

The Recognition and Protection of Informal Traders in COVID-19 Laws: Lessons from Africa

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At home in her stall in Makola Market, Mary Asomani sells prekese, a local spice used for food and medicinal purposes, as well as frozen bush meat and packaged water sachets. For more than 35 years now, Mary has been working as an informal trader in the Makola area. As Mary describes, selling a variety of items helps keep her business thriving as each item is in demand at a different time.

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WIEGO's Law Programme strives to see a world in which:

- international instruments, national and local laws and regulations recognize, include and protect the rights and work of informal workers; and
- informal workers use the law to fight for secure livelihoods and labour rights.

To advance these ultimate goals, we seek three mutually reinforcing outcomes at both global and national levels:

Outcome 1: Membership-based organizations of informal workers are better able to use the law (including international legal instruments and administrative justice) in their advocacy strategies.

Outcome 2: Legal and civil society organizations support the recognition, inclusion and protection of informal employment in law and policy at local, international and global levels.

Outcome 3: Legal scholars and labour lawyers advocate for informal workers in their scholarship and in policy contexts.

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Introduction

Although Africa has recorded fewer COVID-19 infections and deaths than the most developed continents, the pandemic has dealt a heavy economic blow on the continent. The economic impact has been particularly devastating in a continent where 85.8 per cent of workers eke out a living in the informal economy and are largely unprotected by labour and social security laws. This paper analyses the COVID-19 laws in 41 African countries with an informal worker lens. Our research shows that 89 per cent of the surveyed countries allowed informal food trade to continue during lockdowns. Nevertheless, many informal traders were unable to continue operating, and had limited access to social protection. In addition, 53 per cent of the 41 countries introduced sector-specific preventative measures to prevent the spread of COVID-19 and some laws expressly required governments to provide the necessary facilities to implement them. Last, we found that even though less than 15 per cent of the countries' laws included organizations of informal traders in COVID-19 structures, some organizations were represented by trade unions, used other spaces to make their demands, or litigated against governments.



These four bright ladies (left to right: Gladys Asare, Rita Mensah, Shelia Asamoah, and Augustina Mensah) showcase their fashionable clothing for sale at Kwame Nkrumah Circle Market. They've lined up on the sidewalk space, granting them the best exposure to potential customers, but also exposing them to the threat of the Accra Metropolitan Assembly's taskforce that removes street vendors from streets and sidewalks as part of their recurring "decongestion exercises." With their colourful, carefully selected clothes they hope to target young professional women who want to be stylish and professional at work.

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Despite high levels of poverty, overcrowding in urban areas, and fragile health care systems, Africa's COVID-19 infections and deaths as a result of COVID-19 have been much lower than in Europe, Asia and the Americas. Africa accounts for 3 per cent of global COVID-19 infections and 2.5 per cent of COVID-19 deaths. There are several reasons why COVID-19's impact has been less severe on African populations. Most importantly, African countries responded swiftly and decisively to COVID-19, often before any confirmed positive cases within their borders. It is widely believed that Africa's memory of the devastation caused by the 2013-2016 Ebola outbreak spurred its leaders into action at an early stage. In addition, existing community health structures and the public health protocols for contact tracing and follow ups that many African states had mastered to fight Ebola prepared African governments to respond decisively.

This paper follows on the Law Programme's August 2020 edition of [Law and Informality Insights](#), which analyzed the implications of COVID-19 laws for informal workers in 51 countries in Africa, Asia and Latin America. WIEGO's Law Programme¹ collected and collated the COVID-19 laws, regulations, policies and guidelines from government websites, legal databases, government media releases and social media. Where the laws were not readily accessible on the internet, the team obtained the laws directly from local contacts in the relevant countries. The laws cover the period from March until September 2020. We also accessed a range of research reports, resources and news articles from the internet.² We also used information that organizations shared on social media, in webinars and via other online platforms.

Table 1 shows the countries whose laws we surveyed.

Table 1: African countries surveyed	
Language group	Countries
Anglophone	Botswana, Eritrea, Eswatini, the Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mauritius, Namibia, Nigeria, Rwanda, Seychelles, Sierra Leone, South Africa, South Sudan, Tanzania, Uganda, Zambia, Zimbabwe (21)
Francophone	Benin, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Congo-Brazzaville, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Gabon, Guinea-Conakry, Ivory Coast, Madagascar, Mali, Niger, Senegal, Togo (18)
Lusophone	Angola, Mozambique (2)
Total	41

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- ² Contact pamhidzai.bamu@wiego.org for further information about the COVID-19 Laws Project and to access these resources.

Acronyms

ATO	African Traders' Organisation – South Africa	NEDLAC	National Economic Development and Labour Council
COVID-19	Coronavirus Disease 2019	R204	Recommendation 204
CNTS	Confédération Nationale des Travailleurs du Sénégal (National Federation of Senegalese Workers)	SAITF	South African Informal Traders Forum
CUPPIS	Central Union for Private, Parapublic and Informal Sectors	SLeTU	Sierra Leone Traders Union
HCDS	Le Haut Conseil du Dialogue Sociale (High Council on Social Dialogue) – Senegal	SYNATREIN	Syndicat National des Travailleurs de l'Economie Informelle (National Union for Workers in the Informal Economy) – Senegal
ILO	International Labour Organization	UNTA	National Union of Angolan Workers
LLC	Liberian Labour Congress	WIEGO	Women in Informal Employment: Globalizing and Organizing
MUFIS	Malawi Union for the Informal Sector	ZCIEA	Zimbabwe Chamber of Informal Economy Associations



Second-hand clothing vendor Bety Anoyi set up shop in what was then a mostly vacant lot in a rapidly developing space in Accra's East Legon neighbourhood. With city construction bringing infrastructure, including newly paved roads to the area, many vendors chose to leave the city's packed marketplaces and relocate to vacant, unclaimed spaces on roadsides that are in close proximity to bus stations and taxi ranks and, most importantly, customers. These transport nodes brought in a large number of pedestrians and commuters who would stop and buy Bety's merchandise.

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Africa's response to the COVID-19 pandemic

Several African countries declared a national state of emergency in terms of the constitution or state of emergency laws. This gives the executive wide discretion to take measures (typically through executive orders and temporary regulations) that it considers necessary to respond to the emergency. Emergency orders and regulations govern the state's power and the conduct of citizens during the emergency. Emergency laws typically suspend the operation of certain laws, rights and procedures and often allow the executive to deploy security forces to enforce the emergency provisions. For these reasons, national emergencies open the door to potential human rights violations.

Some countries invoked public health legislation to declare a public health emergency or declare COVID-19 to be a notifiable or a quarantinable disease. A few countries declared a national disaster in terms of national disaster legislation. Finally, some countries did not declare a national or public health emergency, but simply passed laws and regulations to curtail the spread of the pandemic and address its socio-economic impact. Table 2 below summarizes the legal situations that the 41 African countries declared as the basis for their response.

Virtually all African countries implemented different combinations of a range of measures that we shall refer to as 'partial lockdowns': the discouragement or prohibition of non-essential movement, closure of schools and non-essential businesses, closure of public places/offices, restrictions on public gatherings, night curfews, restriction of movement into or out of designated or infected areas.

