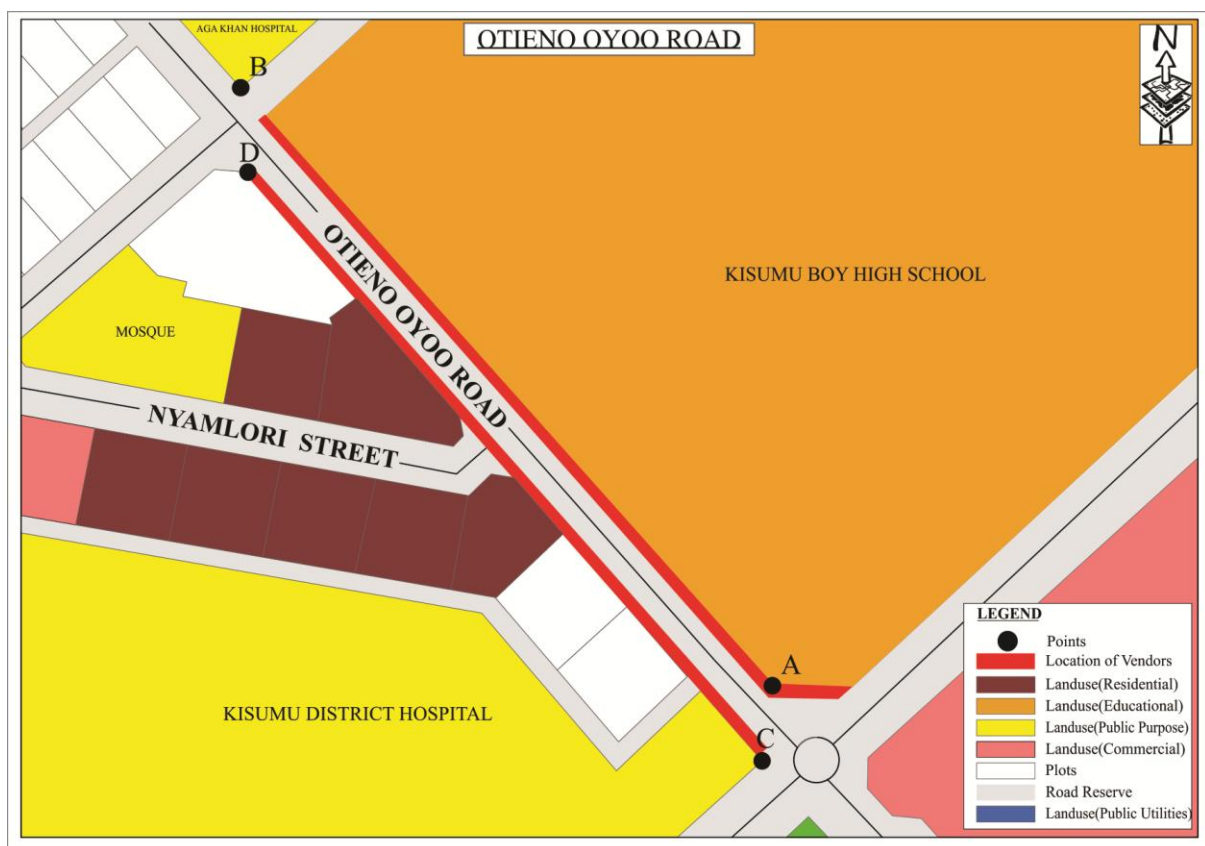


Figure 4. 23 Vending Sites on Otieno Oyoo Street

The data collected on conflicts of land use in Otieno Oyoo Road are presented in Figure 4.24.

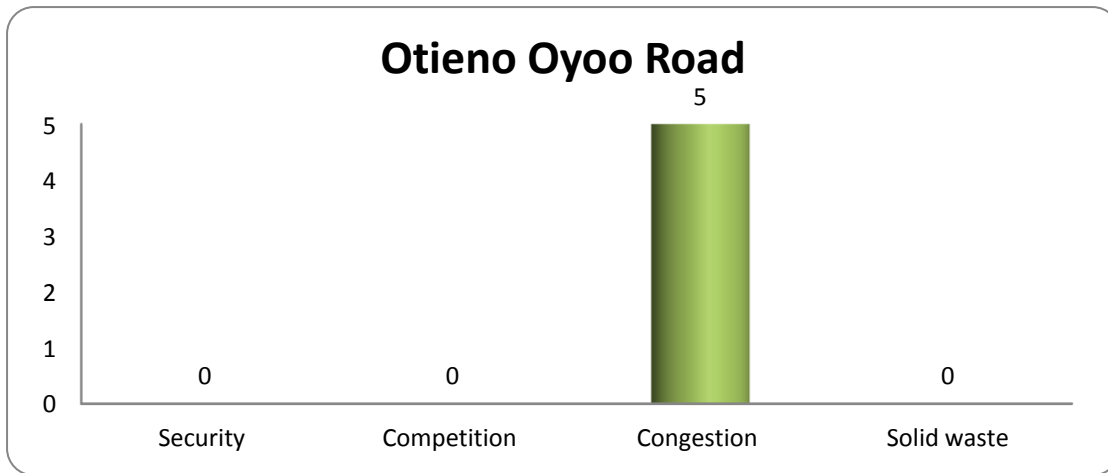


Figure 4. 24 Conflicts in Otieno Oyoo Road

The Figure 4.24 shows that along Otieno Oyoo Road there are no conflicts regarding security, competition and solid waste generation though the main conflict is related to congestion.

A summary of conflicts found in all vending sites and comparison is presented in Figure 4.25

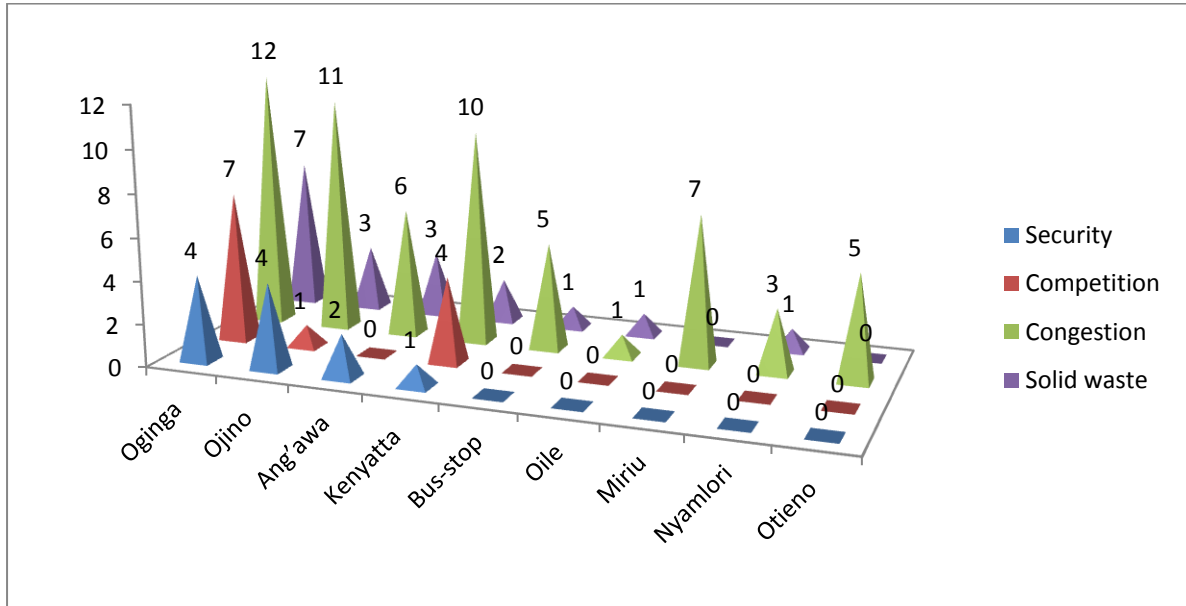


Figure 4. 25 Summary of conflicts in all the Streets

Generally, Figure 4.25 shows that conflict in the use of space was found to spread across all vending sites with the intensity of some of the conflicts varying from one street to the other. The intensity of conflicts are higher in the four streets Oginga Odinga, Ojino Okewi, Ang'awa and Kenyatta Highway where almost all the conflicts; security risks, business competition, congestion of pavement or road reserve and generation of waste were recorded. Conflicts relating to security and competition were found to be nonexistent at the Bus-Stop, Oile Market, Paul Mbuya, Nyamlori and Otieno Oyoo Road. However, conflict of congestion cuts across all the vending sites. Congestion is the main land use conflict street vendors face in all the vending sites.

