



# All Fingers Are Not Equal

A report on street vendors in Lagos, Nigeria



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*Justice Sector Reform*

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**IMPORTANT:** The conclusions, opinions and recommendations expressed in this report are solely my own. They do not necessarily represent the views of the U.S. government, the Council for the International Exchange of Scholars (CIES) or anyone else.

“All fingers are not equal” is a common Nigerian expression commenting on the uneven distribution of wealth in society. We heard it frequently in our conversations with hawkers and street traders.

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## Executive Summary

Hawkers and street traders, known collectively as “street vendors,” are the most visible manifestation of the thriving informal economy in Lagos, Nigeria -- where an estimated seventy percent of people work in the informal sector. It has often been said that Lagos, sub-Saharan Africa’s largest metropolis, is one giant marketplace, and nowhere is that more evident than on the streets and roadways, where everything from bread to board games are readily available.

This report is an examination of street vending practices in Lagos and an analysis of the government’s strict enforcement of the ban on street trading, which began in January 2009 and continues today. It is the result of six months of research which included hundreds of interviews with vendors, government officials, NGO staff, bank managers, and others.

First, we examine who vendors are. The results of our survey – perhaps the first ever conducted on street vendors in Lagos -- show that there are many misconceptions about this population. For example, the typical vendor is not an abandoned child but rather a 29-year old married woman who finished secondary school and has lived in Lagos for twelve years. She works more than eight hours per day, every day of the week except Sunday, and earns about 600 naira (\$4) per day, which she uses to help support her two young children.

Next, we look at the controversial crackdown on street vendors that been a central part of Governor Babatunde Fashola’s effort to “clean up” and reshape Lagos. We investigate the stated reasons for the enforcement drive -- cleanliness, congestion, and safety – and observe that, while the government is confident their plan is working, and Fashola remains extremely popular, the general public has mixed feelings about how vendors are being treated.

Traders themselves are feeling the effects of the increased pressure. Nearly all vendors suffer frequent disruptions to their businesses, causing them to flee, while 44% percent have had their goods confiscated, and 29% have been arrested. Some vendors experience brutality at the hands of enforcement agents or pay bribes to be allowed to continue their business. Many vendors (30%) have changed their selling methods, usually by moving to less visible locations or coming out later in the evening to avoid enforcement raids.

Indeed, for all the problems they now face, few hawkers or street traders seem deterred. While certain areas of Lagos have experienced a visible reduction in the number of vendors, others areas have seen an increase. The government accuses the vendors of being stubborn, but vendors report that they are continuing to vend only because they have no other means to support themselves.

While the government has promised that street vendors will be relocated to markets, and vendors themselves are anxious to move indoors, few if any efforts to accommodate the traders have been made. The markets that the government suggested for traders are not affordable to them, and no new markets are being built to accommodate this group.

The main thing keeping traders from moving indoors is a lack of capital -- 89% of them cannot afford the minimum N50,000 (\$330) payment that would be needed to make such a move. Unfortunately, the microfinance sector in Lagos has stopped lending to street traders, and the government loan fund that was set up to help the working poor does not seem to be offering vendors any assistance.

Are there any solutions? We make several recommendations of what various stakeholders might do differently. First, the legislature should roll back the street trading ban to its original form, which prohibited trading on certain busy streets without banning it state-wide. Vendors will then be allowed to return to places where they do not create traffic congestion. Second, the government should establish a licensing system, with a fee that requires street traders to pay for the clean-up of any garbage they create. Finally, street traders in Lagos need a union or association, as they have in other cities, so their rights are protected. This will not only help traders improve their own businesses, but it will ease communication between traders and the government. Traders, NGO’s and the activist community should establish a mechanism so that hawkers and street traders in Lagos can have their voices heard.

## Introduction

At 4 o'clock in the morning on January 4, 2009, a swarm of government vehicles descended on Oshodi, Lagos' largest, busiest, and most notorious informal market. Backed by hundreds of mobile policemen, three tractors, and five "Black Maria" paddy wagons, the brigade fired tear-gas to disperse any early-morning onlookers. It then set the market ablaze. Bulldozers knocked down anything that remained and cleared away the debris. Flames leapt into the sky and a thick black smoke enveloped the entire neighborhood.

As word of the destruction spread, traders arrived on site to rescue their merchandise. They pleaded with troops, claiming they never received notice of any impending action. They were turned away. Instead, they joined the crowd of residents who stood by watching the scene in disbelief. By the end of the day, millions of naira of goods had destroyed and tens of thousands of informal traders had lost their businesses.<sup>1</sup>

Lagos State's war against street trading had begun. Governor Babatunde Fashola soon declared that street trading was a nuisance that could no longer be tolerated in Lagos. His chief enforcer, former Army captain Magieri Danjuma, promised to eradicate hawking and street trading entirely, announcing, "if I see anybody hawking on our road, I'm going to get them arrested and prosecuted."<sup>2</sup> Since then, far beyond Oshodi and all throughout Lagos, untold thousands of informal entrepreneurs have been chased, arrested and driven from their vending locations.

This is a report about street vendors in Lagos state, including who they are, why the government wishes to drive them off the streets, and whether anything can be done to address the problems created by street trading while still providing an opportunity for the hundreds of thousands of Lagosians who rely on hawking and street trading for their basic survival.

## I. Street Vendors in Lagos

If you ask any Lagos resident to imagine a typical street vendor, most would call to mind an adolescent boy or girl, recently trafficked from a far-away village, who slaves away in traffic all day to earn money for a greedy *oga*, or boss. Indeed, there are such children, and their presence on the city's busiest highways makes them some of Lagos' most visible vendors. Because of their age, their stories are the most heart-wrenching. However, our survey of 185 street vendors, ranging in age from twelve to 66, in eighteen of Lagos' twenty Local Government Areas, shows that, fortunately, that child most Lagosians imagine is far from typical. For a description of our survey methodology and its limitations, please see Appendix B.