A few countries implemented 'hard lockdowns'. In addition to the partial lockdown measures, these countries required individuals to obtain permits to demonstrate that they were providing essential goods or services. Some of these countries also required people to provide proof that they were moving about to purchase essential goods and services (e.g. prescriptions for medication) and to obtain special passes to travel for funerals or to care for sick or incapacitated family members. Most countries that implemented hard lockdowns introduced strict enforcement measures (including security checkpoints) and criminalized the breach of the restrictions.

Two countries stand out for taking limited measures in response to the virus. Although Burundi closed its borders and introduced physical distancing and hygiene measures, it allowed businesses and schools to continue to operate, allowed sporting events and proceeded with its presidential election. Tanzania's President argued that the pandemic was overrated and refused to impose a lockdown and to restrict economic activity and church attendance. The government's response was limited to ordering the closure of educational institutions, suspending political gatherings, rallies and sporting events and the imposing of a 14-day quarantine on people arriving in the country.

Table 2: Situations that African countries declared as basis for COVID-19 response

	Countries
State of emergency or national emergency	Angola, Botswana, Eswatini, the Gambia, Lesotho, Liberia, Mozambique, Namibia, Sierra Leone, Ivory Coast, Mali, Senegal, Benin, Niger
Public health emergency	Chad, Ghana, Guinea, Burkina Faso, Togo, Cameroon, Congo- Brazzaville, Democratic Republic of the Congo (DRC), Equatorial Guinea, Gabon, Madagascar
National disaster	Malawi, South Africa, Zimbabwe
COVID-19 as a notifiable or quarantinable disease	Mauritius, Nigeria, Uganda, Zambia
No declaration	Eritrea, Rwanda, Seychelles, South Sudan, Burundi

Whether they imposed partial or hard lockdowns, most countries implemented international travel restrictions. These included prohibiting non-citizens and non-residents from entering the country, requiring quarantine and/or health status certification for arriving travelers and, in extreme cases, the complete closure of ports of entry. Many countries also restricted public transport, including restrictions on the hours of operation, restrictions on the number of passengers, restricting public transport to essential workers only, requiring hygiene and cleansing, and banning some forms of public transport. Most of these restrictions reduced the availability and frequency of public transport, often leaving members of the public and informal traders stranded or at risk of breaching curfews.

Most countries implemented the most drastic measures in March and April. They typically imposed lockdowns for periods of ten days to one month and some countries extended these measures more than once. Most African countries began to ease the restrictions between May and July. Many of them introduced a hierarchy of 'lockdown levels' to denote the severity of restrictions at each stage. At the time of publication, most countries had significantly reduced the restrictions on movement and gatherings – borders, businesses, government offices, schools and churches were re-opening and a range of activities were resuming, subject to social distancing and hygiene requirements.

Table 3 shows which African countries implemented the different measures at the height of the lockdowns.

Table 3: Nature of COVID-19 measures taken by African countries

Measures	Countries
Partial lockdown	Angola, Eswatini, the Gambia, Ghana, Kenya, Liberia, Mozambique, Nigeria, Rwanda, Seychelles, Sierra Leone, South Sudan, Uganda, Zambia, Burkina Faso, Benin, Guinea-Conakry, Ivory Coast, Niger, Senegal, Togo, Cameroon, Central African Republic, Chad, Democratic Republic of the Congo (DRC), Equatorial Guinea, Gabon, Madagascar
Hard lockdown	Botswana, Congo-Brazzaville, Eritrea, Lesotho, Malawi, Mauritius, Namibia, South Africa, Zimbabwe, Burkina Faso, Togo, Gabon, Djibouti
Border restrictions	Angola, Botswana, Eritrea, Eswatini, the Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mauritius, Mozambique, Namibia, Nigeria, Rwanda, Seychelles, Sierra Leone, South Africa, South Sudan, Uganda, Zambia, Zimbabwe, Burkina Faso, Benin, Guinea-Conakry, Ivory Coast, Niger, Senegal, Togo, Cameroon, Mali, Central African Republic, Chad, Congo-Brazzaville, DRC, Equatorial Guinea, Gabon, Burundi, Djibouti, Madagascar
Public transport restrictions	Angola, Botswana, Eswatini, the Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mauritius, Mozambique, Namibia, Nigeria, Rwanda, Seychelles, Sierra Leone, South Sudan, South Africa, Uganda, Zimbabwe, Benin, Guinea-Conakry, Ivory Coast, Senegal, Cameroon, Chad, Congo-Brazzaville, DRC, Equatorial Guinea, Djibouti
No declaration	Eritrea, Rwanda, Seychelles, South Sudan, Burundi

Continuity of informal food trade during and after lockdowns

Our research teams identified a significant difference in the way that Anglophone and Lusophone countries regulated lockdowns and essential services compared to Francophone countries. Most Anglophone countries and the two Lusophone countries implemented more restrictive lockdown measures than Francophone countries. These lockdowns necessarily implied ‘working from home’ for workers who could do so and ceasing to work for those whose work was not amenable to such arrangements. These governments made exceptions for workers producing, distributing or selling essential goods or providing essential services. Most Anglophone and the two Lusophone countries published essential service lists. Some countries that introduced essential service lists amended them over time.

By contrast, most governments across Francophone Africa implemented partial lockdowns under which most workers continued to work, subject to night curfews. Chad, Congo-Brazzaville, Djibouti, Gabon and Seychelles implemented stricter lockdown measures than most Francophone countries. These countries provided exceptions to the mandatory closure of businesses by issuing essential service lists.

At the time of publishing, lockdown measures had significantly eased and most economic activities had resumed. This rendered essential service lists less significant than they were during the lockdown period. Although informal traders (whether or not they sell essential goods) have largely resumed their operations, the analysis of essential services is important for a number of reasons. First, it enables us to gauge the extent to which African governments are recognizing the important socio-economic role that informal traders play. Second, it may provide a basis for analyzing why countries took such a divergent approach to regulating informal trade at the height of the lockdown. Third and related to the second, it is too early to rule out the possibility of future lockdowns pending the availability of vaccines to control the virus. The analysis of essential services may therefore inform advocacy and policy-making about the determination of essential services should it become necessary to impose lockdowns in some countries.

Lusophone countries and the majority of Anglophone countries that issued essential service lists identified the sale of food and other necessities (typically toiletries, cleaning

materials and other groceries) as an essential service. Of the Francophone countries, Chad, Congo-Brazzaville, Gabon, Djibouti and Seychelles recognized the sale of food and other necessary goods as essential. [Studies](#) show that informal food vendors make a significant contribution to [food security in Africa](#), and that they provide easy access to a range of necessary everyday goods in [convenient quantities and at an affordable price](#).

Informal traders play a significant role in low-income communities in countries like South Africa. In other countries – especially in West Africa – both low-income and affluent families rely heavily on informal food vendors for staple grains, fresh fruit and vegetables, meat, fish and various processed goods. In these countries, one cannot speak of the availability of food without referring to informal traders. Speaking of his country’s resilience in the face of the pandemic, Ghana’s President remarked “food is still abundant in our markets”. Given the contribution that informal food vendors make in Africa, it was important for governments to recognize informal food vending as an essential service at the height of the lockdowns.