Discussion

The findings from focus group discussions indicated that the decision to site vending enterprises in parks, pavements, in front of formal shops, car parks and back streets is influenced by availability of empty spaces and sales that are likely to be generated. The finding is in agreement with quantitative survey that vendors who have security of tenure take assigned sites or base their decisions on accessibility to major streets, enterprises already existing in the site or lack of alternative planned zones for informal sector, to locate their vending businesses in these locations. This finding corroborates those of Mitullah (2006); Mochache (1990) and Kinyajui (1987) that more accessible areas are likely to bring more economic returns. Therefore for integration of street vending to be successful requires the vendors can be provided with urban spaces that are more accessible and likely to generate good sales.

Figure 4.5 showing land use of Kisumu city, confirms that informal activities were not allocated trading places in the CBD of Kisumu city and the spaces they use are designated for parks, road reserves or pedestrian passages. The qualitative data collected during the study

also reported that street vendors operate without security of tenure for spaces they occupy. In order to provide street vendors with vending spaces a temporary security of tenure should be introduced that allow vendors to operate in the urban spaces at different times of the day or week. This will enable vendors to find spaces in the CBD since they should not be forced out from the CBD in circumstances where they seem to have no other way of satisfying their needs (Jeremy, 1993).

The interviews with members of the public indicated that street vendors provide them with goods conveniently and they feel vendors can be allowed to occupy the spaces they are currently occupying but the formal business owners on the other hand, reported that street vendors operating in front of their shops should not be assigned or given tenure for the spaces they are currently occupying and they should be relocated from the streets in the CBD. This means that the spaces street vendors occupy are in conflict that needs to be resolved.

The conflicts street vendors encounter with other urban space users are related to security risks, business competition, congestion of pavement or road reserve and generation of solid waste. Conflict in each vending zone was surveyed

Oginga Odinga Street

All conflicts namely; security risks, business competition, congestion of pavement or road reserve and generation of solid waste are found in this street. The security conflict in this street is associated with the many banks that are located in it. The security risk cannot be compromised during working hours of the banks. Competition, congestion and solid waste generation is high. It therefore, may not be possible to open the street at 5.00 p.m. when major the businesses at Oginga Odinga Street have closed for the day because of congestion. The problem of solid waste generation may be solved by having a code of conduct which the

vendors must adhere to. The only possible time when this street may be open to vendors is on Saturdays and Sundays. This can create more space for street vendors to operate. Paracchini et al. (2009) recommended multifunctional land use as a measure to meet society land demands. Intensified use of land led to variety of uses each containing unique characteristics (Mochache, 1990; Brandt and Veijre, 2003; Mander et al., 2007). Giving street vendors a chance to use urban spaces in Oginga Odinga Street on the days it is not used for planned uses puts the street to intensive multifunctional land use.

Ojino Okewi Street

The major conflicts in this street are security and congestion. Competition and solid waste generation are not a serious problem like security and congestion. Security conflict arises from the fact that most businesses and banks use this street as back entry into the businesses. Being a back street the number of street vendors operating during day time may be regulated through licensing and the rest allowed to operate after 5.00.p.m. to control conflict of congestion in this street. At the same time the vehicle and motor cycles should not use this street to reduce congestion. On Saturdays after the major businesses close at 1.00 p. m. conflict of security may not be a problem and on Sunday, the street can open to vendors. This is intensification of land use (Loibl and Walz, 2010).

Ang'awa Street

The conflicts that play out in this street are security risks, congestion and solid waste generation. Competition is not a source of conflict in this street. Security risks and solid waste generation are mild problems that can be solved by vigilance of security personnel and urban authorities. The congestion in this street can be solved by introducing licensing of vendors as a measure of control (Kamunyori, 2007). This will allow smooth operation of

vending activities in the street with formal shop owners. To implement sustainable development for land use, multifunctional use of space has to be introduced (Wiggering et al., 2006).

Kenyatta Highway

Security and solid waste generation is not a serious conflict in this street. Congestion and competition are the main conflicts affecting urban land users in Kenyatta Highway. Congestion in this street can be solved by licensing only the number of vendors that can be accommodated in this street. Competition conflict may be addressed by ensuring that the vendors license to operate in this street sell items that are different from what the formal shops are selling. Once these are sorted out the vendors can operate without a problem. This is diversification of multifunctional land use to allow street vendors operate in the street (Loibl and Walz, 2010).

Bus-stop

Security, congestion and competition conflicts do not affect vendors operating in Bus-stop. The main land use conflict here is congestion. Again license is an appropriate tool that can be used to control the congestion in the bus stop. Only the numbers that can be accommodated in the bus-stop are allowed to operate. This is intensifying land use to accommodate more than one use (Helming et al., 2008).

Oile Market

Two main conflicts in this street are solid waste generation and congestion. The park attracts a huge crowd because of its central location. The three roads that surround Oile market namely; Ang'awa, Otieno Oyoo and Kenyatta Highway are very busy. Any attempt to allow

vending will lead to congestion and solid waste generation. Therefore, street vending should not be allowed in this market. These conflicts may not be solve easily to allow vending in this area.

Paul Mbuya

Congestion is the only conflict in this street. This can be addressed through licensing of street vendors that can be accommodated in this street.

Nyamlori Street

Congestion and to a smaller extent security is a problem in this street. Congestion in this street can controlled through licensing of enough vendors who can be accommodated in this street. The mild security conflict can be addressed by involving security personnel from central police station to step up security.

Otieno Oyoo Road

The conflict here is congestion. To allow vendors operate smoothly, licensing can be used to control the number allowed to vend.

Although, Ofori (2007) argued that the introduction of permitted trading zones, spatial leases and new markets is a solution to providing spaces for street vendors, it is possible but the proposal may be very expensive to implement. On the other hand, the finding of this study proposes resolving of conflicts emanating from vending areas by allowing vendors to operate without creating conflict on the land use. This can be a cheaper and long lasting solution to urban land use conflict since the conflict is avoided. Helming et al. (2008) on the other hand proposed changing land policy to allow for multifunctional land use to solve the issue of

scarcity of urban space for informal activities. Helming et al. (2008) proposal ties well with the findings of this study but once the conflicts are addressed the multifunctional land use is automatically introduced.

The Figure 4.26 show the areas the street vendors can be integrated with modifications and areas they should not. At Oile Market the vendors should not be integrated because the conflicts cannot be resolved. In Oginga Odinga Streer the street vendors can only be allowed to operate over weekends. The other areas Ang’awa, Kenyatta Highway, Nyamlori, Otieno Oyoo, Paul Mbuya, Oile and Bus-stop and Ojino Okewi where conflicts can be resolved, street vendors can be integrated with modification.

