

ROUTLEDGE STUDIES IN URBANISM AND THE CITY

Rebel Streets and the Informal Economy

Street Trade and the Law

Edited by
Alison Brown



Rebel Streets and the Informal Economy

Street trade is a critical and highly visible component of the informal economy, linked to global systems of exchange. Yet policy responses are dismissive and evictions commonplace. Despite being progressively marginalised from public space, street traders in the global south are engaged in spatial and political battlegrounds to reclaim space, and claim *de facto* property rights over their place of work, through quiet infiltration, union power, or direct action.

This book explores ‘rebel streets’, the challenges faced by informal economy actors and how organised groups are seeking to reframe legal understandings to create new claims to space and urban rights. The book sets out new thinking and a conceptual framework for improved understanding of the plural relationship between *law, rights and space for the informal economy*, the contest between traditional, modernist and rights-based approaches to development, and impacts on the urban working poor. With a focus on street trading, the book seeks to reframe the legal context in which modern informal economies operate, drawing on key areas of academic enquiry and case studies of how vendors are staking claim to urban rights.

The book argues for a reconceptualisation of legal instruments to provide a rights-based framework for urban work that recognises the legitimacy of urban informal economies, the scope for collective management of urban resources and the social value of public space as a site for urban livelihoods. It will be of interest to students and scholars of geography, economics, urban studies, development studies, political studies and law.

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**To my collaborator, colleague and dear friend, the late Professor
Michal Lyons**



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1 Urban informality and ‘rebel streets’

Alison Brown and Peter Mackie

Introduction

When 26-year-old Tunisian street trader Mohamed Bouazizi set himself alight in December 2010, in protest at humiliation and constant harassment from police and city officials, his death inspired revolution throughout the Arab world. The protests in Avenue Habib Bourguiba and Tahrir Square unseated despotic regimes as protestors challenged political repression and economic exclusion in a universal call for justice, fairness and the rule of law (*Guardian*, 2011). The revolution raised concern across the region about the explosive political power of marginalised street traders, but, in practice, little has changed and in cities of Africa, Asia, Middle East and Latin America legislation affecting street traders remains unreformed and punitive for the poor.

This book focuses on the interface between street trade as the most visible and most controversial component of the informal economy, its relationship with urban law and the conflicting legal environment in which street trading takes place, and the rebellions of street traders in challenging the law and claiming legal space. Although there is no universally accepted definition of the *informal economy*, the conceptual framework now adopted by the ILO includes both: 1) the *informal sector* referring to employment and production in unincorporated, unregistered or small enterprises, and 2) *informal employment* referring to employment without social protection – which includes own-account workers and employers in informal sector enterprises, contributing family workers, employees holding informal jobs, members of informal producer’s cooperatives, and own-account workers producing goods exclusively for their household’s use (ILO, 2013: 42).

The book is an outcome of the Urban Law Project, research funded under the Economic and Social Research Council (ESRC)/Department for International Development (DFID) Joint Fund for Poverty Alleviation Research,¹ supplemented by two linked British Academy small grants² and research funded under the National Natural Sciences Foundation of China.³ This introduction explains the philosophy of the research, and then outlines central themes of the book: law and development, law and urban management and rebel streets. The introduction ends with an overview of the book structure.

Street trade is defined here as all non-criminal commercial activity that depends on access to urban public space including market trade, trade from fixed locations and mobile vending, while *public space* is framed by the social relations that determine its use. The concept of urban public space is adopted to mean physical space and the social relations that determine that space, including all space that is not delineated or accepted as private and where there is a degree of legitimate public or community use, encompassing both formal space in parks, squares and streets, and marginal or under-used edge space (Brown, 2006: 22).

The term ‘street trade’ is broad in meaning. The distinction between street trade, market trade, hawking and home-based enterprise is often blurred, as markets may encompass surrounding streets, street traders may be static or mobile and home-based enterprises may spill onto the street. There are also differences in terminology as street trading is also described as ‘vending’, ‘petty trading’, or ‘hawking’. Terms are often country-specific and nuanced; for example, in India the term ‘vendor’ is widely used, whereas in South Africa ‘trader’ is more common.