Our analysis of the laws of the 41 countries shows that African countries’ approaches to the regulation of informal trade fall along the following continuum:

- i) The express prohibition of informal trade.
- ii) The express designation of formal establishments, such as supermarkets, for the sale of essential goods and the provision of essential services. This implicitly excluded informal traders from essential services.
- iii) Listing essential goods and services without mentioning whether it could be provided by formal or informal suppliers. This implicitly allowed informal traders to operate as essential service providers.
- iv) Allowing or recognizing the operation of informal traders (e.g. by imposing restrictions such as market trading hours or hygiene rules in markets), without specifically designating them as essential service providers.
- v) Expressly designating informal traders as essential service providers.

Importantly, many countries' provisions on informal trade mentioned the three distinct places of work from which informal traders operate: in markets, on streets and in 'spaza shops' or 'tuck shops' from their own homes. This meant that a country could allow market trade, on the one hand, while prohibiting street trade, on the other hand. Table 4 indicates how African countries regulated the different categories of informal food vendors.

Table 4 shows that 15 African countries (36 per cent) expressly recognized and 22 countries (53 per cent) of the 41 African countries implicitly recognized at least one form of informal food trade as an essential service. This means that 89 per cent of the countries surveyed allowed informal food vendors to operate. It is worth noting that Anglophone and Lusophone African countries were more explicit in recognizing informal trade than Francophone countries. Market trading was most widely recognized as an essential service, followed by street vending and trading in private homes. Only South Africa expressly recognized all three categories of informal food trade, while four countries referred to informal food trade without specifying where it could take place.

Importantly, eight of the countries that recognized informal food trade as an essential service (Botswana, Eswatini, Gambia, Kenya, Lesotho, Namibia, South Africa and Zimbabwe) did not initially designate informal food vendors as essential workers. Their later inclusion suggests that the authorities realized their significant role in ensuring food security. In [Lesotho](#), [Namibia](#), [South Africa](#) and [Zimbabwe](#) this was due to pressure from informal trader organizations and other stakeholders. Arguably, policymakers also realized that the banning of informal food trade [disrupted food value chains](#), making it [difficult for farmers to sell their produce](#) and increasing food prices and the cost of accessing food for customers.

At least five heads of state recognized the difficulties that informal traders experienced as a result of the lockdown measures. These leaders stated that they considered the plight of informal traders before deciding whether to extend or ease lockdown measures. For instance, the Prime Minister of Eswatini said the following in his speech on the country's COVID-19 response, "There is nothing more that Their Majesties and all emaSwati yearn for than a healthy nation and a growing economy that is operating at full capacity. The formal and informal economy must be given the impetus to come back to life and feed the countless families spread around our beautiful Kingdom."

Table 4: The regulation of informal food vending at the height of lockdown

Issue	Countries
Prohibition of informal trade	<i>Markets:</i> Chad, Congo-Brazzaville Lesotho, Kenya (Nandi County) Gambia; Burkina Faso, DRC <i>Streets:</i> Ghana, Kenya (Nandi County), Liberia, Malawi, Senegal, South Sudan <i>Special or weekly markets:</i> Eritrea, Ghana, Uganda (mobile markets and produce markets)
Sale of essential goods by registered/ formal shops only	Eritrea, Mauritius, Nigeria
Sale of essential goods without mentioning formal or informal providers	Chad, Congo-Brazzaville, Djibouti, Gabon, Seychelles
Allowing informal traders to operate, but without special designation as essential	<i>Markets:</i> Liberia, Sierra Leone, South Sudan, Uganda (food markets), Zambia, Cameroon, Burundi, Mali, Senegal, Niger, Togo, Benin, Guinea, Equatorial Guinea, Ivory Coast, Central African Republic, Madagascar
Designating informal food vending as essential service	<i>Markets:</i> Angola, Ghana, Malawi, Mozambique, Namibia, Nigeria (Lagos), Rwanda, South Africa, Zambia, Zimbabwe <i>Streets:</i> Angola, Kenya, Lesotho, Mozambique, Namibia, South Africa <i>Home shops:</i> Botswana, South Africa <i>Informal food trade generally:</i> Eswatini, the Gambia, Malawi, Zimbabwe



Anas Ibrahim, an established charcoal seller in Makola Market, was born into this trade, demonstrating the generational nature of informal work. Anas took over the business from his parents, who migrated to Accra from the Upper West Region in northern Ghana. Long, 12-hour days are the norm for Anas, who is at his stall in Makola Market six days a week from 6 o'clock in the morning until 6 o'clock in the evening.

📷 Photo Credit: Jonathan Torgovnik/Getty Images Reportage

In some countries, the plight of informal traders was a key factor that governments considered in deciding to ease the lockdown measures. In his speech about the lifting of restrictions on movement in key regions, the President of Ghana stated that the decision was partly influenced by the impact of the restrictions on informal workers who need to leave their homes to provide for themselves and for their families. Two weeks before announcing the gradual easing of the lockdown, the President of Nigeria stated, “I am fully aware of the great difficulties experienced especially by those who earn a daily wage such as traders, day workers, artisans and manual workers.”

In July 2020, the President of the Gambia lifted the country’s four month-long state of emergency, acknowledging that his decision was partially motivated by the loss of income for the vulnerable, including women and informal sector workers. The President therefore allowed informal markets to open, subject to the requirement that all people wear masks in public places. Even after the country returned to a state of emergency a few weeks later, it continued to allow market traders and informal traders to operate and sell both food and non-food products.

During Zambia’s lockdown, the President recognized that the measures had negatively impacted informal workers’ livelihoods and acknowledged that some were saying that they would rather die of COVID-19 than of hunger. He advised them to “choose life”. The President subsequently re-opened the tourism capital of Livingstone, stating that his decision was partly informed by the need to increase economic activities to enable informal traders to earn a living from tourism. In Namibia, the City of Windhoek allowed informal traders selling essential goods to [resume trading after acknowledging](#) that informal trading was an important source of livelihood for many people and a key source of essential goods for large sections of the population.

Some countries that prohibited some or all forms of informal food trade during the lockdown specifically mentioned informal traders in their plans for the re-opening of their economies. For example, Botswana provided for the re-opening of all informal sector businesses subject to guidelines on social distancing, hygiene and sanitizing rules. The Gambia specifically mentioned that it would allow informal traders who sell non-food items to resume trade in August 2020.

The high-level recognition of the role that informal trading plays as a source of livelihoods for scores of the urban poor and the policy recognition that informal food trade is an essential service have boosted the image and status of informal traders during the COVID-19 pandemic. However, these positive developments are at odds with reports of evictions, [demolitions](#), [violence](#), arrests and confiscations in countries including [Kenya](#), [Namibia](#), [Nigeria](#), Senegal, [South Africa](#), [Uganda](#), and [Zimbabwe](#). In Senegal, harassment and evictions by public authorities intensified during the pandemic, resulting, for example, in the displacement of vendors from Dakar's traditional markets of Sandaga and Mame Diarra. Zimbabwean authorities argued that the demolitions were part of their ongoing efforts to [relocate traders](#) to better facilities or to clean up and modernize the urban areas, but [their failure to timeously relocate](#) the traders suggests that these claims are not sincere.

