

RESEARCHER OF A MONTH DECEMBER 2024 DR. KIRUMIRAH MUBARACK



**RESEARCH TITLE: TRENDS IN FORMULATION AND ENFORCEMENT OF A
REGULATORY FRAMEWORK FOR STREET VENDING LEGALISATION IN URBAN
SETTINGS IN TANZANIA**

1.0 IMPORTANCE AND OBJECTIVE OF THE STUDY

Street vending legalisation is a global issue that has attracted several activists and has influenced different global actions. Despite such actions, strictness towards the operations of street vending, harshness and sometimes inhumane treatments have been observed in different urban settings

of different countries. Following these observations characterised with more inhumane and untold stories, the Bellagio International declaration of street vendors that was signed in Italy on 23 November 1995, important resolutions were put forward including legalizing street vending and promoting their better future. In Tanzania, despite the reality that the Bellagio resolutions are known, street vending legalisation has remained a puzzle despite the importance and economic potentials street vending carries. Motivated by this situation, **this study investigated the trend in the formulation and enforcement of a regulatory framework for street vending operations in the urban settings of the country. The study unveils potential events towards formulation and enforcement of pro-vending regulatory framework in different political periods since independence to now. The study reveals stumbling blocks and proposes major breakthroughs that will solve the long lasting ‘problem’ of street vending.**

2.0 SUMMARY OF THE STUDY FINDINGS

2.1 Formulation and formalization of street vending regulations and by-laws since independence in Tanzania. An incomplete process.

The study mainly examined the course of legalization of street vending business since independence to date, examined triggers to the unpredictable and incomplete process in the street vending legalization, assessed the implementation of formulated street vending-related regulations by urban authorities and reasons behind the failure in the formulation of a street vending regulatory framework in the urban settings. The study reports that, the process of legalization has been characterised by unpredictable regulations, contradictions in laws and depending on the incumbent regime. It is further reported that because street vendors are attributed to crimes and because urban authorities are determined to create smart cities free from street vending, the legalization process has not come to the end. This explains why the implementation of street vending regulations have sometimes been harsh, lenient or sometimes collaborative. Making street vending legalization serious and next to impossible, existing contradictions between the central and local government actors, discrepancy between planning and implementation of urban plans, politics among others have led to the failure of total legalization of street vending business since independence.

2.2 Street vendors’ knowledge on the efforts of the government to legalize and improve the welfare of street vending business

The study majorly wanted to know what street vendors know about what the government is doing to better the street vending business, variations among vendors’ understanding and causes of such variations. It was established that street vendors had limited knowledge on government efforts to formulate regulations and how the existing regulations were implemented. The level of understanding varied from different street vendors. This was attributed to the level of education, peer groups, age and experience. Moreover, a new aspect of information sharing and seeking ability emerges to be significant in this study and proves to be important in determining variations in knowledge among street vendors.

2.3 Street Vendors' Perception on the Status of Street Vending Legalization in Tanzania Before and After the 5th Government.

The study determined street vendors' views on the general status of street vending in the urban settings and compared the street vendors' views on the status of street vending legalization before and after 2015. Findings reveal that while street vendors viewed themselves illegal before 2015, following treatment received after 2015 to date do consider themselves legal. However, they still believe that the freedom they are enjoying currently can change at any time, unless there is an instituted legal document which specifically spells how legal street vending is legal and regulations spelling the operations of this group in terms of areas of operations, guiding health and safety procedures, taxes and levies among others.

2.4 The Influence of Politics, Existing Regulations and Knowledge of Street Vendors' Perception on the Legal Status of Street Vending Business

The study was based on the view that, the status of street vending today is a function of politics, existing regulations and vendors' perception of themselves. Findings indicate that politics, existing regulations and street vendors' knowledge all influenced the perception of street vendors on the status of street vending. Findings revealed that the studied factors explained 70.8% of the street vendors' perceptions and the rest attributed to other factors.