First, most street vendors in Lagos (64%) are not hawkers at all, but rather street traders, who sell from a fixed location rather than moving around. Most are not so young, either - the average age of vendors surveyed was 29 years. In fact, most vendors are married (63%) with chil-

Lagos Street Vendors Surveyed, by State of Birth



Lagos State	48
Ebonyi	27
Ogun	16
Oyo	13
Anambra	9
Delta	9
Enugu	9
Imo	9
Sokoto	6
Kwara	5
Akwa Ibom	4
Edo	4
Kebbi	4
Kano, Ondo, Osun (each)	3
Abia, Cross River (each)	2
Borno, Ekiti, Jigawa	1
Niger (each)	1

dren (59%) they support from their street labor. While they hail from all over Nigeria, 46% of street vendors were born in Lagos or one its nearby states in the Southwest region.<sup>3</sup> Among transplants to Lagos, most are not brand-new arrivals – the average non-indigenous vendor we surveyed had lived in Lagos for 11.7 years, 6.1 of which had been spent vending. Unlike the child who skips school to hawk in traffic, most street vendors we surveyed were educated, with 56% having completed secondary school and an additional 4% having undertaken post-secondary education. Finally, contrary to popular belief, the vast majority of Lagos street vendors (95%) are self-employed.<sup>4</sup>

Other data we gathered was less surprising, at least for Lagosians, who are used to seeing hawkers and street traders every day. For one thing, there are slightly more women selling on the street than men, by a margin of 54 to 46 percent. The largest portion of Lagos street vendors surveyed sell from a table (42%), followed by those who place their items on the ground (34%), those who carry their wares in their hands or on their heads (22%), and those who use a cart, bicycle or wheelbarrow (3%). In terms of ethnicity, an equal number of street vendors

### Goods sold by category



Fruits, nuts and vegetables .....	21%
Dry food goods (bread, rice, etc.) .....	15%
Snacks.....	15%
Clothing and accessories .....	14%
Beverages .....	8%
Fish and meat .....	8%
Household items (soap, flashlights, etc.) .....	6%
Phone credit, CDs, DVDs, etc. ....	6%
Miscellaneous .....	8%

we met were Yoruba or Igbo (44% each), with Hausa vendors comprising 9% and the remaining 3% hailing from the nearby nations of Benin, Ghana or Niger.

As for what is sold, Lagos hawkers and street traders sell a dizzying variety of both food (which makes up 66% of street sales) and non-food (34%) items. Everything is available from meat and bread to engine oil, board games, and mouse traps. Food, the broadest category, includes items meant to be cooked at home, meals prepared for consumption on the street, and snacks to be eaten on-the-go, or at least sitting in traffic. As the chart above shows, all of life's daily necessities are available on the street, and more. Additionally there is often wide variety within categories of goods sold. For example, at least five distinct types of fish are commonly available for sale: fresh, frozen, smoked, dried (stock) fish, and live fish, which are killed for the customer on the spot. There is also a large number of vendors offering neither food nor merchandise but services, including hair braiding, shoe repair, and mobile manicures and pedicures.

Our study confirmed other bits of conventional wisdom about street vendors in Lagos. They work long hours. In fact, 85% of street traders, including those still in school, work either six or seven days per week. And even with many working fewer hours now due to increased enforcement, vendors still work an average of 8.5 hours per day. As for income, the hawkers and traders we surveyed earn a median income of 600 naira (N600, or about \$4.00) per day, which is approximately double the minimum wage but still an extremely modest sum. Indeed, most minimum-wage earners in Lagos must hold two or three jobs to make ends meet. That said, there was wide disparity in reported earnings, with some vendors reported bringing in as little as N100 while others take home as much as N3,000 per day.

Finally, our survey results reveal that about half of vendors in Lagos are forced to pay for their right, however tenuous it may be, to sell on the street each day. Local governments, traditional rulers known as *baales*, unions in control of nearby motor parks, and freelance thugs known as Area Boys all extort money from street vendors in various parts of Lagos. Vendors, whose payments are sometimes made via purchase of a "sanitation" ticket, pay an average of N65 a day to the above-mentioned groups. No vendor reported receiving any services in return – least of all protection from raids by the state government. But other things were clear. "Whoever comes, I must give them money," said one meat seller in Ajegunle, who pays N100 (\$0.65) most days. "If not, they will carry my market."

**Half of vendors surveyed paid daily extortion money - an average of 65 naira - to local governments, traditional rulers, transport unions, or Area Boys.**

## II. The Government Crackdown

### Eko O Ni Baje: the Government's case

In the past two years, Lagos has seen a radical transformation under the leadership of Governor Babatunde Fashola. Fashola, a 46-year old lawyer elected in 2007, has received praise inside and outside Lagos for his efforts to transform the city's infrastructure and physical environment through school construction, road repairs, and public transportation improvements. Al Jazeera even produced a video segment entitled "Boom Time in Nigeria: Action Governor transforms Lagos." "We are dreaming of a new and beautiful Lagos which would be a reference point for best practices that you can find anywhere in the world," Fashola has stated. One of the most visible aspects of this beautification of Lagos has been strict and aggressive enforcement of the ban on hawking and street trading.

The Street Trading and Illegal Markets Law of 1984 states that "no person shall sell or hawk or expose for sale any goods, wares, articles or things or offer services whether or not from a stationary position [on any street in Lagos state]." The law allows government agents to seize any items offered for sale, and provides that, upon a first-time offender shall be liable for a fine of up to N5,000 (\$33) and a term of up to six months in prison. The law also prohibits the *purchase* of items on the street, with equal punishments for street purchasers as street sellers. Finally, while the street trading law only applies on the public roadway, vending on private property between the road and the building line, in the area known as the setback, is also prohibited in Lagos. The Environmental Sanitation Law, while universally flouted, provides a legal basis for enforcement officials to arrest street vendors whether or not they set up shop on the public right-of-way.