This contradiction mirrors the regulatory ambivalence in relation to informal trade in general: in many countries, constitutional recognition of freedom of trade and national policies that aim to support informal traders co-exist with local by-laws that treat informal trade as a [nuisance and a threat](#) to public health. This suggests that it will take more than a crisis to dislodge the systemic marginalization and abuse of informal traders.

Lost and reduced income during the pandemic

Although informal food vendors were allowed to operate in 89 per cent of the 41 countries, many of them faced challenges that made it impossible for them to trade or reduced their incomes considerably. For example, at least 22 per cent of countries (Eswatini, Lesotho, Namibia, South Africa, Zimbabwe, Sierra Leone) that recognized informal food trade required them to obtain permits to resume trading.

In some countries, traders were not able to obtain the necessary permits and licenses, such as an electronic travel pass to move between different localities in [Sierra Leone](#). Informal traders were unable to comply with other requirements, such as having hand sanitizers in [Rwanda](#) and [proof of registration with local authorities](#) in Zimbabwe. In South Africa, [local municipalities](#) frustrated national regulations that allowed informal food trade because they failed to devise appropriate permitting systems, struggled to identify existing traders in their jurisdictions, and could not cope with high volumes of applicants.

Informal traders were also affected by restrictions on movement and longer commute times due to [restrictions on public transport](#). Moreover, [curfews and restrictions on trading times](#) and the concomitant [reduction in pedestrian traffic](#) were detrimental to informal traders' livelihoods. For example, night curfews were disastrous for cooked food sellers in [Sierra Leone](#), who typically operate late into the night. The general reduction in consumer spending and the [reduced pedestrian traffic](#) due to [restrictions on movement](#) have also affected demand for traders' products. Some traders have failed to resume their activities because they [cannot trade across borders](#) or obtain [stock](#) or inputs due to continued [border restrictions](#). In addition, bans on certain goods such as second-hand clothing in [Kenya](#) and cigarettes in South Africa have made it impossible for some traders to operate. Moreover, social distancing rules that require traders to operate on a rotational basis have also [reduced](#) informal traders' incomes.

Significant numbers of informal traders could not operate either because their governments prohibited all informal trade or informal trade in specified places, or because their goods and services were not designated as essential. The impact of not being allowed to operate during lockdown was devastating and was exacerbated by restrictions on movement which made it impossible to [return to their villages](#). This eliminated a [common coping mechanism](#) during crises and had a negative impact on food security.

Some traders [risked violating the regulations](#) and traded in public places or resorted to operating from their homes and even [using social media](#) to market their products. Traders of perishable goods were forced to [give their stock away or risk losing it](#). Traders were also forced to sell their assets, use their limited savings and [capital](#), and even [borrow money](#) at high interest rates. While many of these traders have been allowed to resume trading with the easing of the lockdowns, they are likely to [struggle to obtain the necessary capital](#) for inputs, stock and trading fees. Women – who are among the poorest and most vulnerable of informal traders – [have suffered more than men](#) under lockdown restrictions.

The above points to the need for targeted measures to support informal traders by way of social assistance and stimulus measures. Several African countries introduced social assistance grants and other forms of relief that informal traders potentially qualify to receive. Only a few countries such as Botswana, Ghana, Mauritius, Namibia and South Africa specifically provide for social assistance or stimulus measures for informal traders.



Juliana Brown Afari leads a meeting of the Makola Market Traders Union at Makola Market. With more than 2,000 members, the Makola Market Traders Union has built its strength in its numbers. By and large, the union is dominated by women, as seen here. The women traders deal in a variety of products, including cloth, smoked fish, provisions, and household items.

📷 Photo Credit: Jonathan Torgovnik/Getty Images Reportage

There are reports that, even where social assistance and stimulus measures directly or indirectly cover informal traders, several obstacles hinder their access to these benefits. These include limited funding which limits the [number of beneficiaries](#), [lack of clear criteria](#) to determine who should receive benefits, [corruption](#), the [politicization of aid](#), lack of transparency and accountability, [poor organization](#) of relief efforts, [slow disbursement of funds and distribution of material support](#). In addition, the prerequisites to apply for the limited stimulus relief measures – such as business registration, bank statements, online application portals – are [prohibitive to many informal traders](#).

The limited social protection and stimulus support to informal traders brings a different dimension to some African leaders' statements about the need to allow informal traders who were forced to stay at home to resume trading. One could argue that by lamenting informal traders' loss of income, these leaders tacitly acknowledged that pre-COVID-19 social protection and COVID-19 relief and recovery measures did not go far enough to protect informal traders.

The lack of adequate social protection measures to cover the public has been the subject of litigation in Malawi, Uganda and Zimbabwe. Although none of these court cases were initiated by informal

trader organizations, the applicants in all of the cases argued that informal traders would suffer in the absence of food and/or cash grants during the lockdown. In *Kathumba and Others v President of Malawi and Others* (Constitutional Ref. 1/2020), the Malawi Constitutional Court struck down the government's lockdown regulations on grounds including the inadequate provision of cash transfers for the country's informal workforce.

In *Centre for Food and Adequate Living Rights v Attorney-General*, the Ugandan High Court dismissed the applicant's argument that the government had violated the right to food by failing to provide guidelines for food access for vulnerable people and omitting to establish food reserves. The Court found that the government had taken adequate measures to provide for food distribution during the pandemic.

In Zimbabwe, a part-time informal trader challenged four government ministers and the President in *Makoka v Ministry of Health and Child Welfare and Others*. The applicant applied for an order requiring that the government issue regulations to provide for cash handouts, food and potable water to give effect to the rights to life, health and a clean environment. The Court dismissed the application on the grounds that the government had allocated funding and that the applicant could approach the local welfare office for assistance.



Talented tailor and seamstress Linda Berko runs a stand in Kwame Nkrumah Circle Market. Over the span of four years, Linda has established a clientele of women professionals who patronize her seamstress business and come to have clothes tailored for work and religious occasions. Linda specializes in dresses and the traditional “slit and cover” dress. Five days a week, Linda is here in her one-woman run business, balancing her work with fashion studies at Accra Polytechnic.

📷 Photo Credit: Jonathan Torgovnik/Getty Images Reportage

Sector-specific measures to prevent the spread of COVID-19

One of the challenges that informal traders face is their greater exposure to work-related [health and safety risks](#) than formal workers. Yet, local authorities the world over have long regulated informal trade on the basis that it is a [public nuisance and a threat](#) to public health. Given that most informal traders lack access to adequate infrastructure and services such as water and ablution facilities, they are at greater risk of illness and death due to COVID-19.