The activity of street trade embraces the sale and purchase of the phenomenal range of goods and services bought on city streets. These include food and produce, new and second hand clothing, manufactured items (often imported), shoes, phone accessories, traditional herbs and medicine, and services such as hair cutting and braiding, selling phone credit and many others (Brown, 2006: 8).⁴ The *street economy* is a wider concept, embracing all the commercial and business activities and workers that profit from the street, such as transport workers, porters, watchmen, small-scale manufacturers, rent collectors, landlords and many others, although the legal challenges are common. Excluded from this discussion are activities often considered socially illegitimate, including drug trading and prostitution.

Urban law encompasses the policies, legislation, decisions and practices that govern the functioning of cities and human settlements – covering land, housing, urban economies, operations of local government, the environment and citizens’ rights. However, legislation affecting local economies is usually designed for the formal economy, and fails to support informal workers, often criminalising the working poor. Urban law affecting the informal economy is poorly documented and erratically applied. It is often framed at national level and implemented by municipalities, but rarely fully understood by informal workers. Bylaws regulating cart-pushers, kiosk owners, hawkers and businesses licences are often outdated, and prohibitive costs and lengthy procedures put business registration out of reach.

Research objectives

The Urban Law Project was a three-year research project on law, rights and regulation of the informal economy. The focus was on street trade as one of the most contested domains of the informal economy and affected by many strands or

urban law. The research hypothesis is that the urban informal economy operates in a fragmented and plural regulatory environment, with conflicts between formal and informal regulatory systems that exacerbate risks, vulnerabilities and exclusions of the working poor, and are hugely damaging to the security and stability of their livelihoods, particularly at times of economic crisis.

Fieldwork for the research took place in cities with contrasting legal and poverty traditions: Ahmedabad, Dar es Salaam, Dakar and Durban, and the concepts were developed through related studies in Cairo, Tunis, Cusco, Quito and Guangzhou. All the authors in this book have contributed to the project. Four broad dimensions of informal work are explored by authors:

- the dynamics of the informal economy and street trading in each city;
- the plural legal and regulatory environment in which street trading operates;
- the regulation of street trading in practice, through self-management, informal landlords, local governments or other means; and
- the conflicts faced by street traders and their legal or physical claim to the streets.

Understanding and addressing the conflicts is crucial to developing an enabling, pro-poor regulatory framework.

Global context

Widespread informality has now become a structural characteristic of low-income urban economies and contributes significantly to GDP. In many cities of the developing world, the informal economy provides 60–80% of urban jobs and up to 90% of new jobs (Roy, 2005; Varley, 2013; ILO, 2013a). Street trade is one of the most visible and contested domains of the urban informal economy, and a crucial livelihood strategy for the poor and very poor; it provides a key source of new jobs, particularly for young people entering the job market and new migrants to cities, and supports significant urban-to-rural and international remittances (Chen *et al.*, 2002; Brown, 2006). In times of economic crisis its role is heightened and, as the 2008 global economic crisis demonstrated, it is a refuge for the working poor, but is also vulnerable to global market change. The downturn came at a time of intense debate over the potential for legal empowerment to drive poverty reduction in the heterogeneous socio-political and legal context of cities of the south (Fernandes and Varley, 1998; McAuslan, 2002). Yet policy consistently ignores the existing and potential contribution of the informal economy to both jobs and economic output.

Far from the common perception that street trade is survivalist – an outlet for local produce or manufacture – traders are now inextricably linked to global systems of exchange (Lyons *et al.*, 2008; WIEGO, 2016). Cross and Morales suggest that the modernist vision that has shaped cities in recent years has seen many attempts to ban and over-regulate street trading as a sign of ‘disorder’ and poverty, yet street trading has survived and thrived as ‘street merchants have not

simply returned to a romanticized past but created reasoned reactions to local manifestations of today's economic, cultural and social world' (Cross and Morales, 2007: 7). In contrast, de Soto (2000) argues that it is over-regulation that drives entrepreneurs to avoid regulatory bonds.

Despite extensive academic research on illegal cities (McAuslan, 1998), debates have focused on housing and land tenure (Durand-Lasserve and Selod, 2007). Discussion of law and regulation for the economies of the urban poor – usually the informal economy – has been limited, with emphasis on formalising labour and business rights (for example, ILO, 2013b) or on urban management (Chen *et al.*, 2002). Yet fieldwork consistently shows that insecurity and harassment are crucial factors undermining urban livelihoods, with forced evictions, often pursued for political or commercial ends, legitimised by draconian or outdated legislation or externally led reforms (Brown, 2006; Brown *et al.*, 2010).