While not so stated publicly, strict enforcement of these laws against street vendors has become a central prong of the Fashola administration's efforts to change the face of Lagos. While initial efforts focused on the destruction of illegal stalls and containers along the roadside, once those were destroyed, enforcement turned to people selling from tables, carts, or their own hands. Kick Against Indiscipline (KAI), a 500-member enforcement body within the state Ministry of Environment, has been devoted almost exclusively to enforcing the street trading ban. KAI's stated mission is quite broad: "to ensure the enforcement of the state environmental laws and inculcate into the psyche of the citizenry the need for self-discipline with respect to protection of the environment." During the last six months, however, KAI has made clear that the eradication of street trading has become its number one priority. More than 95% of the cases heard before KAI Special Offenses Court involve hawkers or street traders.<sup>5</sup>

The Lagos government has provided four main reasons for its aggressive enforcement of the ban on street vending. The first is "environmental sanitation," i.e., the belief that street vending leads to garbage on the roadways, since customers who buy items on the street are likely to discard the wrappers or unused portions there as well. While this theory seems to disregard the role of the litterers themselves, or of the government to provide waste baskets, one report apparently found that a majority of refuse discarded on the street were first purchased there.<sup>6</sup> "The number one cause of littering is street trading," said Toyin Onisarutu, head of enforcement at the Ministry of Environment.

Second, street traders are believed to increase congestion on the roadways by taking space from vehicles and pedestrians. The government claims that traffic blockage at Oshodi caused it to lose 120 billion naira (\$800,000) annually. Indeed, traders at Oshodi had gone so far as to erect stalls between lanes of traffic, narrowing passage to one lane in each direction. Whether traffic hold-ups in Lagos are primarily caused by street traders, or other factors like bad roads and aging vehicles, may be a matter for debate. However, there is no dispute that traffic jams in Lagos are endemic. Two to three hour delays are not uncommon.

Third, vendors are thought to contribute to an atmosphere of disorder in some areas that allows pickpockets and other thieves to engage in crime. Oshodi was formerly a site of frequent robberies, as well as a popular hangout for Area Boys who would extort money from passing vehicles. One government magazine predicted that the destruction of vending stalls there would result in a drop in crime.<sup>7</sup> Others, though, have a different view. "If you send [the vendors] off the streets, what will they be doing?" asked John Ihilegbu, a civil servant.<sup>8</sup> "I think government will only create more unemployment and more criminals."

Finally, the government claims it has prioritized the ban for the safety of the traders them-



***"The number one cause of littering is street trading," claimed one high-ranking government official***

selves, who are sometimes victims of runaway vehicles. “We could never turn our eyes the other way and watch you risk your lives,” said Fashola to a group of former traders. “Reckless drivers can come from nowhere and crush you down or inflict you with injuries.”<sup>9</sup>

More broadly, however, government officials seem to have decided that street trading is incompatible with their ambitious infrastructure development and re-branding program known as the Mega-city Project.<sup>10</sup> The atmosphere of disorder caused by street trading has been blamed for deterring foreign investment, particularly near Oshodi, which foreign visitors pass through on their way to or from the airport.<sup>11</sup> Finally, some street traders see the anti-trading campaign as a way to discourage migration to the city, where infrastructure development over the past twenty years has been vastly outpaced by population growth. KAI chief Danjuma has warned that “anybody who is not willing to abide by the law of the state concerning street trading and hawking should go back to his village and spoil it.”<sup>12</sup> “Half these [street vendors] have no place in Lagos State,” added another government official.

Whatever the reasons, enforcement against street traders has increased dramatically. Green KAI trucks are a daily sight on Lagos roads, and enforcement raids take place frequently in the busiest areas of the city. KAI has grown in size from a hundred troops in 2003 to more than five

Oshodi, before January 2009 raids (left) and after



hundred today, with plans in place to hire 250 more. Arrests are also up sharply from prior years. According to KAI Magistrate Judge Juliet Anabor, the number of street vendors arraigned before her court during the first three months of 2009 marked an eight-fold increase from the same period in 2008.

Have these efforts been a success? According to the government, they have. While the government has not conducted any studies to assess the results of its enforcement campaign, one aspect of it, at least – the Oshodi makeover – has become one of the hallmarks of Governor Fashola’s first term. The government is fond of showing “before” and “after” images, similar to the ones above, as a visible manifestation of the changes it has brought to the city. An article in one government newspaper boasted that many Lagosians “now drive through Oshodi without let or hindrance.”<sup>13</sup>

Indeed, there appears to be near-unanimous praise in Lagos for the changes that have taken place at Oshodi. Drivers through the area are particularly pleased – one commuter reported that a drive that used to take him two hours was now taking five minutes.<sup>14</sup> Many shop holders and market traders have seen their businesses improve with the decline in competition from street traders. And Fashola remains incredibly popular throughout the state.

Apart from Oshodi, however, the general public seems to have more complex and ambivalent feelings about the wider crackdown. Paul Ajadina, for example, praised how the efforts against traders “brought sanity” to the market but also noted that the displaced traders could not afford shops: “I think the government should build shops that would be affordable” he said.<sup>15</sup> And, in a letter to the editor of This Day newspaper on February 19, 2009, Regina Ijoma wrote: “Governor Fashola is doing great things clearing the roads for easy passage, but I sincerely wish KAI & Co. will do this with love; after all these people didn’t steal their wares, they bought them.”