3.0 CONTRIBUTION OF THE STUDY

3.1 Contribution to literature

i. Integration of different theories to formulate a strong framework for urban rights-based studies

The thesis created a combined framework that combines the Right to the city theory and the right based approach in explaining the concept of equality of urban dwellers and their equal rights in using and access urban infrastructure for their livelihood under agreeable regulations. The framework provides a comprehensive understanding of how all urban dwellers can access city resources equally but following the prescribed regulations. This is a theoretical foundation for other urban rights-based studies.

ii. Factors leading to failure of street vending legalization in general

The thesis contributes to the literature by informing authorities and other stakeholders that despite efforts taken to legalize street vending and creating a regulatory framework for the same, contestation between actors on the importance of street vending, associating street vending to criminal activities, the role of politics and political dynamics, contradictions in the existing regulations about the status of street vending have been inhibiting the efforts.

iii. Knowledge of street vendors on government efforts

The study further informs the public that despite efforts being done by the government to improve the welfare of street vending, vendors themselves do not know what is going on. This is because authorities use top-down approaches and neglect the importance of collaborative planning and decision making. Thus, the study stresses the concept of collaboration and inclusion of street vendors in the decision-making process.

iv. The concept of co-existence and its impact on individual income

The study provides details on several clashes and how they have led to devastating effect to both authorities and street vendors themselves, it also brings to light the increasing rate of unemployment among the youth and how street vending can be used as a cushion against the situation. Thus, the study proposes the concept of co-existence between street vendors and formal business owners and how they can form a synergy that can create a useful supply chain continuum and yield more income to both.

v. Politics and its role in the legality of street vending business

The thesis contributes to the literature by informing the general public how politics and associated dynamics have a greater influence on how the operations of street vendors are in the urban settings. It explains the reality that the spiral nature (off and on) operations of street vending are influenced by the political stance and thus, legalization of street vending is greatly a problem that can easily be solved by politicians.

3.2 Contribution to Methodology

The study having used a mixed-methods research approach, employed the use of both quantitative and qualitative methods in carrying out this study. Therefore, data of this study were collected through questionnaire administered to 371 respondents and interviews conducted to 35 Key informants. The study focused on street vendors and urban authority officials from Dar es salaam and Mwanza. Data were analysed through descriptive and inferential statistics as well as content analysis. Specifically, the study in terms of methodology contributes the following;

i. Integration of six theories in creating a conceptual framework that guided the study

The study introduces a conceptual framework that has been created out of six theories. This presents a comprehensive framework for urban right related studies. It provides a holistic-lense through which rights, regulations, roles of urban dwellers and authorities and what constitutes total right are spelled. Following this, studies on street vending legalization have indicators of a completely legalized street vending business in the urban setting.

ii. The integration of multi-faceted mixed approach

The study uses a combination of both qualitative and quantitative approaches in the street vending study. This happens on a rare case in studies of this nature. Moreover, the quantitative part involves the use of advanced inferential statistics like the Tobit regression, the use of Exploratory factor analysis with Principal Component Analysis for validity purposes has contributed to obtaining robust findings. Moreover, in the qualitative approach, the use of the Syed and Nelson (2015) framework in conducting content analysis has facilitated thorough coding and identification of key contents.

3.3 Contribution to Theory

The study makes a great contribution to the theoretical frameworks related to street vending legalization in Tanzania. Key contributions are given as follows:

i. Integration of different theories to formulate strong frameworks for urban rights-based studies

The thesis created a combined framework that combines the Right to the city theory and the right based approach in explaining the concept of equality of urban dwellers and their equal rights in using and accessing urban infrastructure for their livelihood under agreeable regulations. The framework provides a comprehensive understanding of how all urban dwellers can access city resources equally but following the prescribed regulations. This is a theoretical foundation for other urban rights-based studies.