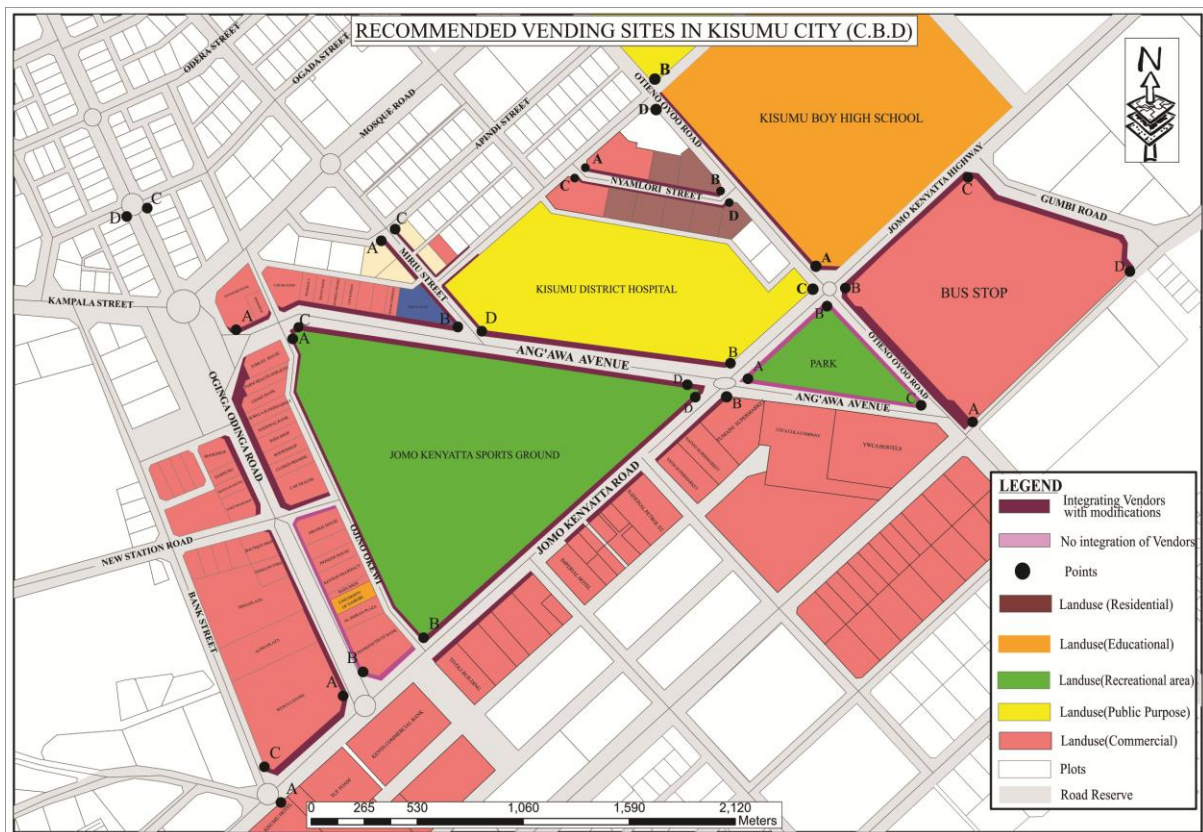


Figure 4. 26 Recommended Areas where Street Vendors can be Integrated

4.4 Legal and Institutional Framework on Integration of Street Vending.

The second objective of this study was to determine the legal and institutional factors that influence integration of street vending in urban economy of Kisumu City. To understand the effect of legal and institutional framework on street vending, an analysis of the Constitution of Kenya, policies and various laws that influence street vending was carried out.

The Constitution gives citizens the right to equal treatment in allocation of these spaces. Therefore the constitution supports the course of informal sector. The constitution further states that all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals. The informal sector needs to be treated equally in the allocation of urban spaces.

The analysis of Government policy documents is presented in the Table 4.4.

Table 4.4 Government Policy Documents

Policy	Content	Comment
Kenya, Republic of. (1986); Sessional Paper No 1 of 1986: " <i>Economic Management for Renewed Growth</i> "	Highlighted changes to be made in legal and regulatory framework. Introduced radical changes and outlined a development strategy, which put great emphasis on the informal sector development.	The informal sector legal environment remained hostile
Kenya, Republic of. (1989): <i>A Strategy for Small Enterprises Development in Kenya: Towards the Year 2000</i> '.	The paper focused on the constraints faced by the informal sector such as (enabling environment, finance and promotional problems) and how to address them.	Not achieved
The Development Plan of 1989-1993".	Stated that the Government should speed up the already initiated review of the local authorities by-laws and regulations that have proved restrictive to the development of MSEs	It reinforced the Sessional Paper No. 1 of 1986
Sessional paper No.2 of	Provided for strategies for	Weak coordination

1992: 'Small Enterprises and Jua Kali Development in Kenya'	promoting the informal sector	mechanism among the actors
Development Plan of 1994-1996	Provided for harmonization of the licensing procedures for entry into small and micro enterprises sector	Licensing still remained a problem to street vendors.
The Sessional Paper No. 2 of 1996, "Industrial Transformation to the Year 2020",	Review the vagrant and public nuisance by-laws	Urban authorities did not have adequate human and financial resources to review the by-laws.

Sessional Paper No.1 of 1986 on, "*Economic Development for Renewed Growth*", sets out policy issues to create an enabling environment for MSEs. The paper highlighted the potential of the informal sector and recommended that, a special task force be established to review all policies as well as local authority by-laws and other regulations governing the informal sector in order to create a healthy legal and regulatory climate for its activities by eliminating unnecessary constraints which are a hindrance to the good performance of the sector. The government's commitment in this policy paper was reinforced by the 1989 GOK report in, "*The Strategy for Small Enterprise Development*" which sets out mechanisms for the removal of constraints to the growth and development of the MSE sector. Similarly, the Development Plan of 1989-1993 stated that: "The Government would speed up the already initiated review of the local authorities' by-laws and regulations that have proved restrictive to the development of MSEs".

A further effort reinforcing the government commitment to improve the informal sector was set out clearly in Sessional Paper No.2 of 1992, on "Small Enterprises and Jua Kali Development in Kenya". This paper sought to establish the requisite enabling environment for the development of the informal sector.

In another policy paper, the Development Plan of 1994-1996, the government pledged to harmonize the licensing procedures for entry into small and micro enterprises sector and to simplify entry requirements into small-scale businesses in order to encourage investment in the country. Because of the government's intention to harmonize licensing procedures, the Local Authorities were directed to consolidate their licenses to only a single payment during the Budget speech of 1996/1997. This was expected to minimize the licensing burden on business in general and Jua kali enterprises in particular, in order to develop the formal and informal sectors. The Sessional Paper No. 2 of 1996, "Industrial Transformation to the Year 2020", proposed that the Attorney General (AG) should review the Vagrant and Public Nuisance Acts to make allowance for genuine Jua kali enterprises.

The steps taken by the government towards creating an enabling legal and regulatory environment contained in Sessional Paper No. 1 of 1986, "Economic Management for Renewed Growth". The Paper recommended that task forces be established to review current local authorities' by-laws and other regulatory governing informal sector activities. This was meant to create a healthy legal and regulatory climate to informal sector activities by eliminating unnecessary constraints (Kenya. Republic of, 1986).

The evaluation carried out on these policy initiatives showed lack of progress in the implementation of policy frameworks set out in the Sessional papers as a result of lack of political will and financial resources that are necessary to implement such an ambitious programmes. A survey by the Regional Centre for Socioeconomic Studies and Development in 1996 revealed that Local Authorities did not have adequate human and financial resources to review the by-laws that were considered outdated and repressive to MSEs activities.

The Physical Planning Act (Cap 286) of 2010, Urban Areas and Cities Act No. 13 of 2011, County Government Act 2012, Constitution of Kenya and Public Health Act Cap 242 were some of the laws identified as affecting street vending. The findings are as presented in the Table 4.5.

Table 4.5 Laws that affect street vending

Law	Provisions of the Law	Comment
The Constitution of Kenyan. Chapter 5	<p>All land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals. Land in Kenya shall be held, used and managed in a manner that is equitable.</p> <p>Gives citizens the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres</p> <p>States that all state organs and all public officers have the duty to address the needs of vulnerable groups within society and the case of street vending which is a component of informal sector and is in dire need.</p>	Allocation of spaces in the CBD do not take into consideration the provisions of the constitution.
Kenya, Republic of. (2010); Physical Planning Act (Cap 286) of 2010, Section 29 and 30	<p>Gives city authorities powers to reserve and maintain all the land planned for open spaces, parks, urban forests and green belts in accordance with the approved physical development plan.</p> <p>No licensing authority shall grant, a license for commercial or industrial use for which no development permission had been granted by the respective local authority</p>	Does not support informal trade to occupy spaces planned for other users.
Kenya, Republic of. (2011); Urban Areas and Cities Act No. 13 of 2011, Section 13 and 14	<p>The City Board may deliberate and make proposals to the relevant bodies or institutions on the proposed development plans of the county and of the national government.</p> <p>The Act states that an integrated urban area or city development plan shall reflect an assessment of the existing level of development in the city or urban area, including an identification of communities which do not have access to basic services and the determination of any affirmative action measures to be applied for inclusion of such communities by accessing funds from the equalization funds.</p>	There are provisions that support informal trade but no deliberated action taken to assist informal sector