Urban law affecting street trading is complex, poorly documented and erratically applied. Interpreted and implemented by municipalities, it is often framed at national level with roots in international influences (Lyons and Brown, 2009). It is rarely understood by street traders; bylaws regulating cart-pushers, kiosk owners, hawkers and businesses licences, are often colonial relics. The legal context affecting street trade can include:

- constitutional frameworks;
- policing, local government and public order law;
- highways and urban planning legislation;
- bylaws and business licensing regulations;
- public health, markets and food hygiene regulations;
- hawking and vending regulations.

The result is that trade is often illegal in multiple ways: prohibitive costs and lengthy procedures put business registration out of reach, and lack of property rights makes traders vulnerable to evictions. Instead, street trade is regulated by a panoply of informal actors including private landlords, religious or ethnic groups, market or welfare associations, unions, savings groups, the police or vigilantes, with extortion and exploitation rife. The cumulative impacts of weak or inappropriate urban law and exploitative informal processes are poorly understood.

The risks of operating in this environment are extreme. Shocks and stresses commonly include policy shifts, victimisation or exclusion of specific groups, civil unrest, police harassment, or evictions. Several authors have written powerfully about specific conflicts (for example, Potts (2007) on Operation Murambatsvina, Skinner (2008) on evictions in Durban in the run-up to international sporting events and Middleton (2003) on exclusion of street trade from Quito's historic centre), but a more general review the drivers of eviction is overdue and will be explored in this book.

Law and development

The legal systems of nation states is the backdrop against which informal activities take place. Since the end of the twentieth century, development policy has been underpinned by a global call for the rule of law which relies almost exclusively on formal legal and judicial systems, pursued vigorously by international agencies and non-governmental organisations (NGOs) (Santos, 2006). The approach relies heavily on the neoliberal development model which emphasises the importance of market-based economic growth for poverty reduction, and a judicial framework that clarifies property rights and contracts, with little consideration of the plurality of unofficial governance mechanisms that have existed for many years (Santos, 1997, 2006). Urban policies and legislation, changes to planning and land laws, the 'modernisation' of legal and institutional frameworks take little account of the diversity of provision and informal regulation actually taking place (Lyons and Brown, 2009).

Strengthening livelihoods makes a major contribution to poverty reduction, but the impact of urban law and informal processes underpinning rights to work, to space, or to representation is not well researched. For example, enshrining a 'right to work' in legislation can form an important bargaining platform in negotiations over evictions (Brown, 2009). This book argues that urban development resulting from the livelihoods of the poor often take place outside formal law, but are nevertheless based on legitimate and socially accepted processes, as explored through the chapters in this book. Sometimes these invoke formal legal processes, but often operate in tension with the law. The case studies span different continents and legal systems, to explore how street traders claim urban space and negotiate the relationship between official and unofficial legal systems through avoidance, organisation or direct confrontation.

Five core areas of academic enquiry relating to urban law and development underpin the chapters in this book. The first draws on the concept of *legal pluralism* – defined as the coexistence of multiple legal systems in a bounded physical or social space (Merry, 1988). Urban researchers now challenge the idea that the law is a neutral instrument of change, and explore power relationships between official and popular systems of justice (McAuslan, 1998: 19; Fernandes and Varley, 1998: 9). In practice, it is argued that the heterogeneous state of the developing world juxtaposes the official/unofficial, formal/informal and traditional/modern, creating a plurality of legal orders and conceptions of modernity (Fernandes, 2009; Santos, 2006) (see Chapter 2).

The second explores *human rights* as a core strand of enquiry for the research. The Universal Declaration of Human Rights (1948) is the cornerstone of international human rights law and its subsequent covenants and conventions. Balancing legitimate rights of the state, groups and individuals is crucial and complex, and some argue that the perceived need for a human rights framework is itself a response to the dramatic political and economic changes of the twentieth century and the exclusion that resulted (Freeman, 2002). The right to adequate housing and right to water are inherent to the adopted human rights instruments (Brown

and Kristiansen, 2008); however, only recently has there been an interest in applying rights-based thinking to street trade – for example, by the Commission for the Legal Empowerment of the Poor (CLEP), which promoted access to justice, property rights, labour rights and business rights, emphasising the needs of small-scale, sole-trader, or own-account entrepreneurs (UNDP, 2008 a, b). The report was influenced by de Soto's ideas of legalising 'extra-legal' agreements and assets (see Chapter 3).