In Africa, governments and the public have stigmatized informal traders for the spread of [cholera](#) outbreaks in the past, and the COVID-19 pandemic is no different. In South Africa, a private company sued the City of Johannesburg for allowing informal traders to operate in the CBD (Central Business District), arguing that they increased the risk of [spreading the coronavirus](#). North of South Africa, the court in *Zimbabwe Chamber of Informal Workers' Associations and Another v Ministry of Health and Child Welfare and Others* held that the lockdown ban on informal trade was justified because “the informal sector poses a risk in spreading COVID-19 ... because it will be difficult to monitor the informal sector’s compliance with the lockdown rules”.

The COVID-19 laws in a few countries fuel these prejudices by giving local authorities extensive powers to halt informal trade if they believe that they are likely to promote the spread of these diseases. In Angola, the COVID-19 laws allow local authorities to shut down markets if there is a high risk of COVID-19 transmission. Zambian laws expressly allow the prohibition or restriction of vending of food in “unsanitary conditions”, while Zimbabwean laws allow local authorities to take a range of actions when confronted with situations that are likely to promote the spread of the virus.

The COVID-19 laws in 56 per cent (23) of the 41 countries surveyed (Angola, Benin, Botswana, Burkina Faso, Cameroon, Djibouti, Eswatini, the Gambia, Ghana, Kenya, Liberia, Malawi, Mali, Mozambique, Namibia, Nigeria, Rwanda, Senegal, South Africa, South Sudan, Togo, Uganda, Zimbabwe), introduced one or more measures to prevent the spread of the virus in relation to informal trade. These provisions introduce logistical and operational changes; require the provision of infrastructure, facilities and materials; and require people in trading areas to take certain measures to promote hygiene and physical distancing.

Some countries only implemented preventative measures for limited periods – particularly at the height of lockdowns – while others have maintained these measures even after they allowed economic activity. In many countries, the measures have evolved over time in response to changes in the overall lockdown measures. For example, Senegal’s regulations initially closed markets and allowed food traders to operate on a rotational basis, and later allowed markets to open two to three days a week. Subsequently, the regulations have allowed markets to open six days a week and close for disinfection once a week.

Health and safety regulations can be divided into six categories. First, *limits on physical access to trading areas*. In Rwanda, patrons must undergo temperature screening before entering markets, while, in Cameroon, there is a limit on the number of customers who can be in a market. Namibian laws require local authorities to monitor access to markets and, where possible, to ensure that there are separate entrances and exits. In Zimbabwe, markets must conduct temperature screening before granting anyone entry.

Second, *restrictions on trading days and/or hours*. The COVID-19 laws of Angola, Mozambique and Nigeria limit the number of days and hours during which markets may be open. In Namibia, customers may only spend a short amount of time in public markets, so here the limit is on the customers rather than on the traders, as is the case in Angola. In Congo-Brazzaville markets may open five days a week until 4 p.m. At the height of the lockdown, markets in Senegal could only open two or three days a week. By contrast, Malawi’s laws require informal traders to extend their trading hours to reduce overcrowding.

Third, *decentralizing markets*. In Accra, Ghana, the large, central markets were closed during the lockdown and traders could only operate in local markets or in temporary satellite markets established by local authorities. The Cameroonian government ordered the creation of new local markets in an effort to limit the number of customers in the central markets.

Fourth, *requiring the use of masks and (in some cases) gloves*. Angola, Botswana, the Gambia, Accra in Ghana, Liberia, Malawi, Mozambique, Nigeria, Rwanda, Cameroon, Burkina Faso, Benin, Togo and Zimbabwe require market traders and customers to wear face masks and/or gloves while they are in markets. Other countries have general provisions that require everyone to wear masks in public places and these would include informal traders and their customers. None of the surveyed countries included informal traders in state-funded programmes that provide essential workers with personal protective equipment (PPE). Nevertheless, some local authorities – including the City of Cape Town – donated face masks and hand sanitizers to local traders’ associations.

Fifth, *measures to promote physical distancing*. Countries have done so by re-configuring spatial arrangements, or by introducing systems to limit the number of traders who can operate in markets at any given time. The Gambia, Namibia and Rwanda introduced both measures to minimize close physical contact in markets. In the Gambia, food market traders are designated six hours (8:00-14:00) to operate and non-food traders may operate for four hours (15:00-19:00) each day. Ghana and Senegal required traders to operate on a rotational basis to reduce market congestion.

In Botswana, Kenya, Liberia, Malawi, Mozambique, Nigeria, South Africa and Zimbabwe, traders must take measures to ensure physical distancing (at least one metre in Kenya and South Africa), although most laws did not specify how this was to be done. In Cameroon, the Ministry of Commerce mandated the internal reorganization of markets by sectors, to avoid overcrowding of certain areas. Uganda introduced an unusual provision prohibiting informal traders from going home during the time they were allowed to trade. This meant that traders had to [sleep in the markets](#) in which they were operating.

Sixth, *hand washing facilities and/or water, and regular disinfection of trading areas*. The laws in Angola, the Gambia, Ghana, Kenya, Malawi, Mali, Mozambique, Namibia, Nigeria, Rwanda, Senegal, South Africa, South Sudan, Djibouti and Zimbabwe require either that handwashing stations should be present in markets or that markets should be frequently disinfected, or both. The Kenyan regulations provide that traders must make their own arrangements and assume the costs of

providing these facilities, while in Nigeria guidelines initially provided for market associations to provide handwashing facilities. The provisions in Botswana and Eswatini require informal traders to regularly sanitize their tools, equipment and high-touch surfaces in their trading areas. Markets in Senegal and Zimbabwe (food markets) must close once a week for cleaning and sanitizing. In Cameroon and Djibouti markets must be regularly cleaned. Laws in Cameroon prohibit vendors from storing and displaying their products on the ground.

Laws in several countries require traders to provide soap or sanitizers, often without specifying who bears the cost. In [Rwanda](#), some traders have been unable to resume trading because they cannot afford to buy these materials. In South Africa, local authorities have donated sanitizers and masks to informal traders' organizations to distribute to their members, which suggests that traders can demand support from local authorities even in the absence of a legal duty on the part of local authorities to provide them with support.



Shoe seller Enoch Bio has stationed himself on the roadside of Tetteh Quarshie, a strategic location for capturing potential customers coming and going from one of the city's most popular malls. Before, he used to trade in another part of town known as East Legon, but for the past eight years he has been here. "I get more exposure and space to sell here," he says of his current location.

📷 Photo Credit: Jonathan Torgovnik/Getty Images Reportage

The laws in the Gambia, Ghana, Malawi, Mali, Namibia, South Africa and South Sudan, Djibouti, Zimbabwe and recent guidelines in Nigeria impose this burden on ministries, local authorities or the owners or managers of markets. Lesotho's regulations require the government to clean and disinfect public places, which would arguably include markets and other trading areas. The Malawian provisions further require market supervisors to take special precautions in managing waste and waste bins in markets. The Gambian regulations require local councils, market managers and 'stakeholders' to provide sanitary facilities, suggesting that this was a shared responsibility. In some countries, this work has been driven by civic initiatives. In [Eritrea](#), youth volunteers organized the disinfection and spraying of some markets in collaboration with the Ministry of Health.