***Some hawkers and street traders believe enforcement against them is a government effort to discourage migration to Lagos state.***

## “Man Must Wack (Eat),” street traders respond

Street vendors throughout Lagos are feeling the result of increased enforcement. Many reported that raids by KAI, the Governor’s Task Force, and Central Business District (CBD) troops, which used to happen sporadically, now come weekly or daily. Vendors frequently receive warnings from other traders, customers, or commercial vehicle operators that patrol trucks are on the way. In response, 89% of vendors gather their merchandise and run. Only a few categories of vendors, in fact, reported that they do not run: 1) newspaper sellers, who are generally exempt from the street trading ban by unofficial policy, 2) ice cream and frozen yogurt vendors selling on commission for large corporations that, according to the sellers, pay bribes to the state government, and 3) a few elderly women who are confident they will not be arrested due to their age or connections to authority figures.

Of course, sooner or later, even fast runners will likely be caught. Indeed, KAI personnel have taken up more covert methods, such as wearing plainclothes (known as “mofti”) and conducting raids after dark.<sup>16</sup> Twenty-nine percent of street vendors we surveyed had been arrested for street trading within the past six months, often more than once. While some were able to secure their release by payment of a negotiated fee at the local KAI office, others were taken to court for arraignment. For a discussion of the criminal justice issues vendors face, see page 10. Male traders were more likely to be arrested than females, despite the fact that women comprise a narrow majority of overall traders.

Finally, even when traders are not arrested, they experience frequent seizure and confiscation of their merchandise. Of vendors interviewed, 44% had had their “markets” seized during the past six months. Sometimes they make efforts to retrieve the items, which requires “settling” with officers at the local KAI office. The settlement price, which depends on the value of the goods, can reach as high as N30,000 (\$200). But frequently vendors abandon the goods, figuring the time and money involved will not be worth their while. Indeed, if the goods are formally inventoried at court, attempts to retrieve them can place the vendors at risk of being brought up on charges themselves. Perishable items are rarely recovered, in any event. And some vendors reported that when their goods were returned to them, it was only a portion of what had been seized.



**29% of street vendors surveyed had been arrested in the past six months, while 44% had had their merchandise seized.**



*I’m from a village near Oko, in Anhambra State. My father’s sister had a company in Lagos that made pure water. I came and stayed with her when I was finishing school. And I helped her with her business.*

*In 2006, after I finished secondary school, I went back to my village. I got a job shoveling sand. I did that for six months to raise money to come back to Lagos. I cannot cope in the village. And there is only one polytechnic in that whole area. I am studying for the JAMB test to go to university. If I don’t pass, I would like to go to computer training school, but it costs 6,000 naira per month. Right now, I cannot pay it.*

*Through my sister, I knew some boys who sold CD’s at Oshodi. They agreed to give me some on credit. So that is what I do now. But things are still very hard. If you have no money in this country, you cannot make it.*

- Ubaka, age 24, Alimosho Local Gov.

While seizure of merchandise is permitted by law, there have also been widespread accusations of abusive and illegal tactics by some KAI, Task Force and CBD officers. Street vendors themselves have been outspoken about the abuse. Chukwudi, a Lagos Island trader said of KAI, “some of them act like animals. They kick and strike at women old enough to be their mothers, scatter their wares on the ground, and even the cries of women do not touch them. They behave like savages.”<sup>17</sup>

Charges of misconduct are especially persuasive when lodged by members of the general public. One bystander, witnessing a raid at Ojuelegba, told a reporter that KAI’s actions there were “unbecoming,” stating further, “I don’t see any sense in arresting these boys ... [who] don’t have a permanent shop.”<sup>18</sup> Invariably the public sides with the traders, sometimes even taking matters into their own hands. After a KAI officer assaulted a candy seller who was resisting

arrest in Ikeja, knocking out six of his teeth, onlookers chased the officer into a nearby hospital.<sup>19</sup> Similarly, when KAI agents raided a group of yam vendors at Ojota, a crowd attacked and beat the officers, allowing the prisoners to escape.<sup>20</sup> “If we don’t hit them, they will hit us,” explained one KAI commander.

Apart from physical violence, traders have accused state enforcement officials of theft and corruption. In April, the Newspapers and Magazines Distributors Association of Nigeria filed a formal complaint claiming that “KAI, CBD and Police extort money, harass and intimidate [their] vendors.” Traders in Ikeja have accused KAI officials of selling back to them at night the same inventory they seized during the day.<sup>21</sup> Indeed, 22% of street traders surveyed regularly bribe KAI as a preventative measure, with money often collected by a leader amongst them and distributed weekly to KAI officials. Other traders have paid various sums, after the fact, to obtain the release of themselves or their merchandise.

The Lagos State government, for its part, has said that it will not stand for abusive behavior by its enforcement officers. “We will not allow you to break the law while enforcing the law,” warned Governor Fashola to his law enforcement agents, in response to a string of allegations of misconduct.<sup>22</sup> While admitting that there are “bad eggs” in his unit, KAI chief Danjuma has vowed to “rid the squad” of any wrongdoers, inviting the public to lodge complaints with him directly. Indeed, there is evidence that significant steps are being taken: out of 750 total KAI officers, 150, or 20%, have already been fired for corruption.<sup>23</sup>

Despite the serious threats of arrest and possibility of abuse, traders we surveyed proved highly capable of adapting. Our interviews revealed that 30% of them have changed their tac-

**Street traders in Ikeja have accused KAI forces of selling back to them at night the same merchandise they seized during the day.**



*One Monday morning in January we came to our market. During the night, KAI had come and destroyed everything. They took away my two boxes of plantains, worth 8,000 naira. They burned all our belongings - my umbrella, table, oven, even the bowls and knives.*

*When I saw it, I was crying. I could not even talk. I took me two weeks to recover from the shock. I was idle for another month, looking for a way to recover my equipment. I borrowed some money to start up again. But even now, we don't feel free. With KAI coming, we have no peace of mind here.*

*I have seven children. Some of them help me with the business. My husband has no job. I have been doing this for 13 years.*

- Edith, age 42, Ikeja Local Gov.

tics to evade enforcement. Some traders have simply shifted their operations to less visible locations – like at Oshodi, where many traders have moved off the main intersection to smaller interior streets. Others, like Joe Ofodile, who moved from Oshodi to Lagos Island, have changed neighborhoods entirely. “If them come, I go find another place to sell,” he said.<sup>24</sup> In total, eleven percent of street traders we interviewed had changed their location in response to raids.