<p>Kenya, Republic of. (2012); County Government Act 2012, Section 102 and 103</p>	<p>The County Executive committee facilitates the coordination and alignment of integrated development plans of different cities or municipalities within the county and with the plans, strategies and programs of national and county governments.</p> <p>The Act further states that the principles of planning a county shall be to protect, integrate rights and interest of minorities and marginalized groups and communities. The Act will also promote the pursuit of equity in resource allocation within the county.</p>	<p>These provisions have not been implemented</p>
<p>Kenya, Republic of. (2012b) Public Health Act Cap 242, Section 118 and 119</p>	<p>Gives powers to city authorities to ensure cleanliness and prevention of nuisances.</p> <p>A nuisance is situation which in the opinion of the medical officer of health believed to be offensive or to be injurious or dangerous to health</p>	<p>Urban authorities view informal trade as a making the town dirty.</p>

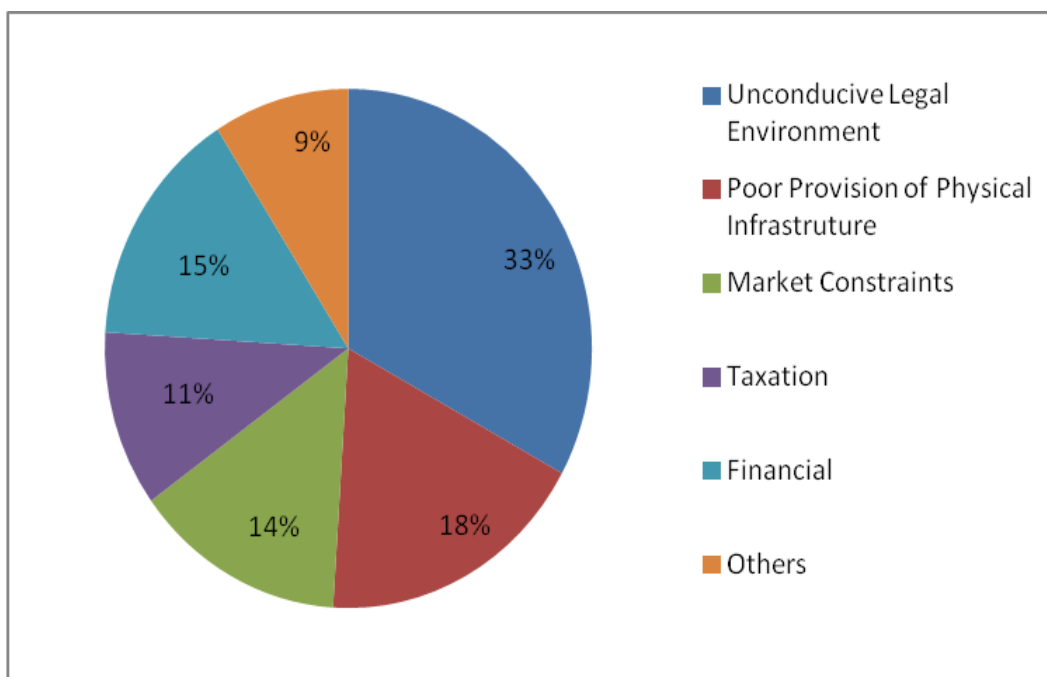
The Constitution of Kenya, Chapter 5 deals with issues of land. It states that all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals. Land in Kenya shall be held, used and managed in a manner that is equitable. If this principle is implemented when allocating spaces in CBD, then informal traders should be considered. Physical Planning Act gives city authorities powers to reserve and maintain all the land planned for open spaces, parks, urban forests and green belts in accordance with the approved physical development plan. The Act does not consider informal sector in the planning process as a special and unique case which according to the classical theory can only be found in periphery of urban set where the land rents are comparatively low (Oyugi, 2001). Given the assumption that each parcel of land is sold to the highest bidder, the informal traders who are less financially endowed may not afford land in the CBD (Alonzo, 1964). The alternative left to informal traders is to encroach into private land and open spaces to survive. This law is therefore not supportive to informal sector.

The Urban Areas and Cities Act No. 13 of 2011 has provisions that can be exploited to improve informal activities, for instance the fact that an integrated urban area development plan shall reflect an assessment of the existing level of development in the city. There is no deliberation to exploit these provisions to include street vending in development plans.

County Government Act 2012 provides that the principles of planning a county shall be to protect, integrate rights and interest of minorities and marginalized groups and communities. The Act goes further to state that, it aims to promote the pursuit of equity in resource allocation within the county (Kenya. Republic of, 2012). These provisions can support the marginalized groups like informal traders but no action has been taken to actualize these. As for now the laws have no effect on the performance of this sector. Public Health Act (Cap 242) is outright harsh to the informal sector given that it is implemented by urban authorities who have negative attitude towards street vendors. All the activities of informal sector can be interpreted to cause nuisance by urban authorities, for instance the view that the informal sector generates waste makes it a nuisance

It can be deduced from the above discussion that Physical Planning Act (Cap 286) of 2010 and Public Health Act (Cap 242) do not support informal activities while Urban Areas and Cities Act No. 13 of 2011, County Government Act 2012 and the Constitution have provisions that can be exploited to assist informal sector grow.

The street vendors who were the respondents for this study were asked to state the problems they face in their operations. Most of the responses were related to policy problems. The responses are as summarized in Fig. 4.7



Source: Field Survey, 2010

Figure 4. 27 Constraints Facing Street Vendors.

Approximately 30% of the surveyed street vendors cited an unfavorable legal environment as the most pressing problem followed by poor provision of physical infrastructure (18%), financial constraints (11%) and other which included harassments and tenure of the premises accounted for 9%. The respondents were further asked to pinpoint what they perceive as the causes of the problems that they mentioned. The responses along with perceived causes are presented in Table 4.6.

Table 4.6 Problems Street Vendors Face

Major problems	Indicators
Unfavorable legal environment	<ul style="list-style-type: none">• Harassment by local authorities• Multiple and expensive licensing requirements.
Inadequate provision of physical infrastructure	<ul style="list-style-type: none">• Inadequate vending space.• Inadequate access to electricity
Market constraints	<ul style="list-style-type: none">• Competition from formal businesses• Inadequate access to government procurement system
Taxation	<ul style="list-style-type: none">• High licensing cost
Financial constraints	<ul style="list-style-type: none">• Lack of access to banks and high interest rates• High collateral requirement

Source: Field Data, 2010

From the above, it is evident that street vendors are affected by various constraints that influence their operations. The unfavorable legal framework is one of the major hurdles inhibiting the operations of street vendors. As noted by (Kenya. Republic of, 1989), *A Strategy for Small Enterprises Development in Kenya: Towards the Year 2000*, This policy was meant to provide enabling environment, credit provision and promotional programmes for informal sector. If these key issues are not addressed then development of informal sector will continue to face these challenges.

Discussion

The analysis of the Constitution of Kenya, Policies and Laws that affect informal sector found that the Constitution of Kenya have provisions that supports street vending. The constitution of Kenya gives the citizens right to equal treatment in economic spheres and the

land in Kenya belong to people of Kenya collectively as community or individuals. This means that informal sector have a right to be allocated urban spaces for their activities.

The policy documents Sessional Paper No 1 of 1986 on "*Economic Management for Renewed Growth, A Strategy for Small Enterprises Development in Kenya: Towards the Year 2000*", Sessional paper No.2 of 1992 on '*Small Enterprises and Jua Kali Development in Kenya*' and Sessional Paper No. 2 of 1996, "*Industrial Transformation to the Year 2020*" were meant to create enabling environment for informal sector. The policies were not implemented due to lack of political will, financial and human resources. So far the informal sector is still constraint by lack of enabling legal framework and infrastructural facilities.

Analysis of laws influencing informal sector reveal that Physical Planning Act (Cap 286) of 2010 and Public Health Act (Cap 242) have provisions that do not support informal activities while Urban Areas and Cities Act No. 13 of 2011 and County Government Act 2012 have provisions that can be exploited to assist informal sector grow. The result supports finding that some laws are hostile to informal sector (Stren, 2004; Cross, 2000; Tendai, 2003; Lund and Skinner, 2000).