Despite the stigmatization of informal traders as vectors of disease, informal traders have demonstrated that they are agents for the promotion of public health. Informal traders have taken measures to promote social distancing and hygiene, often in the absence of a duty on the part of the local authorities to provide the necessary infrastructure and facilities to make this possible. Informal traders' associations in some countries such as [Zimbabwe](#) and [Sierra Leone](#) have provided some of their members with masks, hand sanitizers, soap and buckets for hand washing. Traders' organizations in these countries and in South Africa are raising awareness of and training fellow traders about the need to take preventative measures such as wearing masks and observing physical distancing when they are trading. Informal traders have also been involved in the development of health and safety protocols, including floor-marking for promoting physical distancing.

Governments should prioritize three issues as they evaluate existing measures to prevent the spread of the virus. First, *there is broad consensus that COVID-19 will continue to be a threat to public health until safe and effective vaccines are widely available*. It will therefore be necessary to take adequate measures to protect traders, customers and government officials in informal trading areas for the foreseeable future. Governments need to shift from temporary 'firefighting' – legal and policy interventions in response to the pandemic – to adopt more comprehensive medium-to-long-term measures.

Governments should consider how best to reconfigure informal trading spaces to promote physical distancing while minimizing the potentially negative impact on workers' livelihoods. One way to strike this balance would be to allocate additional space for informal trade.

Second, *many countries' existing measures target markets and exclude street trading and informal trade in private homes*. Governments should ensure that preventative measures are extended to each of these categories, and adapt the provisions to suit the different workplaces.

Third, *existing provisions are often written in the passive voice (e.g. "there must be hand washing stations") and do not clearly assign responsibility for measures such as providing handwashing stations, sanitizers, masks and PPE*. This means that informal traders must shoulder these costs, which are prohibitive especially since the [prices](#) of hand sanitizers and masks have increased during the pandemic. Namibia stands out as a country that clearly articulated local authorities' obligations to prevent the spread of the virus in informal trading areas. Governments should clarify who is responsible for different measures and allocate responsibility to local authorities on the basis of their responsibility to provide infrastructure and basic amenities, and in recognition of the role that informal traders play in providing convenient, affordable access to a wide range of goods and services, particularly for low-income citizens.

Three principles should guide the process of reviewing and amending COVID-19 regulations in relation to informal trade. First, governments should learn from other African countries' good practices. Second, governments should include informal traders' organizations in decision-making to ensure that the proposed measures are appropriate and feasible. Third, governments should collaborate with informal traders' organizations to ensure that informal traders know and understand the applicable laws and regulations. COVID-19 laws in Namibia, Ghana, South Sudan and Zimbabwe require local authorities to educate informal traders about the regulations.

Social dialogue and engagement with governments

Lockdowns, curfews, limitations to public transportation, and school closures have severely affected informal workers' livelihoods. Undoubtedly, they are stakeholders whose interests must be considered in the formulation and implementation of the COVID-19 response. In this section, we discuss the means by which informal traders' organizations were able to influence their governments' decisions about the response to the pandemic. We cite examples where informal traders' organizations were included in consultative and decision-making structures that are driving the response to COVID-19. We further discuss how informal traders' organizations have created their own spaces for negotiation or used other measures to protect the interests of their constituencies. Finally, we highlight the role that trade unions have played in supporting informal workers' organizations in some countries.

Representation in COVID-19 structures

The overwhelming majority of the 41 African countries surveyed did not expressly include informal traders' organizations in the composition of the special task forces, committees and consultative bodies that they established to lead the national responses to the COVID-19 pandemic. Countries including Guinea deliberately excluded social partners from COVID-19 structures, with Guinea arguing that there was '[no time](#) for social dialogue'. In countries such as Lesotho and Zimbabwe, informal traders' organizations complained that the governments had not consulted or involved them in the COVID-19 decision-making structures and processes. Nevertheless, the laws, policies and official announcements have expressly or implicitly recognized informal traders at the local level and/or in relation to the development or implementation of measures to prevent the spread of COVID-19 in the workplace. There are also opportunities for informal trader organizations to claim a seat at the table where the law requires the government to consult with 'stakeholders' before making decisions on issues that affect them.

The Gambian regulations require local councils, market managers and stakeholders to provide sanitary facilities in markets. Ghana's Ministry of Local Government and Rural Development issued directives requiring local assemblies to establish a public health committee in each area and requiring

each committee to include members of market associations. In Rwanda, the Ministry of Trade and Industry's guidelines for the operation of markets state that the Ministry, local government and other concerned institutions should implement measures to promote hygiene and social distancing in markets.

In Liberia, the President mandated that the Minister of Internal Affairs work with market association leaders to make arrangements for their operations. In addition, the Liberian government issued an order for the repositioning of the National Food Assistance Agency (NFAA) in response to growing food insecurity during the COVID-19 pandemic. The order provides that the NFAA board must include a representative of the Liberia Marketing Association to represent informal traders.

In addition, there are opportunities for informal traders to participate as stakeholders in decision-making processes that affect them. For example, South Sudan's Task Force on COVID-19 does not include trade unions or informal workers' organizations, but it has called for the government to implement public social distancing and hygiene measures in a "community-friendly manner by engaging with community leaders". It further called for the creation of unified task forces in each capital of the ten states and for the creation of COVID-19 committees to streamline the COVID-19 response. Given that public markets are an important area where preventative measures must be taken, informal workers' organizations can demand representation on these committees to ensure that their voices are heard in the relevant decision-making fora.

While the express or implied inclusion of organizations of informal workers in decision-making at local levels and in relation to preventative measures is commendable, there are two key limitations for informal workers. The first is that informal workers – who represent the overwhelming majority of workers in most African countries – have had little or no influence over decisions about broader issues such as essential services, public transport, and curfews that directly affect their livelihoods.



Informal worker Charity Sowu sells fish at Tema Station Market and Lorry Park. Charity completed her middle school education and immediately began work as a street trader more than 35 years ago. Charity followed in the footsteps of her mother, at first supporting her in selling fish, and then she inherited the small, family business. She sells an array of fish, which she obtains from different parts of Ghana, including the Central and Volta regions, and prepares in a variety of ways, including smoking and the addition of various spices. Her work has enabled her to support her four children and has put them through school.

📷 Photo Credit: Jonathan Torgovnik/Getty Images Reportage

The second is that the participation of informal workers may be limited to the implementation of regulations or guidelines that governments have adopted without consulting them. The Rwanda Ministry of Trade and Industry Guidelines illustrate this: the Ministry adopted guidelines which required informal traders to provide their customers with hand sanitizers or soap and water when resuming trade. The Ministry adopted these guidelines in consultation with the COVID-19 Joint Task Force, which does not include the social partners. Although informal traders' organizations were a stakeholder that could participate in discussions about implementation of these guidelines, they had little say over the allocation of responsibility. Reports that informal traders failed to resume trading because [they could not afford to buy](#) hand sanitizers suggest that the Ministry did not adequately consider the financial constraints that the requirements would place on informal traders.

Representing informal traders' interests outside COVID-19 structures

Informal traders' organizations have gone beyond COVID-19 structures to further the interests of their constituencies, either because they cannot access the COVID-19 structures, or to complement or reinforce their strategies within those structures. The engagement takes three main forms. First, informal traders' organizations have negotiated with governments about the COVID-19 response. Second, organizations have used pressure tactics to draw governments' attention to their demands. Third, some organizations have litigated against governments.