Fourteen percent of vendors we spoke to had changed their working hours as a result of the increased enforcement. Many traders now begin selling in the evening, when raids are less likely. For example, one stretch of roadway in Ikeja that is nearly void of street traders during the day has up to 300 of them each night. Others have simply changed the way they show their merchandise. For example, some CD and DVD vendors now carry their merchandise discretely in a bag, rather than displaying it openly on a rack, as before. One article even claimed that the only difference from before is that traders are now using umbrellas to provide shelter rather than kiosks!<sup>25</sup>

Indeed, there is a growing recognition that the government’s goal of putting a “permanent end” to street trading may be an exercise in futility.<sup>26</sup> Despite the strict enforcement measures, there have been numerous reports that traders are returning to areas where they were previously removed. The government’s own survey found that street trading is extremely difficult to control over the long term. After a year-long Zero Tolerance program in Ikeja, 81% of the public surveyed believed there had been little or no reduction in street trading. And this is not the first time the Lagos government has done battle against street traders. In 1985, for example, military Governor Gbolahan Mudasiru gave vendors their “final warning,” announcing that the

street trading ban would be strictly enforced thereafter.

For every KAI patrol that arrests a few vendors or seizes their merchandise, dozens if not hundreds more resume their business right after the trucks have left. We met one woman who, half her bread having been seized, continue to sell the remainder of her inventory that same night! And the arrest experience itself does not seem to dissuade traders. Twenty-nine percent of vendors we surveyed had been arrested for street trading, with the most frequent offender still vending after his fifth arrest. Additionally, while some street traders have surely left Lagos or found other forms of employment, every day seems to bring new arrivals ready to take their place.

While the government considers the vendors “stubborn,” traders say they return to the street each day because they have no other options.<sup>27</sup> “We are hawking so we can survive,” said one DVD seller on Victoria Island. “We don’t know what else to do.” An eighteen year-old young man who sells prepackaged croissants at Mile 2 stated, “I am doing this to pay for my education. When I finish school, I will not hawk again.” Indeed, 73% of traders age 23 and under were either currently in school or earning and saving money to go back.

Street trading may be so deeply enmeshed in the culture of Lagos that it is impossible to remove. It is difficult to find a Lagosian for whom street shopping is not a weekly, if not a daily occurrence. Indeed, many people value the convenience vendors provide. “I leave home very early and get home late,” said Caroline Coker, an accountant, explaining how she does most of her shopping on the street. “How do you think I can have time to go to stores?”<sup>28</sup>

Many Lagosians do not view street trading in a negative light. In a 2006 Lagos government survey, only 20% of households viewed street trading as a major problem, much less than littering, public urination, corruption, and poor traffic control, which were viewed as problems by 53%, 44%, 38% and 32% of households, respectively. Many people have close personal connections to the traders they patronize. In one prominent case, a food vendor at Alausa was granted a reprieve from arrest when her customers, who happened to be newspaper journalists, appealed for her release.<sup>29</sup> Sometimes the ties go even deeper. KAI has found that police officers are reluctant to enforce the street trading ban because many of their own wives set up shop in illegal locations.<sup>30</sup>



***While the government calls the street traders stubborn, the traders say they continue vending because they have no other way to make a living.***

### Swift Justice



Street vendors who are not successful in bailing themselves beforehand are brought before KAI Special Offenses court in Alausa, which arraigns, tries and sentences an average of 15-20 hawkers and traders each day.

There are no cells; traders spend the night in the courtroom (left), often sleeping next to their seized merchandise.

In the morning, the cases are heard, with the entire docket frequently completed in under fifteen minutes.

While the Public Defender sends attorneys to KAI court, traders frequently have their cases

heard without counsel. And, although the Nigerian Constitution provides the right to a free interpreter in such cases, many defendants appear not to understand the proceedings. It is not surprising that most traders admit their guilt, nor that the conviction rate in many months is 100%

The standard sentence is N10,000 (\$67) or three months in prison — even for first time offenders, for whom the street trading law sets a maximum fine of N5,000. The majority of traders are able to call friends or family to bring required money and earn their release. Twenty-three percent, however, are taken to Kirikiri prison to serve their sentence.

“Life at Kirikiri is terrible,” said one street trader who had spent time there, describing sleeping on the floor in a small room with 40-50 other convicts. “You breathe out, the person next to you breathes the same air in.”

### III. Moving Towards Solutions

The Lagos State government has repeatedly promised that traders displaced from the streets will be relocated to shops and market stalls. At a press conference held shortly after the Oshodi raid, Governor Fashola announced that fifteen new markets were being built in different areas of the state. "The important thing is that those people who are displaced, those who are pained, will have their pains mitigated by trying to relocate them," Fashola has stated.<sup>31</sup>

Indeed, nearly every vendor we spoke to expressed a strong desire to move indoors. In Apapa, a Gala sausage roll-seller stated, "I don't want to hawk again. I want an inside business." Frequent raids by KAI have made street trading very stressful. As one footwear seller at Mile 12 said, "I don't like coming out to sell in the street because KAI Brigade agents always come to raid us and carry away our goods." Even without the raids, markets are far preferable due to their increased security, comfort, and protection from the elements.

Unfortunately, six months after the crackdown on street trading began, the promised market space has not materialized. Despite repeated requests, the Lagos State government failed to provide a list of the markets it said it was creating for the displaced street traders. The few markets it did suggest for street traders have proven less than ideal.

On February 11, 2009, for example, Governor Fashola visited Kayero (aka Cairo) market in Oshodi, promising that space was being made available "as part of the government's efforts to provide immediate relief to the displaced traders."<sup>32</sup> However, visits to the market by researchers in early March and again in mid June revealed that construction was not yet complete, and that all the stalls had been rented in any event. The site was padlocked.