The third area of enquiry is based on the *right to the city* as a paradigm for urban inclusion, the concept developed by Henri Lefebvre which challenges the social and political capitalist world order, arguing that the 'use value' of city life is destroyed by the 'exchange values' imposed by industrialisation and the commodification of urban assets (Lefebvre, 1968: 67; Mitchell, 2003; Purcell, 2002; Harvey, 2003). The agenda has influenced legal practice in Brazil – where the radical City Statute, 2001, recognised the social dimension of land ownership (Rolnik and Saule, 2001) – and Ecuador where it is enshrined in the 2008 Constitution approved by national referendum. Social movements, particularly the Global Platform on the Right to the City, argue for a new universal urban paradigm on the right to the city, defined as: 'the right of all inhabitants, present and future, permanent and temporary, to use, occupy and produce just, inclusive and sustainable cities, defined as a common good, essential to a full and decent life' (GPR2C, 2016).

The fourth area explores issues of *rights to access public space*. Public space is the common ground where people carry out the functional and ritual activities that bind a community, but is also a crucial asset for the working poor (Brown, 2006: 18). The term 'public space' as used by urban planners is rather narrowly defined to include the streets, squares, plazas and parks designated as open space, but this definition excludes significant areas of space important to those in the informal economy, including space between buildings, vacant sites, or roadside verges. Battles over this public space frequently result in the exclusion and eviction of street traders (and other so-called undesirables), a process that has been described as urban revanchism (Smith, 1996; Mackie *et al.*, 2014) whereby urban space is claimed by elites to the exclusion of the poor. And yet, in some cities of the global south a more tolerant post-revanchist approach is now emerging (see Chapter 4).

The fifth area of enquiry focuses on *land and property rights*: in a civil law context the city is viewed as a set of privately owned plots with little scope for state intervention; where public interest values are recognised, zoning and compulsory purchase laws are used as instruments of state control (Fernandes and Varley, 1998: 8). Tenure systems in the south are highly complex, with multiple legal traditions and frameworks, including private tenure, public ownership of land in communist-influenced states and customary stewardship systems (Payne, 2002: 5; Durand-Lasserve, 1998). In much of Africa communal and customary land rights are widely accepted, especially where formal systems have failed to provide access to housing or services for the urban poor – in some cities as much as 70% of housing is informal (Payne, 2002). De Soto (2000) has argued that, without a clear system of property rights, the poor cannot make productive use of their assets;



Figure 1.1 Legal systems of the world.

Source: Commons, 2016, Legal systems of the world, <https://commons.wikimedia.org/wiki/File:LegalSystemsOfTheWorldMap.png>, accessed December 2016

despite much critique, his approach has been very influential. In general, the understanding of property entitlements in the informal economy, the formal and informal systems that confer rights and entitlements and the mediation of disputes has received much less attention than the study of illegal settlements (see Chapter 5).

Urban law and urban management

A crosscutting theme within the book is the importance of *urban law* and the *role of local governments* in its implementation. Formal legal systems fall into various legal families, a historical legacy that influences the operation of modern-day legislation. Two main legal families are identified: civil law deriving from continental Europe, which codifies the law in statutes and establishes the state as the ultimate law-maker; and English common law derived from decisions by the judiciary, which protect the individual against the state (Figure 1.1). Legal processes within the two systems are different – civil law is based on inquisition and English common law is an adversarial justice system. Box 1.1 summaries the legal systems of countries covered in Part II of this book. In a study of the effectiveness of African legal systems in preventing conflict, Joierman (2001) found that common law countries seem better at protecting the rule of law than civil law systems, which have a heavy toll of bureaucracy; the former may thus have more flexibility to accommodate street trading.

Local governments have a key role in implementing urban law, delivering services and tackling urban poverty, and are often the agency that translates national human

Box 1.1 Legal traditions

This box summarises the legal systems of countries studied for this research.

India: India has a federal system of government of 28 states and seven Union territories. The legal system is based on English common law. The Constitution was adopted in 1949, and has been amended since. Part III of the Constitution establishes Fundamental Rights, which include the right to life and liberty and freedom to practice a profession, and Part IV sets out the Directive Principles of state policy. Local government is a state function, so legislation affecting street vendors varies between states.