South Africa is one example where informal workers' organizations have formally engaged with the government on COVID-19 matters. This has happened through the country's national social dialogue structure called National Economic Development and Labour Council (NEDLAC). NEDLAC comprises representatives of business, government and labour, as well as the community constituency, which includes a coalition of informal workers. NEDLAC established a [Special Executive Council on COVID-19](#) in response to the President's call for collaboration, cooperation and common action in responding to COVID-19. The special council has discussed a range of matters, including workplace adaptations and support to workers and companies that are affected by COVID-19. Although informal trader organizations are not directly included in the National Command Council (NCC) on COVID-19, they have indirectly influenced its decisions because they are represented in a recognized social dialogue institution.

Informal traders' organizations have also approached, lobbied and negotiated with national and local governments on issues affecting them. In [Sierra Leone](#), organizations of informal traders have taken a proactive approach to the pandemic, drawing on their learnings from the Ebola crisis. A coalition of informal economy workers' unions, including the Sierra Leone Traders' Union (SLeTU), signed a Memorandum of Understanding with government ministries to work together on matters including the implementation of preventative measures in trading areas.

In Namibia, an external actor with convening power played a pivotal role in bringing an informal trader organization to the table. In April 2020, the City of Windhoek [requested the support of the Joint United Nations Programme on HIV and AIDS](#) (UNAIDS) in re-opening its markets while taking precautionary measures against the spread of the virus. UNAIDS convened the City of Windhoek, Ministry of Health, community care workers and the Namibia Informal Sector Organization. This forum was instrumental in developing guidelines, developing key messages, and training informal traders on preventative measures.

In [Zimbabwe](#), the Zimbabwe Chamber of Informal Economy Associations (ZCIEA) has included the COVID-19 response as a key issue in their ongoing efforts to persuade local authorities to formally recognize its branches as collective bargaining counterparts. For example, its Chiredzi

Territory Branch concluded a memorandum of understanding to formalize cooperation with the Chiredzi Rural District Council on matters including infrastructure development and compliance with registration and trading conditions arising from the COVID-19 crisis. Despite these positive developments, [ZCIEA](#) reported that some local authorities have unilaterally increased trading fees and [fines](#) and that police violence, arrests and confiscations have continued in some areas.

Informal traders' organizations have litigated against governments that have taken decisions or actions that exceed their authority or that violate the rights of informal traders. Our survey revealed that courts in four countries (Malawi, South Africa, Uganda, and Zimbabwe) considered the plight of informal workers, although only two informal workers' associations were actively involved in litigation. In Zimbabwe, the Zimbabwe Chamber of Informal Economy Associations (ZCIEA) brought two court actions to defend its members' rights during the COVID-19 pandemic and informal traders' organizations were involved in two cases in South Africa.

In the first case, ZCIEA sought an interdict to prevent the Ministry of Local Government and Public Works from implementing an April 2020 circular that ordered local authorities to demolish informal traders' structures under the guise of cleaning up urban spaces. The High Court granted the order on an interim basis pending a full hearing. It appears that the matter has not proceeded to a full hearing. Subsequently, local authorities have [arrested traders and confiscated](#) their goods in different cities and towns.

In the second case, ZCIEA challenged the regulations that prohibited informal traders from operating during the lockdown. The High Court upheld the regulations on the grounds that the informal sector posed a risk to the spread of COVID-19 and it would be difficult for the state to monitor their compliance with the health regulations. A month later, the government allowed informal traders to resume their operations if they could show that they were registered with the relevant local authority. While this appears to be a positive development, [ZCIEA has argued](#) that registration is a complicated process, making it difficult for many informal traders to resume their operations.



Informal workers Zenabu Abrahamanu (right) and Asetu Somana (left) sell bananas at Agboglobloshie Market. With support from WIEGO, many *kayayei* (head load porters) in Agboglobloshie have experienced improved social protection.

📷 Photo Credit: Jonathan Torgovnik/Getty Images Reportage

In South Africa, the United Traders Association, Black Traders Association, Bus Terminus Traders Association and Hanover Street Traders Association operating on the Grand Parade in Cape Town filed a court case against [their local authority](#) for denying their members' applications for trading permits under lockdown level 4 regulations. The City denied the traders' application on the grounds that the Grand Parade was a flea market and was an area where the regulations prohibited trading. The parties reached an agreement that the traders' activities on the Grand Parade constituted informal trading which was allowed under the relevant regulations and traders resumed trading.

In the [second case](#), *HCI-Shell Investments v City of Johannesburg and Four Others*, HCI-Shell sought an interdict to stop members of the African Traders' Organization (ATO) from trading in Johannesburg's inner city. Although COVID-19 regulations had allowed most traders to resume trading, the company argued that the presence of traders in the

area amounted to a gathering that was prohibited in terms of the regulations. HCI-Shell also sought a longer-term order to interdict the traders from operating in the area, arguing that the sustainable management plan did not allow informal trading in that area. The [Socio-Economic Rights Institute](#) (SERI) represented the African Traders' Organization (ATO) and South African Informal Traders Forum (SAITF). The traders' organizations filed evidence that showed that the traders in the area were following the physical distancing guidelines by operating on a two-week rotating roster to limit the number of traders, requiring traders and customers to wear masks, and providing hand sanitizers. The parties settled the matter before the High Court had heard it. The parties agreed that the City of Johannesburg and the informal traders' organizations would ensure compliance with the COVID-19 regulations and implementation and would comply with the agreed-upon spatial reconfiguration plan of the trading area.

The role of trade unions in supporting informal workers

Trade unions are an important ally for informal worker organizations even though they are primarily concerned with addressing employment-related concerns such as job losses and pay cuts.

Informal traders' organizations can leverage their relationships with trade unions – who are more likely to have the ear of the government – to represent their interests in COVID-19-related policy responses. To this end, the International Trade Union Confederation (ITUC) Africa [called on](#) its national affiliates to raise awareness of the needs of informal workers, to help them to secure voice and representation during the pandemic and to raise public awareness of their economic contribution. Formal trade unions are represented in national COVID-19 task forces in countries including the [Ivory Coast](#), [Botswana](#), Burundi, Kenya, Liberia, Mali, South Sudan and Senegal.

Trade unions that are represented on national COVID-19 task forces and committees have served as a conduit for informal traders to place their issues on the agenda. The Liberian Labour Congress (LLC) successfully advocated for a COVID-19 Task Force to be established. In addition, the LLC advocated for the provision of material support for informal workers who were unable to work due to the lockdown. It also advocated for a food aid distribution committee to be established.