While there *is* market space available in Lagos, most is priced far out of the reach of the average street vendor. For example, traders were also steered to the new Ikeja Cantonment market, in a former military barracks. Available stalls there demand a ten-year lease at N150,000 per year, requiring an advance payment of N1.5 million (about \$10,000), an astronomical sum for a street trader. Even the costs of buying the application form (N3,000) and opening an account (N5,000) at Ikeja Cantonment market would be a stretch for many street traders.

"The government only builds ultra-modern markets that are meant for the rich," said one vendor. "How many bole (roasted plantain) sellers can pay for a government built stall?"<sup>33</sup> Indeed, rather than building new markets to accommodate displaced vendors, the government seems focused on modernizing existing ones, which often leads to increased rental rates. Fashola's 2008 budget address touted re-development plans for eight markets, including Oyingbo, Tejuosho, and Iponri, but did mention plans for any new markets.<sup>34</sup>

It is custom in Nigeria, in both commercial and residential real estate, for landlords to require the payment of two years rent in advance. Thus, even more traditional markets, such as Awolowo market, in Mushin, are often out of reach of street vendors. A small "key-clamp" stall that rents for N1,500 (\$10) a month there would require an advance payment of N36,000, plus N10,000 naira of "agreement and commission" fees, for a total of N46,000, or \$306. Eighty-nine percent of vendors we interviewed said that that was beyond their reach. In contrast, 77% of vendors reported that they would be willing to pay a N100 (\$0.66) daily fee, if necessary, for the right to vend unmolested along the side of the road.



**89% of vendors said they could not afford the minimum N50,000 (\$330) it would cost to open a store or market stall. But 77% said they would be willing to pay N100 daily.**



#### Opportunity at Ogba?

Researchers discovered only one market in Lagos that was created and priced with street vendors in mind. When vendors were ousted from the bus stop area at Ogba, the local government helped relocate them to the nearby Sunday market, left, which was previously empty from Monday through Saturday but now provides a home for the traders during those days. For an upfront charge of only N7,000, (about \$46), and a weekly fee thereafter of N250, traders get a six-by-six foot space to display their

wares. The market is full of former street traders who, while they are making less money than before, are optimistic about the future. "Customers are starting to come" said one woman, who sells oranges with her mother after school.

## Is Micro-credit available?

Despite the emergence of a flourishing microfinance sector in Nigeria in the last several years, micro-credit remains essentially unobtainable for street vendors. Our interviews with four prominent microfinance institutions (MFIs) reveal that they are extremely reluctant to lend to this population, if not prohibited from doing so by their own internal guidelines.

Perhaps understandably, no MFIs we spoke to would consider lending to hawkers, who have no fixed place of business where collections can be made, if necessary. And even street traders, who often occupy the same piece of sidewalk for many years, stand little or no chance of receiving a loan. First, street traders in Lagos have no association or union, which MFIs prefer, believing group lending makes their loans more secure and easier to administer. Additionally, the government's recent enforcement measures against street traders have caused MFIs to tighten their lending requirements to the sector. For example, while one MFI has an existing portfolio of 3,000 loans to street traders, it recently implemented a policy requiring new borrowers to have a store or market stall. They have learned their lesson. "We had quite a number of customers at Oshodi; we are still struggling to recover that money," said one MFI official.

Loan prospects are equally grim for street vendors who wish to finance the down payment that is required to move into a shop or market stall. Because MFIs analyze past cash flows to determine creditworthiness, a shift from street to market (likely requiring the vendor to change or at least expand their product offerings) will not pass muster. As one bank official stated, "we don't know if they can keep their customers." Indeed, one bank said it could never provide money for a street trader to move indoors, as such a loan would be considered a mortgage loan, which as an MFI they are prohibited by law from providing.

While street vendors are too risky for the private market, neither are their needs being met by the government program set up to help people like them. In 2008, the Lagos State Microfinance Institution (LASMI) was created to "alleviate poverty in Lagos State by empowering the active poor" through a N720 million (about \$5 million) micro-credit fund. Rather than lend directly to customers, LASMI partners with designated MFIs, who grant loans according to their own credit guidelines.

While LASMI claims to provide funding for street traders to legalize their businesses by moving off the street, there is no evidence that any vendors are beneficiaries of this government program. Indeed, it seems highly improbable. First, because the partnering MFIs assume the risk of bad loans, they are just as unlikely to provide loans to street vendors with LASMI funds (which must be repaid to LASMI, with 18% interest) as they are with their own funds. Second, according to MFIs, LASMI funds may only be lent to individuals whose names appear on a list LASMI generates and send them each month. The lists, made up in part of graduates of the government's vocational training programs, are unlikely to include the names of any street traders. Moreover, the very existence of the list raises the question of whether funds are being distributed based on political patronage instead of financial need.



***"At the end of the day, nobody is helping these people," said one official at a microfinance bank.***



### A breakthrough?

While this area beside the highway near Mile 12 doesn't look like much, it represents a radical experiment in managing street trading in Lagos. The local KAI commander is allowing traders to stay there, as long as they do not impede the road or walkway. "I said to myself, is there any way I can improvise?" he said. Rather than arresting the traders, KAI officers patrol the site to ensure compliance.

The site is not ideal, as the traders have to set up on the slope of a rather steep embankment.

Still, the traders there are happy to have the security that there will be no KAI raids. "We don't need much," said one woman, selling gari, or cassava flour. "We just need small small. Here is ok."