To allow informal sector to grow and contribute to urban economy, the deterrents laws like Physical Planning Act (Cap 286) of 2010 and Public Health Act (Cap 242) need to be repealed and laws that support informal activities enacted. Kulundu-Bitonye (1986) reported that a good law must have two components; the practical relevance to the subjects and a moral justification. The moral justification of the law is important when dealing with the informal sector.

For the Urban Areas and Cities Act No. 13 of 2011 and County Government Act 2012 that have provisions that support informal sector, the informal sector traders need to be empowered to use the provisions to gain support of the Government. The Government should come up with more policies that will remove constraints affecting informal sector operations.

4.5 Public Perception and Integration of Street Vending

The third objective of this study was to establish the influence of public perception on integration of street vending in urban economy of Kisumu City. The perception that when street vendors are integrated in economy of Kisumu City then they would congest the City and encourage criminal activities was a point of discussion during FGDs. It was found that:

“Street vendors know each other as well as strangers who get into their midst. Street vendors cannot steal from their customers. If allowed they can organize their security, arrest bad elements and hand them over to the police”.

Some participants explained that:

“Our presence in some of the streets has stopped criminal activities in the streets. Before we started working at Nyamlori, it was a lonely street with several reported cases of crimes. Since we started working here criminals have moved away. Nobody steals here, if we notice one trying to steal from a customer or street vendor we simply kill him”.

Many of the participants expressed doubt on perceived fear of crowding in the CBD creating ideal situation for criminal activities if street vending is integrated. Street vendors felt there is a way out. They can organize their own security.

“A majority of city residents buy from us since we are easily accessible to them on streets and our prices are low compared to the supermarkets”.

The participants noted that the accumulation of waste in town is as a result of lack of dustbins. The participants further noted that the council workers are not regular in collecting garbage resulting in accumulation of waste making the town look dirty.

Focus group discussion revealed that heaps of wastes at Oile market are left for a long time before being collected by urban waste collection department. It is the employees of urban authorities who do not do their work. We sometimes have to burn them to avoid accumulation. We pay license to operate and they do not do their work.

These findings are in agreement with those of Jimu (2005) and Msoka (2005) that the perception that street vendors generate a lot of garbage in the streets has been a barrier to the acceptance in the CBDs of most cities in the world.

It was also suggested that to change the perception that street vendors are tax evaders they should give receipts and keep accounts, to pay taxes on their earnings, and to charge sales or value added taxes to their customers. This would improve the relation between them and local authorities who view them as tax evaders who should not be allowed in the CBD to present unfair competition to tax-paying businesses.

During the interview, a customer of a vendor quoted: "I have never come across a place where vendors stop people from moving". He further stated that street vendors are crowded because of the small places they use for vending and each person wants to display their wares. The city authorities can give them a bigger place.

Another respondent:

"I feel very unsafe in the vending markets therefore more policemen are needed to make people safe. However, I have to come to sell fresh vegetables and fruits".

Most respondents were of the opinion that street vendors leave waste material where they operate making the town untidy.

The study further explored the perception of owners of formal businesses. The respective respondents were asked to indicate their agreement or disagreement with the statement on various variables on public perception. Formal businesses were to express their opinion on the contribution of street vendors to; street congestion, street vendors provision of easy access to a variety of goods and services, city cleanliness, and quality of goods and services. The results are as presented in Table 4.7

Table 4.7 Perception of Formal Business Owners on Street Vending

General Perception on street vending	Responses %				
	SA	A	NC	D	SD
i. Congest street lead to criminal activities.	26	30	11	18	15
ii. Make the streets dirty.	48	15	19	7	11
iii. Provide easy access to goods and services	30	18	15	22	15
iv. Sell poor quality goods	33	22	11	15	19
Total	34.25	21.25	14	15.5	15

Note. SA is Strongly Agree; A is Agree; NC No Comment; DA is Disagree; SDA is Strongly Disagree. The responses are reported in percentages.

Source: Field Survey, 2011

Table 4.7 shows that most (63%) of the respondents from formal businesses agree that street vendors are responsible for making the city dirty while 18% disagree that street vendors are responsible for making the city dirty. About 56% of formal business owners agree that street vendors congest streets leading to criminal activities while 33% disagreed that street vendors congest streets. Study also revealed that 48% agree that street vendors provide easy access to a variety of goods and services while 37% disagree that street vendors provide easy access to

a variety of goods and services. Another 55% agree that street vendors sell poor quality goods while 34% disagree that street vendors sell poor quality goods. Most responses from owners of formal businesses gave street vendors negative perception.

This finding is consistent with that of Harlan (2008) that street vendors are viewed negatively by the public due to congestion caused on urban road users and pedestrians' spaces such as sidewalks or pavements. The argument was that developing cities needed to get rid of vending activities as development required modernization and a shift to higher productivity, higher technology and more capital-intensive types of production and employment (Myers, 2002). The negative public perception of street vendors and street vending has resulted in official and unofficial resistance to the street vending activities and prevented its integration in to the urban economies of most third world countries (Ofori, 2007). However as Potts (2006) notes, these viewpoints had shifted by the 1970s as the urban informal sector grew in the less developed countries. Poverty and unemployment in towns was a growing concern to urban economies, and the informal sector became the solution to poverty and unemployment (Hansen and Vaa, 2004).

The perceptions of formal business owners were explored in relation to integration of street vending into economy of Kisumu City. Owners of formal businesses were asked to give their views regarding sharing space with street vendors. The following statements were put to formal business owners; should street vendors operating in front of your shop be assigned the spaces they are currently using, should vendors be given tenure for the spaces they are currently occupying, should street vendors be removed from the streets and street vendors be relocated away from CBD. The results are represented in Table 4.8.

Table 4. 8 Responses of Formal Businesses on Sharing Urban Space

Sharing Urban Space	Responses %				
	SA	A	NC	DA	SDA
i. Assigning spaces in front of shops	19	11	11	26	33
ii. Giving tenure for spaces vendors currently occupy	15	11	7	30	37
iii. Relocate street vendors from of the CBD	30	22	15	18	15
iv. Allocated this plot by urban authorities	43	40	03	05	09
Total	26.8	21.0	9.0	19.8	23.3

Note. SA is Strongly Agree; A is Agree; NC No Comment; DA is Disagree; SDA is Strongly Disagree. The responses are reported in percentages.

Source: Field Survey, 2011

The responses of formal business owners on Table 4.8 indicated their willingness to allow street vendors to use the spaces they currently occupy. The study revealed that 59% of formal business owners disagree that street vendors in front of their shops be assigned spaces they are currently occupying while 30% agree that street vendors should be assigned spaces they are currently occupying. About 67% disagree that street vendors should be given tenure for spaces they occupy while 26% agree that street vendors be given tenure for spaces they occupy. The study shows that 52% of formal businesses agree that street vendors should be relocated from streets of the CBD while 33% disagree that street vendors should be relocated from streets of the CBD.

Based on these results, it can be deduced that majority of the formal business owners cannot allow street vendors to be assigned spaces they are currently using for vending or be given tenure for vending sites, preferring that the street vendors be relocated outside CBD.

General perception on street vending was explored quantitatively with street vendors. The results are summarized in Tables 4.9.

Table 4.9 Perception on Street Vending.

Perception on Street Vending	Responses %				
	SA	A	NC	DA	SDA
i. Street congestion	19.3	14.3	16.4	21.7	28.3
ii. Easy access to a variety of goods and services	28.0	27.2	9.8	15.1	19.8
iii. Making streets dirty.	11.1	16.7	14.8	33.3	21.4
iv. Substandard goods and services.	32.5	3.2	27.2	3.7	33.3
Total	22.72	15.35	17.05	18.45	25.7

Note. SA is Strongly Agree; A is Agree; NC No Comment; DA is Disagree; SDA is Strongly Disagree. The responses are reported in percentages.

Source: Field Survey, 2011

Table 4.9 shows the responses on perception of street vending. Most (50%) street vendors disagree that they are responsible for congestion in the Kisumu City while 33.6% agreed that they are responsible for congestion in the Kisumu City. This finding confirms the argument of Dasgupta (1992) that street vendors are negatively portrayed as obstructing the view of main stores and more so because they sell similar merchandise to those in the main shops and this posing unfair competition to formal shops in the formal sector. Muiruri (2010) observed that problems associated with vendors are not made by street vendors but by lack of adequate planning. The public perception can be changed by creating awareness about the importance of street vending.