ii. Information seeking and sharing ability as a new component to the theory

The thesis although informs people of the importance of age, peer, education as important segments in knowledge acquisition as proposed by the social constructivist theory. The study introduces another important component that leads to knowledge acquisition. This is the knowledge seeking and sharing ability. The component explains that variations in the level of understanding among individuals are partly due to their ability to seek and share information. This is a new insight that can be added to the social constructivism theory.

iii. Negation to the Gibson's theory

The theory puts forward that the way a person perceives of him/herself is a result of past experiences and the environment as advocated by Gregory's constructivist theory of perception. The study stresses this and negates the Gibson's theory of direct perception which provides that one's perception is a result of his/her innate.

iv. Introduction of the concept of people-centred urban planning and active participation of street vendors in decision

This thesis through the combination of the Neo-liberal and reformist theories advance the concept of street vendors rationality but fail to show how the activity can be harnessed in the global south. This thesis as a solution to this situation introduced the concepts of active participation in decision making and people centred urban planning.

3.4 Summary

The entire study contributes to the theoretical advancements by bringing to light new concepts that contribute to the theories on the aspects of street vending legalization in the urban settings. The integration of theories to formulate a workable framework, the identification of information seeking and sharing ability as a new determinant to knowledge acquisition, the recognition of past experiences and environment as determinants of one's perception, and the introduction of the concept of people-centred urban planning are theoretical perspectives with regard to street vending legalization. These contributions will shape the future theoretical discussions and will be guiding pillars to future research in the field of street vending legalization.

4.0 AREAS OF IMMEDIATE APPLICATION OF THE STUDY FINDINGS

The legalization of street vending business is a complex process that has passed through a number of events and despite its failure its economic potential is observed all along and calls for the need to creating a legal framework for its legalization. While it is important for such regulations to be in place, there is a need for understanding what has to be done, by whom and to what extent. This is mainly aimed at ensuring a smooth business operating environment. Following this situation, the following recommendations are given

- i. Policy making: The study, based on its findings, brings to light the need for a working street vending policy. Thus, policy makers need to hasten the formulation of street vending policy as a means of creating a smooth ground for doing business. This will enhance a concept of co-existence both formal and informal business. This can be achieved by obtaining inputs from street vendors and other relevant stakeholders.
- ii. Urban authorities: Education and mass campaign on the government efforts should be capitalized on by both urban authorities and the central government. These will promote the sense of co-existence between street vendors and formal business owners.
- iii. Business supply chain continuum: The idea of harnessing the formal business at the expense of street vendors by urban authorities in this error when unemployment is high is not a good idea. Thus, urban authority officials and politicians need to reposition their stance on the existence of street vendors in the urban settings. Instead of being viewed as unfair competitors, they should be viewed as business start ups struggling to become formal ventures. Moreover, they should be viewed as actors in the entire supply chain of different merchandise whose absence might adversely affect the entire sales operations.
- iv. Urban Planning: Introduction of the concept of people-centred urban planning and active participation of street vendors in decision. This thesis through the combination of the Neo-liberal and reformist theories advances idea of people-centered planning. This means that, any urban related planning should consider activities undertaken by the people. This being the case therefore, any urban related activity should involve people and should not only be done by urban planners on their own.
- v. Management of street vending in urban settings: This study introduces the concept of co-existence and its impact on individual income. The study provides that instead of using a lucrative budget for policing street vendors which leads to devastating effects to both authorities and street vendors themselves, including a hike in the rate of unemployment and crime among the youth allowing co-existence between street vendors and formal business owners might bring about mutual benefits. Co-existence can form a synergy that can boost the supply chain continuum and yield more income to both.
- vi. Tax Collection: Street vending is a venture that involves a reasonable number of individuals both from the urban and rural areas. Upon their legalization, they can be a huge tax base and can contribute largely to national income. Thus, formulation of a working plan that will facilitate smooth tax collection from street vending is of paramount importance.