## IV. Recommendations

The Lagos State legislature should roll back the Illegal Street Trading Law to its original form, which banned trading on certain busy streets, but did not prohibit it state-wide. This would allow the government to control trading, while also giving an opportunity for street vendors to work in areas where traffic congestion is not a problem. Over the longer term, the legislature should implement a licensing system, which has been recommended by the World Health Organization and which more progressive cities, such as Durban, South Africa already have in place. This will allow the government to monitor street vendors more closely and also require that vendors contribute, via licensing fees, to the cleanup of the public spaces where they work.

The Lagos State government should recognize that hawking and street trading, despite its negative aspects, contributes significantly to the urban economy and provides income for hundreds of thousands of Lagos' poorest residents. No matter how many street vendors are arrested, hawking and street trading will not be eradicated from Lagos. Working with the local communities, the government should identify roadside spaces where it is appropriate for traders to vend from tables or baskets during suitable hours. In addition to modernizing existing markets, the government should build new markets, including smaller and less formal markets, in desirable locations. Instead of giving long-term stall leases, it should provide market stalls at subsidized daily rates to traders who formerly worked in the street. Finally, it should create safeguards to ensure that LASMI funds are loaned to the people with the greatest need.

The Kick Against Indiscipline (KAI) should increase officer salaries and improve its screening methods so that corruption is rooted out and the public image of the agency is improved. It should train its commanders to use their discretion and only arrest and seize goods from street traders who are contributing to congestion and littering problems, rather than enforcing the law in a blanket fashion. For example, traders on private property, or those who have permission from their local governments to be there, should generally not be disturbed. Finally, KAI should improve the administration of justice at Special Offenses Court, by providing translators, ensuring attorneys are present to represent the accused, and making sure penalties are in line with what is required by law.

Street vendors themselves should recognize the very real urban problems that they, as a community, contribute to. They should make sure they set up in places that do not cause traffic congestion, even if those locations are not the most profitable. They should assist with the clean-up of the streets by, for example, putting out garbage bins and encouraging their customers to use them. In the end, however, they should recognize that their rights will never be protected if they have no union or association, as vendors do in other cities and as similar groups, such as *okada* (motorcycle taxi) drivers have in Lagos. With guidance and help from the government, NGO and labor communities, street hawkers and traders should put in place an organizational structure for ensuring that their voices can be heard.

## Appendix A: Endnotes

1. "After the Tempest," This Day, February 27, 2009.
2. "War Against Child Labour," Broad Street Magazine, December 22, 2008.
3. Specifically, Ondo, Ogun, Osun and Oyo states.
4. For example, a prosecutor with the KAI Special Offenses court claimed that "the majority of the hawkers are agents for employers in the main markets."
5. Interview with KAI Magistrate Judge Juliet Anabor, April 3, 2009.
6. "Street trading generates 70 percent waste in Lagos: report," Xinghua News Agency, April 16, 2007.
7. "Oshodi: Why Government Embarked on Demolition of Illegal Structures," Lagos Indicator, January 2009.
8. "A Face Lift for Lagos," IPS Inter Press Service, November 14, 2003.
9. "Fashola defends demolitions," The Guardian, February 12, 2009.
10. Interestingly, this idea is frequently premised on the belief that developed countries do not have street vendors. Several government officials seemed shocked to hear that there are more than 10,000 vendors in New York City.
11. "LASG is rebranding Lagos, says Fashola," The Tide Online, January 9, 2008.
12. "KAI boss justifies raid on street traders," Punch, April 3, 2009.
13. "Oshodi: Chaos and Indiscipline to Serenity," Alausa Alert, March 2009.
14. "Nigeria: Paying for a New Lagos," Daily Independent, January 17, 2009.
15. "Nigeria: Lagosians Score Fashola High, Still Expect More Democratic Dividends," Daily Independent, June 1, 2009.
16. While night raids may be effective, they are also exceedingly dangerous. Darkness due to power outages, crowds of fleeing customers, hot charcoal and cooking oil, and the presence of children combine to make an exceedingly dangerous condition for traders and enforcement officials alike.
17. "The Changing Face of a Central Business District," NEXT on Sunday, April 12, 2009.
18. "KAI boss justifies raid on street traders," Punch, April 3, 2009.
19. "KAI man removes Mallam's teeth," PM News, January 16, 2009.
20. "Traders narrate ordeal in the hands of KAI officials, accuse them of sharing seized items," Saturday Punch, June 27, 2009.
21. Id.
22. Id.
23. "KAI boss justifies raid on street traders," Punch, April 3, 2009.
24. "'Over the bridge' market," NEXT on Sunday, April 19, 2009.
25. "Traders Find Solace in Mini Canopies," Vanguard, March 10, 2009.
26. "Will Fashola's efforts remain futile?" Daily Sun, February 4, 2009.
27. "Mega City: No retreat, no surrender, as Fashola's men swoop on Oshodi traders," Daily Sun, June 4, 2009.
28. "Shopping on the Move," Broad Street Journal, September 15, 2008.
29. "For the love of Mama put," Nigerian Tribune, March 3, 2009.
30. Report of the Survey on the Effectiveness and Public Perception of the Zero Tolerance to Environmental Nuisances Programme in Ikeja, Lagos State Ministry of Environment, August 2008.
31. "We're Desperate to Change Lagos – Fashola," The News, May 19, 2008.
32. "Fashola defends demolitions," The Guardian, February 12, 2009.
33. "After the Tempest," This Day, February 27, 2009.
34. In 1984-85, by contrast, when the street trading ban was first enacted, eight new markets were completed, containing a total of 5,870 shops and stalls.



## Appendix C: Sample Survey

Age \_\_\_\_\_ Sex: M F Tribe: Yoruba Igbo Hausa other

State of birth \_\_\_\_\_ Live in Lagos year-round: Y N How long? \_\_\_\_\_

Married: Y N

Children: 0 1 2 3 4 5 6 7+

Education level? \_\_\_\_\_ In school now or saving money for school? Y N

What vend? \_\_\_\_\_

How many years vend? \_\_\_\_\_

Ground/table/cart/hands/other?

Fixed location / move around?