About 55.2% agree that street vendors provide easy access to a variety of goods and services to a majority of residents of Kisumu City while 34.9% disagree that those street vendors provide easy access goods and services to a majority of residents of Kisumu City. Another 30% of respondents from formal businesses agree that street vendors provide easy access to a variety of goods and services. Given the contribution of informal sector this perception need to be changed.

The analysis revealed that 54.7% disagree that street vendors are responsible for making the city dirty while 27.8% agree that street vendors are responsible for making the city dirty. Rakodi (2005) noted that street vendors are blamed for adverse physical and environmental effects of littering, solid waste management, and environment health risks. Rakodi noted further that these problems are associated with unintended consequences of urban street economic activities. Perera and Amin (1996) argue that street vendors exacerbate existing waste disposal problems partly because of inadequate infrastructure resources and properly functioning system of waste collection and management in developing cities. The street vendors are therefore not to be wholly blamed for these problems, as the urban management are partly the cause. The city management should ensure that the waste management system is effective and efficient in collecting and disposing the waste generated to keep the City clean.

On substandard goods and services, it is noted that 37% disagree that street vendors sell substandard goods and services to a majority of residents of Kisumu City while 35.52% agree that street vendors sell substandard goods and services. The City management and quality department should ensure the vendors trade on quality items.

Informal sector is perceived as a backward, traditional and a low productivity sector where many people combined to produce what one person could produce in the formal sector. Bromley (1998) pointed out that the negative public perception of street vendors and street vending may have resulted in official and unofficial resistance to the street vending activities and prevented its integration in to the urban economy of the municipality. This finding therefore supports the position of Boyer (1992) that both informal and formal sectors should be perceived as complementary to each other and to the overall economy. In any case, as

Cross (1998) observed earlier, the links between the formal and informal sectors cannot be denied.

The Government of Kenya has made deliberate attempts to address issues affecting informal sector. In 1986 the then president Daniel Moi visited the Kamukunji informal industrial estate and promised that Government will restructure the policy environment to accommodate the informal sector through construction of the 'Nyayo sheds' where the industrialists were to operate, as well as possibility of security of tenure among other policy decisions (Komolloh, 2007). The Sessional Paper No 1 of 1986 on "*Economic Management for Renewed Growth*" was an indication of recognition of informal sector. It introduced changes that need to be implemented to spur development of informal sector (Kenya. Republic of, 1986). In 1989 the government published a policy document entitled *A Strategy for Small Enterprises Development in Kenya: Towards the Year 2000*. The policy document focuses on removal of constraints affecting the operations of informal sector such as creating enabling environment, provision of finance and marketing products for the sector (Kenya. Republic of, 1989).

In 1992, the Government published another policy document, 'Sessional paper No.2 of 1992 on *Small Enterprises and Jua Kali Development in Kenya*'. This policy paper provided all programmes for the development of the sector. The paper identified the needs of informal sector, the constraints and how to address the issues (Kenya. Republic of, 1992). The other policy documents prepared by the Government to create enabling environment for informal sector included Development Plan of 1994-1996 and The Sessional Paper No. 2 of 1996, "*Industrial Transformation to the Year 2020*".

All these policy documents express the Governments' willingness to accommodate informal sector in her economy, however, the Government capacity to play its facilitative and

coordinating role among the multitude of actors involved was weak. Little progress was made and the regulatory environment still remained unreceptive to informal sector activities.

Discussion

An interview with an administrator of Kisumu indicated that street vending can be integrated in urban economy of Kisumu if they are orderly in the way they carry out their vending activities and do not leave the city dirty. The vendors during focus group discussion indicated that the dirty state of the city attributed to them is due to laxity of urban waste collection department. During the interview, customers of vendors indicated that they were willing to accommodate street vendors in the spaces they currently occupy. This finding corroborates study of Bhowmik (2005) which stated that the problems of informal sector cannot defy fixing if people really want to fix them. A position that Perera and Amin (1996) are in agreement with that waste disposal problems attributed to street vendors is partly because of inadequate infrastructure resources and malfunctioning system of waste collection and management in developing cities.

In the questionnaire responses the majority of vendors (50%) indicated that they are not responsible for congestion in the Kisumu City, 55.2% reported that street vendors provide easy access to a variety of goods and services to a majority of residents of Kisumu City, 54.7% pointed out that street vendors are not responsible for making the city dirty and 37% reported that street vendors do not sell substandard goods and services to a majority of residents of Kisumu City. In general, street vendors pointed out that they do not congest streets, they provide easy access to a variety of goods and services, are not responsible for making the city dirty and do not sell substandard goods and services. Muiruri (2010) argues that some of these problems are not made by street vendors but by lack of adequate planning

A survey to find out if the formal business owners were willing to allow street vendors occupy the spaces they are currently using in front of their premises revealed that majority (59%) of formal business owners indicated that they cannot allow them to occupy the spaces they are currently using and they expressed the view that street vendors should be removed or relocated outside CBD. Bromley (1998) pointed out that the negative public perception about street vendors has resulted in resistance to the street vending activities and prevented its integration in to the urban economy of the municipality.

The Government on the other hand, has expressed willingness to the development of the informal sector by addressing the problems the sector is facing by creating enabling environment for the sector to thrive. To this end the Government has developed several policy documents to address these challenges namely; The Sessional Paper No 1 of 1986 on *"Economic Management for Renewed Growth, A Strategy for Small Enterprises Development in Kenya: Towards the Year 2000*, Sessional paper No.2 of 1992 on *'Small Enterprises and Jua Kali Development in Kenya'* and Sessional Paper No. 2 of 1996, *"Industrial Transformation to the Year 2020"*,.

In view of the Government willingness to address the policy and infrastructural challenges facing the informal sector and the finding that most problems attributed to informal sector are as a result of inadequate infrastructure resources and malfunctioning system of waste collection and management in developing cities, it is possible to integrate informal sector. The dissenting views of formal business owners occasioned by competition street vendors posed can be harmonized to allow street vendors coexist in the urban spaces.

CHAPTER FIVE: SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Summary of Findings

The first specific objective of the study was to establish how spatial patterns of street vending influence the integration of vendors into the Urban Economy of Kisumu City. The specific question; In what ways do spatial factors affect integration of street vending into the Urban Economy of Kisumu City?

The study found out that street vendors locate themselves in parks (39%), pavement (21%), in front of formal shops (15%), back street in spaces 12% and car parks (10%). All these are sites planned for other uses and not street vending and this leads to a contest for space between the vendors and the designated users of the space. The study established that some street vendors simply invade the spaces they use while others are allocated the spaces by the local authority (23.8%) giving the latter some form of tenure. This tenure is very insecure and is never documented. It reduces the level of harrasment from the local authotities but not from the designated users.

The study further found out that there are four types conflicts in the contested spaces namely; security risks, business competition, congestion of pavement and generation of solid waste that emerge as a result of vendors taking up spaces planned for other uses. The most frequently occurring conflict recorded was congestion of the streets and pavements. Using the concept of Multifunctional land use planning, the land use conflict created by street vendors can be resolved in some instances but not in all instances. The study established ways of resolving land use conflict created by street vendors along Oginga Odinga Street, Ojino Okewi Street, Ang'awa Street, Kenyatta Highway, Bus-Stop, Paul Mbuya, Nyamlori and Otieno Oyoo Roadt to allow vendors to operate. However it was not able to establish a

conflict resolution mechanism that would allow vendors to continue using Oile market. The two land uses appear to be incompatible.

The second specific objective was to determine the legal and institutional factors that affect the operations of street vending. The specific question being answered was; To what extent do the legal and institutional factors promote the operations of street vending in Kisumu City? The study established that the constitution supports the informal sector through its provision that all citizens should be given equal treatment and the affirmative action be applied for the disadvantage members of the society. There are a number of policies that the Government had put in place to create enabling environment for informal sector namely; The policy documents Sessional Paper No 1 of 1986 on "*Economic Management for Renewed Growth, A Strategy for Small Enterprises Development in Kenya: Towards the Year 2000*", Sessional paper No.2 of 1992 on '*Small Enterprises and Jua Kali Development in Kenya*' and Sessional Paper No. 2 of 1996, "*Industrial Transformation to the Year 2020*". These policy initiatives were not successfully implemented because of lack of political will, inadequate human and financial resources. The enabling environment for the operations of informal sector has not improved.