South Africa: South Africa has a mixed legal system of Roman-Dutch civil law, English common law and customary law. Its Constitution of 1996 is the supreme law of the country. Judicial authority in South Africa is vested in the courts, with a hierarchy of jurisdictions. Traditional courts are recognised in some rural areas. Street trade is broadly regulated under company law and urban bylaws.

China: The legal system of the People's Republic of China is based primarily on the model of civil law, influenced by Soviet and continental European systems, officially defined as a 'socialist legal system'. Laws are promulgated by the National People's Congress (NPC), Administrative Regulations by the State Council, Local Regulations by the local People's Congress and local rules by local governments.

Sénégal: Sénégal's legal system is based on French civil law, with judicial review of legislative acts in a Constitutional Court. The Constitution was first adopted in 1963 and the fourth Constitution was adopted by referendum in 2001. Article 25 states that everyone has the right to work and seek employment, and a worker may join a union. Customary land tenure is recognised in the 1964 land law.

Tanzania: Tanzania's legal system is based on English common law, with limited judicial review of legislative instruments. The Constitution was adopted in 1977, with revisions in 1984 and a Bill of Rights in 1988. The government promotes economic, political and social reform, focusing on expanding the market economy, strengthening human rights, promoting democracy and environmental protection. Customary land tenure is enshrined in the 1999 Land Act and 1999 Village Land Act.

Tunisia: Tunisia is a civil law republic; the legal system is based on French civil law and Islamic law, based mainly on a series of codes, laws,

decrees and ministerial orders. A unified system of legislation is applied regardless of religion. The Constitution was adopted in 1959 and amended in 1988. The post-revolution Constitution was adopted in January 2014.

Egypt: Egypt has a mixed legal system based on Napoleonic civil law, particularly French codes, and Islamic law. The Egyptian Civil Code, No. 131 of 1948, is the most important source of law in Egypt. Sharia courts were integrated into the national court system in 1956. Egypt's second post-revolution Constitution was passed by referendum in 2014.

Hertel, 2009; Mahadevia *et al.*, 2012; CIA, 2016;
Telelaws, 2016; SAG, 2016

rights strategies into practical action. Local governments have successfully adopted various human rights mechanisms to strengthen inclusion in local government policy. Of particular note is the concept of 'human rights in the city', developed by United Cities and Local Government through their *European Charter for the Safeguarding of Human Rights in the City*, and the *Global Charter Agenda for Human Rights in the City*, which makes specific reference to urban livelihoods (HRC, 2015)

However, city-level politics and processes are often complex and opaque, and city governments may be heavily constrained by limited jurisdictions, fragmented responsibilities, conflicts with higher tiers of government, limited finance and weak capacity (Devas 2004: 192–3). Day-to-day management of the informal economy also depends on the mix of formal regulations and bylaws, and informal social control by a range of urban actors, including local government officials. Rights to trade and rights to trading space are tenuous and often challenged (Fafchamps and Minten, 2001). For example, in Nairobi, bylaws cover solid waste management, hawking, *matatus*, food shops, business licensing, hand carts, etc. (Nairobi City Council, 2013).

A wide range of local government policies, regulations and bylaws affect street traders (for example, Chen *et al.*, 2002; Brown, 2006: 176–80). These include: land use and zoning; property, use and access rights to space; public health standards; business registration and operations; basic infrastructure provision – for example, electricity, water, toilets, solid waste management; and municipal market regulation. City governments can contribute to poverty reduction by ensuring secure tenure for trading, but, in practice, their actions often favour the powerful to the detriment of the poor (Devas, 2004: 190; Brown and Lloyd-Jones, 2002). *Ad hoc* negotiations between municipalities and traders over spaces of tolerance and semi-formal taxation were once common, but traders have consistently lost ground, and public space has become a battle-ground (Skinner, 2008; Brown *et al.*, 2010; Mackie *et al.*, 2014).

Some administrations have specific street trader and hawker bylaws or regulations. A study undertaken in 2011 for the National Association of Street Vendors of

Box 1.2 Comparison of street trader regulations

Licensing

Yale Law School (2011) found four general approaches to the assignment of street vending rights: 1) licensing, 2) ownership, 3) organisation-based representation, and 4) no registration. Several aspects were important.