Only job / other jobs?

Self - employed / work for someone else?

Do you have a shop or market stall? Y N

Vend how many hours / day? \_\_\_\_\_

Vend how many days/ week? \_\_\_\_\_

How much money make average day?

Know what KAI is? Y N

Dash KAI? Y N How much? \_\_\_\_\_ per

Pay Area boys? Y N How much? \_\_\_\_\_ per

Pay Baale? Y N How much? \_\_\_\_\_ per

Pay Local Government/landlord/anybody else? Y N

Do you know it is illegal to hawk/street trade in Lagos? Y N

Ever run from KAI/Task Force? Y N

Ever arrested by KAI/Task Force? Y N

Ever had good confiscated by KAI/Task Force? Pay a fine? Y N Get them back? Y N

Have you changed your business due to the recent crackdown? Change hours / location / \_\_\_\_\_

Can you afford 50,000 naira to open a market stall?

Be willing to pay 100 N per day to vend legally at roadside? Y N

If you had one thing to say to Fashola?

Name: \_\_\_\_\_ Phone: (confirmation) \_\_\_\_\_

## Appendix D: What would you say to Governor Fashola?

You are doing a good job, but we are not the cause of the problem. Please help us find another place.

People are suffering. What you are doing is good. But we are hawking for our stomach. I am an engineer.

Please don't disturb us, and make the shops affordable. Be merciful. If we had money we would not be here. All fingers are not equal.

I need a good job, please assist me so I can leave this business. Please provide us a place to work.

You should try to provide work for graduate students. Help us. The problem is too much to bear.

You should provide a place of us. You should help us and let us sell our market. KAI should not disturb us any more.

The poor people are suffering, please provide for us. I have children I am sending to school. This is too much.

You should try to help the youth. If you can, get us a place that we can use to sell our market with no trouble.

Leave the hawkers alone so they can make their own. Help us get a place that will be affordable for us to stay.

Please help the street market people. You should find a shop for us where the money is very low.

We poor people need space inside the market, too. I need money for a shop, so I will not stay on the street.

Please let us go back inside the market. I beg you to allow us to have our market here.

Things are very hard here in Nigeria. Bring them lower, like food prices. You are doing good, but you should leave us alone to sell.

People are suffering. The rich get richer, the poor get poorer. Have mercy on us.

You should make things easier for us and give us affordable stores. Please get us a market for us to stay.

You are doing well, but we need more market places that are affordable. If you could get me small money, I could increase my market.

I don't want to do this. Please get me a job. You should have mercy on us and make things affordable.

With no power, the ice cream melts. Please give us constant power. I plead you to help we who don't have anybody to help us.

I don't have money for a shop. Please leave me alone. Let us find a place we can sell to feed our children.

Have pity on people. Please get us jobs if you don't want us on the road.

We want a shop at an affordable price. We are hawking only because we don't have work.

You should help us in Lagos. Please provide for the poor and needy.

You are terrible. This is the one place we can make money. I am hawking to go back to school. We don't want KAI people.

Find a place for us to sell our market. We don't like hawking. We want an affordable place to sell our things.

Have mercy on us. We suffer too much. KAI and the area boys are troubling us. If possible, help us see some small money for a shop.

Please help us. We don't have the money to pay for shops. All hands are not equal. We don't have enough money to pay for a shop.

Ekaro. I am doing this to pay for my education. When I finish school, I will not hawk again.

You policy against hawkers is punishment. I am very sorry I have to sell here.

Try to have mercy on us. You should have made places for street traders to go. The former government tried to help us.

If you can stop KAI, we will be happy. We love you but you should provide a better place for we hawkers.

These problems are too much for me to bear. Leave us for three or four years and then we can find a shop.

KAI is disturbing us -- we don't want trouble. Help us now.

You should build us a central market, instead of harassing us in the street. People are hungry. We need a solution.

You are doing a good job, especially with corruption and bribery. If you provide enough markets, then we won't be here.

The work you are doing is good. But we do not want you to disturb us. This is what we are eating. There is not another job.

Please find work for me. This is not good for me. I commend you for your efforts. But you should only arrest hawkers still in school.

I appreciate you, but you should allow traders to be doing their own. What you are doing is not good. You have disturbed my market.

I'm not making much money, but I want to be inside the market. I pray that you will have mercy on us and consider our predicament.

Please make things easier for us and more affordable. Stop disturbing the hawkers. This is the way we survive.

You should consider that the poor have no money for a shop. Please give me money so I can buy my market. I will pay it back.

I greet you. I don't have money. Maybe I have 3,000 naira. I use that for my market. From the profit I make, my children eat.

Please give everybody food and work. Please give us a little space on the side of the road.

Please give us a shop -- I don't have money to rent one. I am impressed how you have made Lagos clean. But have mercy.

I need a shop. Please build a shop for me. I beg you to leave us who are selling in the streets. Because we don't have the money.

Please help us, give us a place to sell our market. We are suffering too much. Come help us.

KAI is disturbing us every day. We need market space at Onipanu. All fingers are not equal. I beg you to make a space for us.

You should make everything affordable for us. Please leave us alone and don't carry away our market.

Please make things better for us. We need peace from KAI.

You should have mercy on us and do something better in Lagos. You should allow us to trade after 4 o'clock in the evening.

I only want a comfortable place to sell my things. If I had the money, I would rent a shop. But I don't. That is why I manage this place.

You should help us. You are doing a great job.

We poor women are begging you to allow us to sell something. We don't know what else to do. The road is no good for people to sell.

Look for a better place for us and do not disturb us. I don't want to hawk again. I want an inside business.

You should have pity on us. The money I want to make I will use to go back to school.

You have taken our market away. Have mercy on us and make things easy for us. You are doing well.

What you are doing is good, but some people are losing. Help us find somewhere we can pay small rent every month. We need mercy.

*(Not all responses included here due to lack of space)*