The study also established that there are key pieces of legislation such as the Physical Planning Act (Cap 286) and Public Health Act (Cap 242) do not support informal activities. They have provisions that inhibit operations of informal sector. On the other hand, Urban Areas and Cities Act No. 13 of 2011, County Government Act 2012 have provisions that support informal sector but they have not been exploited to assist informal sector grow. The former are due for review and therefore have the opportunity to re alignment. The latter are in line with the new constitution which should carry the day. Land use Planning has been

devolved to the counties and this provides an opportunity for the county governments to plan for integration of the informal sector.

The third specific objective of the study was to establish public perception of street vending in Kisumu City. The question being addressed was; How do the public in Kisumu City view vendors? The study established that Street vendors sell similar items to those sold in formal shops therefore the formal business owners view them negatively and blame them for the dirty state of the city, congestion in the streets and selling of poor quality goods. The negative perception created by formal business owners is meant to create a ground for urban authorities to remove street vendors from the CBD. The study further found out that problems attributed to informal sector such as congestion in streets and waste accumulation is as a result of lack adequate planning. These perceptions affect integration of informal sector in a negative manner.

5.2 Conclusion

The land use conflict created by the street vendors in Kisumu can to a large extent be resolved to pave way for integration. Allocation of space for vending can be done by including the informal sector in the city planning processes as provided for in the Cities and Urban Areas Act. New planning approaches such as Multifunctional land use planning have potential for expanding land use on any given space to accommodate more diversity and higher densities.

The study concludes that the existing legal and institutional framework is adequate for the integration of street vending into the urban economy but there is a failure at the level of implementation of specific statutes and institutional arrangements.

The provisions in the constitution of Kenya, Urban Areas and Cities Act No. 13 of 2011 and County Government Act 2012 can be used to repeal the provisions of Physical Planning Act (Cap 286) of 2010 and Public Health Act (Cap 242) that inhibit informal sector.

The study also concludes that the negative perception of the informal sector is perpetuated by the formal sector who see the vendors as competitors while some of the problems attributed to informal sector are as a result of inadequate infrastructure and malfunctioning system of waste collection and management in cities. These would be minor obstacles to the process of integrating the informal sector into the urban economy. It will none the less be important to cultivate a positive attitude toward the informal sector.

5.3 Recommendation

1. The provisions in Urban Areas and Cities Act No. 13 of 2011 and County Government Act 2012 should be used by Kisumu City Board to initiate replanning in Kisumu City with a view to including the informal sector in the resulting City land use plans. The Multifunctional land use planning approach presents a viable approach for the inclusion of more land use requirements.
2. The policy environment is already favorable but the many policy and legal provisions that have not been implemented need to be acted on and non-supportive legislation is revised in line with the constitutional provisions which support growth of the informal sector.
3. Citizen participation which is hallmark of devolution should be used to create a dialogue platform which can be used to change the negative perception the public have about the informal sector.

5.4 Recommendations for Further Research

There is need to carry out a study to determine the actual contribution of the informal sector to the urban economy of Kisumu city so that the results can be used as a bargaining tool to lobby for more legal and institutional support for the informal sector.

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APPENDICES

APPENDIX I: QUESTIONNAIRE FOR STREET VENDORS

Dear Respondent

This information is required for a study being conducted by a student for the award of a degree of Doctor of Philosophy in Urban Studies of Maseno University. Its purpose is to examine and describe the preconditions for integration of street vending into economies of urban centers in Kenya. It is hoped that the study will result into the development of effective planning policies for the improved relationships between street vendors and the authorities of the urban centers in Kenya. Your views as a street vendor are a very crucial and part and parcel of this study. Please complete, to the best of your ability, the questionnaires enclosed herein following the instructions given after each item, and return your completed questionnaire to the researcher. Your cooperation will be highly appreciated and any information given shall be treated as strictly private and confidential.

Part I: Background Information

Please provide the information required here by checking (√) where applicable and by filling the blank spaces with relevant information.

1. Your name (Optional)
2. Your Gender.
 1. Male [] 2. Female []
3. Your Age (years).
.....
4. Indicate your marital status.
 1. Single [] 2. Married [] 3. Widowed [] 4. Widower [] 5. Divorced/Separated []
 6. Other [] (Specify).....
5. The number of people in your household.
.....
6. Your highest level of formal education.
 1. Non [] 2. Primary [] 3. Secondary [] 4. Diploma [] 5. Degree [] 6. Other []
 - (Specify).....
7. Indicate your area of residence.
 1. Milimani, Kibuye, Town Centre. [] 2. Nyalenda, Manyatta, Obunga, Nyamasaria, Otonglo []
 3. Makasembo, Ondiek, Lumumba, Shauri Moyo [] 4. Others (Specify).....
8. When did you join street vending business?
.....
9. What kind of goods/services does your business deal in?
.....
10. What are the major challenges you face in your business as a street vendor?
.....
11. Suggest three ways in order of merit how the challenges you face in your business as a street vendor can be eliminated.
.....

Part II: Spatial Patterns of Street Vending

1. React to the following statement by checking (√) the alternative the best reflect your views about the statement. Do not check more than one (1) alternative in one statement.

(a) Where do you locate yourself when vending?

Parks Pavement In front of formal shops
 Car Parks Back Street Other Areas (specify.....)

(b) Why do you locate the vending enterprise at the location chosen in 1(a) above

Reasons	Response				
	SA	A	NC	DA	SDA
i. I am assigned official (tenure) place for vending.					
ii. The site is accessible to major streets.					
iii. Enterprises already in the site.					
iv. Lack of alternative planned zones for informal sector.					

(c) Kindly specify other reasons that make you chose site in Central Business District.

.....

(d) State constraints affecting your vending business in sites where you operate

Obstacles	Indicators

(e) Identify the nature of conflict you encounter in using urban spaces.

.....

Part III: Public Perception of Street Vending

1. (a). React to the following statement by checking (√) the alternative the best reflect your views about the statement. Do not check more than one (1) alternative in one statement.

Statement on public perception of Street Vending	Response				
	SA	A	NC	DA	SDA
i. Street vendors are responsible for street congestions lead to criminal activities in the city.					
ii. Street vendors provide easy access to a variety of goods and services to a majority of Kisumu City. population.					
iii. Street vendors are responsible for making the Kisumu City dirty.					
iv. Street vendors trade in poor quality and substandard goods and services.					

(b).b) Specify other perceptions you have about street vendors?

.....

APPENDIX II: STREET VENDOR FOCUS GROUP DISCUSSION SCHEDULE

FGD Introductory Note

Every session was started by the following introductory statement:

Thank you for agreeing to participate in this group discussion. The purpose of this group discussion is to find out what people think about street vending. We will also learn how these ideas can be used to guide integration of street vending in urban plans to provide more jobs to urban population. Your thoughts insights will help us better understand what street vendors in Kisumu think about integrating street vending in urban plans. Your name will not be associated with any comment that you make. We will combine the notes from this discussion with information collected from other group discussions. This is an opportunity for us to hear your views and for you to share your thoughts with us. Please feel free to say what you think because there is no right or wrong answers. Do you have any question or concerns?

Before we start, I want set rules to guide our discussion. The first one, we will respect the views of the others. Encourage participants to contribute others rules that will make this discussion run smoothly. Other rules

- Only one person should speak at the same time
- Keep confidentiality once the FGD is over
- Turn off cell phones
- Thank you. We will start.

(FGD Moderator guides)

1. What are the items sold?
2. Which spaces in the CBD do you position yourself?
3. Do you have tenure for spaces you use for vending?
4. If no answer to question 3 is no, then what are planned for?
5. What makes the CBD a better place to vend than spaces outside the CBD?
6. Comment on the following
 - Street vendors congest streets
 - Street vendors make town dirty
 - Street vendors sell sub-standards goods and services
 - Street vendors provide easy access to a variety of goods
 - How does these perceptions affect your business and what can be done.
7. Are there barriers to street vending trade?
8. Are involved in formulation policies regulating street vending in the Kisumu city?
9. Do you participate in identification of sites of vending?
10. Are you provided with services such as Electricity, water & sanitation?
11. Are your vending associations recognized by urban management?
12. What would you want changed to achieve integration into the trading system?