- *Criteria for issuing licenses*: these often require information about the trader, the goods sold and location of sale.
- *Discretion in licensing*: strict rules on license allocation promoted transparency, but some discretion helped individual traders.
- *Assignment, subletting and resale*: preventing subletting was usually considered fair when trading space was scarce, except where assistants were employed or there was a death of a vendor.
- *Fixed versus mobile vending sites*: some jurisdictions gave different licenses for fixed or mobile vending, restricting vendors to one permit.
- *License quotas*: some jurisdictions tried to limit the total number of licenses issued, but these were considered overly restrictive.
- *License allocation and preference schemes*: three approaches were: i) priority for disadvantaged groups; ii) a lottery; iii) a queueing system.

Identifying vending sites

- *Selecting trading sites*: sites may be i) identified in regulations; ii) selected by an urban authority; or iii) allocated in urban plans. Best practice involved traders in site selection.
- *Relocation to off-street markets*: several jurisdictions promoted such relocations, but these were problematic due to high rents, limited pitches, and lack of custom, and vendors often returned to the street.
- *Excluded locations and times*: these were implemented to ensure space management, protect public rights-of-way and protect the interests of neighbouring retailers and residents.

Administration and enforcement

- Rule-making body was by the local authority, special agency or trader group.
- Regulations established rights to form unions or associations, and rights of representation.
- Accountability includes notice of enforcement, tackling bribery and corruption, appeals and punishments (e.g. fines, confiscations etc.).

Yale Law School, 2011

India, who were lobbying for the introduction of national legislation to support street vending, compared street trade regulations in 23 countries in Africa, Asia, Europe, Latin America and North America, highlighting key concepts adopted in these regulations. The analysis covered a range of aspects of regulations that affect street traders, including licensing, site identification, administration, enforcement and sanctions (Yale Law School, 2011) (Box 1.2).

However, in practice, in parallel to formal mechanisms of control, a wealth of informal norms govern the management of trading communities (for example, Brown *et al.*, 2010; Tostensen *et al.*, 2001). These derive from a rich array of associational activities, including trades unions, religious groups, family and kinship groups, savings associations, burial societies and many more, which perform a wealth of functions, including social welfare, business support, micro-finance and advocacy. Of particular interest in this research is the role of informal mechanisms of securing rights. This book explores some of these processes.

Rebel streets and a right to the city

The title of this book pays respect to David Harvey's, *Rebel Cities: From the Right to the City to the Urban Revolution* (Harvey, 2012). In this he explores the potential of the collective *right to the city* as a challenge to capitalism and the commodification of urban space, services and facilities, and the resulting intensification of poverty and social exclusion.

Harvey's core thesis is that capitalism rests on the quest for profit and a surplus product, which has largely been absorbed through urbanisation and the creation of value in urban land. While this process has been evident for many years, for example in redevelopment plans for Paris in the 1860s, the recent urban development boom has gone global, underpinned by the new financial institutions that organise credit, package mortgages and sell these in a global market, resulting in building booms from Mexico City, to Mumbai, and Moscow and elsewhere, with a boom and bust as prices overheat. Transforming the quality of urban life into a commodity has resulted in incredible transformations of lifestyles for those with money, but an 'increasing polarisation in the distribution of wealth and power indelibly etched into the spatial forms of cities, which increasingly become cities of fortified fragments, of gated communities and privatised public spaces kept under constant surveillance' (*ibid.*: 15).

Harvey proposes a fundamental transformation of the way in which cities are created, and the social relations of citizens through the Lefebvrian claim of the right to the city. He argues that:

The right to the city is, therefore, far more than a right of individual or group access to the resources that the city embodies: it is a right to change and reinvent the city more after our hearts' desire ... Thus, to claim the right to the city ... is to claim some kind of shaping power over the processes of

urbanisation, over the ways in which our cities are made and remade, and to do so in a fundamental and radical way.

Ibid.: 4, 5

The claim, Harvey argues, can only be made through ongoing class-based and anti-capitalist struggle because the forces of capitalism have to subvert an urban population which can never be totally controlled (ibid.: 116). The history of class-based urban struggle, he argues, is stunning, from the revolutionary movements in Paris in 1789 through to 1839, Spanish uprisings during the Civil War to the urban-based movements of 1968 in Paris, Chicago, Mexico City, Bangkok, Madrid and many others, up to the Occupy Movement that swept through 951 cities in 82 countries in 2011, when young city-dwellers occupied streets in protest at their lack of claim to city life. Each rebellion, Harvey argues, is an anti-capitalist struggle to dismantle privilege for the few in favour of benefits for the many.