APPENDIX III: INTERVIEW SCHEDULE FOR CITY ADMINISTRATORS

Date of Interview _____

Position held _____

1. Where do we find most of street vendors in Kisumu City.
2. What is the City Kisumu Management doing to support street vending?
3. Do you license street vendors?
4. Is the number of street vendors growing in the City?
5. Has the City Management designated a zone in the city for street vendors?
6. If the answer to question 5 is yes, state the zones and their sizes.
7. If the answer to question 5 is no, state the reasons.
8. In your opinion what factors should the City Management consider when demarcating a zone for street vendor?
9. What are the major constraints facing street vendors in Kisumu City.
10. In your opinion, how best do you think these constraints can be addressed?
11. What are the effects of street vending on the spaces they occupy?
12. What would integration of street vending have on the vendors and other formal businesses?
13. What is the future policy of your organization towards street vending?

APPENDIX IV: INTERVIEW SCHEDULE FOR MEMBERS OF PUBLIC

Date of interview _____ Time of the day _____

Interviewer Initials _____

Introduction

Thank you for agreeing to participate in this survey. My name is _____. (On behalf Jacob Onyango), a PhD student of Maseno University. In this survey, we are asking questions to customers of street vendors to find out their opinion about street vending activity. Your thoughts and attitudes about street vending will be of great importance to us. Your answers will be kept confidential and your name will not be used in relation to the answers you give.

1. Which products do you prefer to buy from the street vendors?
2. Why do you prefer to buy from street vendors?
3. Do street vendors obstruct your way and slow your movement in KCBD?
4. Do you feel insecure because of the presence of vendors in the streets?
5. Do you think street vending make KCBD dirty?
6. Would you agree that street vendors to occupy the currently spaces permanently.
7. What do you think attracts street vendors to the City centre?
8. If street vending were to be allowed where would you prefer city management to relocate street vendors?
9. What are the things that need to be put in place to make integrating street vending in urban plans possible?

We have reached the end of interview. Any questions?

Thank you for your participation. The information and ideas you have shared with us today will be used to make recommendation on how street vending activity can be integrated in urban plans

APPENDIX V: FORMAL BUSINESS QUESTIONNAIRE

Preliminary Information

Street-----

Type of business-----

Part I: Spatial Patterns

(a) Provide your answers to the following statement by checking (√) the alternative the best reflect your views about the statement. Do not check more than one (1) alternative in one statement.

(b) Suggest other ways of addressing street vending problem

Part II: Public Perception

Statement on spatial patterns	Response				
	SA	A	NC	DA	SDA
i. Street vendors operating in front of your shop be assigned the spaces they are currently occupying					
ii. Street vendors be given tenure for spaces they currently occupy					
iii Street vendors should be relocated from the streets of the CBD.					
iii. I was allocated this plot by urban authorities.					

(a) Provide your answers to the following statement by checking (√) the alternative the best reflect your views about the statement. Do not check more than one (1) alternative in one statement.

Statement on Public Perception	Response				
	SA	A	NC	D	SD
v. Street vendors congest street leading to criminal activities in the city					
vi. Street vendors are responsible for making the Kisumu city dirty.					
vii. Street vendors compete with formal business					
viii. Street vendors sell poor quality goods					

(b) How does street vending affect your business

Part III: Integration of Street Vending into Urban Economy

(a) Provide your answers to the following statement by checking (√) the alternative the best reflect your views about the statement. Do not check more than one (1) alternative in one statement.

Statement on Integration of Street Vending	SA	A	NC	D	SD

i. Street vendors should be integrated in urban economy of Kisumu City					
ii. Street vendors should be allowed operate in front of your shop and any space available					
iii. Street vendors should be involved in policy formulation					
iv. Street vendors should be provided with services such as Electricity, water and sanitation					
v. Street vendors' associations should be recognized by city management					

(b) Comment on integrated in urban economy of Kisumu City

.....

APPENDIX VI: FORMAL BUSINESSES FOCUS GROUP DISCUSSION

FGD Introductory Note

Every session was started by the following introductory statement:

Thank you for agreeing to participate in this group discussion. The purpose of this group discussion is to find out what people think about street vending. We will also learn how these ideas can be used to guide integration of street vending in urban plans to provide more jobs to urban population. Your thoughts insights will help us better understand what street vendors in Kisumu think about integrating street vending in urban plans. Your name will not be associated with any comment that you make. We will combine the notes from this discussion with information collected from other group discussions. This is an opportunity for us to hear your views and for you to share your thoughts with us. Please feel free to say what you think because there is no right or wrong answers. Do you have any question or concerns?

Before we start, I want set rules to guide our discussion. The first one, we will respect the views of the others. Encourage participants to contribute others rules that will make this discussion run smoothly. Other rules

- Only one person should speak at the same time
- Keep confidentiality once the FGD is over
- Turn off cell phones
- Thank you. We will start.

(FGD Moderator guides)

1. Is it possible for street vendor(s) operating in front of your shop to be allocated this space.
2. In your opinion, should street vendors be given tenure for spaces they occupy?
3. Should street vendors be relocated from the streets of the CBD.
4. Explain what urban authorities should do to street vendors to better manage their activities.
5. How do the following aspects believed to be contributed by street vendors affect your business:
 - Street congestion
 - Accumulation of waste
 - Sale of substandard goods and services
 - Easy access to a variety of goods and services

APPENDIX VII: RELIABILITY TEST DATA

Respondents	Test	Re-test
1	33	35
2	33	37
3	33	35
4	33	39
5	33	45
6	33	41
7	33	39
8	33	33
9	33	31
10	33	35
11	33	33
12	33	37
13	33	31
14	33	45
15	33	35
16	33	37
17	33	35
18	33	37
19	33	39
20	33	33
21	33	43
22	33	41
23	33	39
24	33	31
25	33	41
26	33	37
27	33	39
28	33	39
29	33	43
30	33	37

APPENDIX VIII: LETTER OF INTRODUCTION



MASENO UNIVERSITY

SCHOOL OF ENVIRONMENT AND EARTH SCIENCES

CITY CAMPUS - KISUMU

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MASENO

351620

Our Ref: PG/PHD/038/06

Date: 30th November, 2010

TO WHOM IT MAY CONCERN

RE: JACOB OLANG'O ONYANGO, PG/PHD/038/06

Mr. Onyango is currently pursuing Doctor of Philosophy in Planning, in the School of Environment and Earth Sciences (SEES), Maseno University. Currently, Mr. Onyango is doing Ph.D. Thesis Research on: "Impact of street vending on use of urban spaces in Kisumu Municipality, Kenya". Any assistance extended to him to enable him get data/information will be highly appreciated.

Thank you in advance

Dr. Boniface Oluoch Oindo
COORDINATOR, SEES PROGRAMMES

APPENDIX IX: PUBLISHED TABLE OF SAMPLE SIZE

Sample size for $\pm 3\%$, $\pm 5\%$, $\pm 7\%$ and $\pm 10\%$ Precision Levels Where Confidence Level is 95% and $P=.5$.

Size of Population	Sample Size (n) for Precision (e) of:			
	$\pm 3\%$	$\pm 5\%$	$\pm 7\%$	$\pm 10\%$
500	a	222	145	83
600	a	240	152	86
700	a	255	158	88
800	a	267	163	89
900	a	277	166	90
1,000	a	286	169	91
2,000	714	333	185	95
3,000	811	353	191	97
4,000	870	364	194	98
5,000	909	370	196	98
6,000	938	375	197	98
7,000	959	378	198	99
8,000	976	381	199	99
9,000	989	383	200	99
10,000	1,000	385	200	99
15,000	1,034	390	201	99
20,000	1,053	392	204	100
25,000	1,064	394	204	100
50,000	1,087	397	204	100
100,000	1,099	398	204	100
>100,000	1,111	400	204	100

a = Assumption of normal population is poor (Yamane, 1967). The entire population should be sampled.

Source: Israel G. D. (1992)