This book draws on Harvey's philosophy to examine processes of rebellion and to argue for a more inclusive, just city in which workers in the urban informal economy, specifically street vendors, are seen as legitimate urban actors with a stake in local economies and a right to exist and thrive in cities. The book argues for a collective right to the city.

Street traders' struggle to claim work-space and marginal profit is relentless, and rebellion takes many forms. Sometimes sheer force of numbers can allow low-income hawkers to invade the busy pedestrian thoroughfares that make their trade viable – such tactics involve travelling light, carrying few goods and being poised to flee if the police arrive. Others use social relations for support, often working under a 'landlord' or 'gang-master' who may supply goods for sale, negotiate with the police and take a cut in the profits. Some traders are organised or unionised under a leader who can access political or local authority chiefs. Occasionally, direct action flares up, as traders riot against an injustice to occupy the streets, but too often the response is quasi-military action, with tear gas used to dispel traders and bulldozers to flatten their stalls. Only rarely, as two chapters in this book show, have organised groups of traders managed to claim their rebellion through the courts.

Law and livelihoods: book structure

The book has three sections. Part I, 'Rebel Streets': Law, Rights and Space in Urban Development, starts with six contextual chapters. Alison Brown first examines the implications for street trade of four theoretical debates: legal pluralism; legal empowerment; urban rights and urban governance reform, arguing that the plural influences that affect street trade have been largely ignored in policy processes. Beth Watts and Suzanne Fitzpatrick then examine the difference between natural and human rights, exploring the difficulties of defending programmatic rights which are not enshrined in legislation. Edésio Fernandes explores the concept of the right to the city, and its application in

Brazil through the 2001 City Statute in granting collective rights to urban land and participatory planning. Drawing on experience in Latin America, Peter Mackie, Kate Swanson and Ryan Goode draw on ideas of revanchist urbanism to discuss how street trader resistance is reclaiming urban space. Alison Brown then explores how property rights in public space are being reframed for street traders by conceptions of communal tenure and collective need. Chris Bonner, outlines the WIEGO⁵ law programme, in which grassroots organisations of women workers identify and define the impact of urban law on their lives.

Part II, *Street Trading at the Front Line*, examines experience from eight different cities and countries. In Ahmedabad, Darshini Mahadevia and Suchita Vyas explore how women street vendors from the Self-Employed Women's Association (SEWA) took their case demanding a fairer policy environment to the courts, and the mixed outcome that ensued. Caroline Skinner examines the swings in vending policy in Durban and how street traders have used litigation to fight development proposals and challenge restrictive bylaws. In Guangzhou, Gengzhi Huang, Desheng Xue and Zhigang Li examine the ambivalent local authority approach despite and exclusionary policies. In Sénégal, Ibrahima Dankoco and Alison Brown examine how traders claimed rights through direct action, creating scope for political negotiation. Tanzania's punitive legal regime and the fluctuating policy environment towards street trading is explored by Tulia Ackson and Colman Msoka in their analysis of the political economy and legal framework affecting street trading in Dar es Salaam. Finally, two chapters – one by Annali Kristiansen, Alison Brown and Fatma Raâch and one by Nezar A. Kafafy – chart the experience of street vendors during the Arab Spring in Tunis and Cairo, and how street traders have faced mixed fortunes since the death of the Tunisian street trader Mohamed Bouazizi.

In Part III, *Claiming 'Rebel Streets'*, the conclusion, draws core themes from the research, demonstrating that street traders negotiate complex and unsupportive urban law through a myriad of informal mechanisms, through subversive occupation of unobserved space, violent demonstration of their rights, effective organisation and legal challenge, to claim their rights as urban citizens.

Notes

- 1 *Making Space for the Poor: Law Rights and Regulation for Street Trade in the 21st Century*, DFID/ESRC Joint Fund for Poverty Alleviation Research, Project RES-167-25-0591.
- 2 British Academy Small Grants:
 - i) *Rights in the City: Developing Pro-poor Policies with Street-traders in Latin America and*
 - ii) *Economic Inclusiveness in an Age of Revolution: Street Vending and Control of Public Space in Tunis and Cairo.*
- 3 National Natural Sciences Foundation of China (Ref: 41130747; 41401169).
- 4 Some authors use the term 'street trader' and 'street vendor' interchangeably.

- 5 WIEGO (Women in Informal Employment: Globalizing and Organizing) is a global policy advocacy network working to increase the voice, visibility and viability of workers in the informal economy.

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