In [Malawi](#), the Malawi Union for the Informal Sector (MUFIS) is an affiliate of the Malawi Congress of Trade Unions. When the government announced an extreme lockdown in April, the Congress demanded that the government pay informal traders an allowance to cover their basic needs under a lockdown. The Congress' demands coincided with pressure from ordinary informal traders who [demonstrated against the government's announcement](#) of a lockdown and a High Court decision that suspended the lockdown on the grounds that the government had not adequately provided for social assistance for workers (including informal traders) who would be unable to work. Two weeks after the High Court decision, the government announced that it would [introduce cash handouts](#) of about US\$40 per month for 172,000 households for four months. The Constitutional Court has subsequently declared that this amount was inadequate to meet the needs of the poor.

In Senegal, the committee that was established to monitor the COVID-19 Response Fund includes one representative from the National Federation of Workers of Senegal (CNTS). Since CNTS does represent informal workers – through its affiliate *Syndicat National des Travailleurs de l' Economie Informelle* (SYNATREIN) – that opens the possibility that the interests of informal traders are taken into account in the allocation of the Response Fund.

A potential development in the dialogue between the Senegalese government and informal workers' associations is the ongoing negotiation of a memorandum of understanding (MOU) between the CNTS, the High Council for Social Dialogue (HCDS) and WIEGO. The overall objective of the proposed MOU is to explore the possibility of negotiations and collaboration to promote the social, economic and political capacity of informal workers. The draft MOU specifically seeks to promote the inclusion of informal workers' needs and interests in the COVID-19 recovery plan, in line with the protections in ILO Recommendation concerning the Transition from the Informal to the Formal Economy (No. 204).

Governments of countries such as Chad, Congo-Brazzaville, Eritrea, and Mauritius have not consulted social partners on the response to COVID-19. Trade unions in some of these countries have nevertheless supported informal workers organizations. For example, in [Chad](#) and [Rwanda](#), trade unions have publicly expressed concern for the neglect of informal traders' interests and, in Chad, trade unions have mobilized resources to support them. In addition, Angola's trade union federation – the National Union of Angolan Workers' (UNTA) – donated PPE to workers in the informal sector. In Zimbabwe, the Zimbabwe Farmers' Union [successfully lobbied for the re-opening](#) of central fresh markets that were initially closed during the country's lockdown. While the Union's primary objective was to secure a market for their members' produce, its victory also benefited informal food vendors operating in these central markets.

The trade union movement in **Benin** has been active in raising awareness about the virus through printed and social media even though the government did not engage the social partners on the national response to COVID-19. The Central Union for Private, Parapublic and Informal Sectors (CUPPIS) of Benin and five union federations representing formal workers signed a charter for unity for trade union action in Benin. This coalition negotiated with the employers' association and the Chamber of

Commerce and Industry. The worker and employer bodies signed a joint memorandum demanding relief for the most affected enterprises, social protection measures for workers, and an economic stimulus package, which they presented to the government. Joining forces with the formal workers' federations enabled the CUPPIS to participate in developing a broader platform of workers' demands and provided them with an opportunity to cooperate with employers' organizations.



Maxwell Aboagyé, who sells shoes at Tema Station and Market Lorry Park, is a member of the Tema Station Traders. Formerly, Tema Station was only a depot for trotros, local minibuses that operate on select routes throughout the city. In time, street vendors came to the area wanting to sell their goods. Maxwell explains that it was through negotiations and agreements with the transport operators here that market stall vendors like himself are able to operate here. "The drivers allowed us to come because we support them and their passengers. When the passengers arrive here, they just buy [our products] and go back to the transport vehicles."

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Conclusion

This paper has outlined the key developments in COVID-19 laws regulating informal traders in Africa. Our analysis has shown that informal food vendors were widely recognized as an essential service during the lockdowns. As countries have relaxed lockdown provisions, they have gradually allowed informal traders who were prohibited from trading during lockdowns to resume trading. We have shown that even where informal traders have been allowed to operate, they have faced challenges that have disrupted their operations and reduced their incomes. Due to the limited reach and accessibility of social assistance and stimulus measures, many informal traders will struggle to return to their pre-COVID levels of operations and earnings.

Organizations and networks of informal workers – including [StreetNet International](#), which has affiliates in 54 countries – have used COVID-19 to show that their exclusion from labour and social protection is unsustainable, and to demand meaningful change. They have issued national and [global](#) platforms demanding inclusive socio-economic transformation that recognizes their contribution and affords them decent work. Global institutions such as the [ILO](#) have acknowledged the devastating impact of the pandemic on the informal economy, and even the International Monetary Fund has called for a [“new deal”](#) for informal workers. Essentially, this [entails](#) “their fuller incorporation into the social contract with the state, receiving protections and infrastructure support in exchange for the many payments they provide and in recognition of their pivotal role in urban Africa’s labour and food systems”.

African governments can be commended for recognizing informal food traders as essential service providers and for taking measures to prevent the spread of COVID-19 in informal trading areas. In the wake of the pandemic, some African leaders acknowledged that informal trade is an important source of livelihood for many workers. However, governments have done less to specifically include organizations of informal traders in COVID-19 decision-making structures and to target them in social protection and stimulus measures.

One could argue that governments’ recognition of informal traders as essential workers and introduction of preventative measures have largely been driven by the urgent need to avert income insecurity, food insecurity and contagion. At the same time, the overall exclusion of informal traders from social protection, stimulus measures and COVID-19 decision-making structures does not signal a deep commitment to radically shifting the status quo. The challenge remains for organizations of informal traders to leverage the impact of COVID-19 to call on governments to build on the support that they have provided to informal workers and to provide informal traders the protections that have long eluded them.

The principles outlined in the [ILO Recommendation concerning the Transition from the Informal to the Formal Economy](#) (R204) could guide governments in addressing the plight of informal traders as they come out of the crisis. At its core, R204 calls for an inclusive and grounded approach to governing the informal economy. Inclusiveness recognizes that informal traders should enjoy decent working conditions and be protected by the fundamental principles and rights at work. Groundedness entails a responsive approach that is tailored to the diverse situations and needs of informal workers. Implementing R204’s principles in relation to the key pillars of the COVID-19 response could be a step towards the ultimate objective of formalizing informal trade.

The recognition of informal trade as an essential service has signalled the acknowledgement that informal traders are legitimate economic actors and that they are an indispensable part of the economic fabric of African communities. R204 underscores the importance of respecting the human rights of those in the informal economy and preserving and expanding their livelihoods. This entails a re-orientation of local authorities from a restrictive and punitive approach – which threatens their fragile livelihoods – to a more facilitative and developmental approach. This means a moratorium on evictions and confiscations and an adherence by local authorities to the principles of [administrative justice](#), meaning that their actions and decisions are authorized by law, are reasonable and rational, and are procedurally fair.



Informal worker Iris Lamiorkor runs a snack stand at Kwame Nkrumah Circle Market. Unlike other vendors who sell during the day, Iris works in the late afternoon and evening, targeting the post-business day rush of commuters who travel through Kwame Nkrumah Circle, Accra's largest transport hub. Over the years, Iris has evolved from selling credit to school bags and ladies' bags to selling small snacks, constantly working to identify the best goods to tap into consumer demands.

📷 Photo Credit: Jonathan Torgovnik/Getty Images Reportage

African countries are experiencing [economic shocks](#) as a result of the COVID-19 pandemic and lockdown measures and will continue to suffer the effects for years to come. Informal traders survive from hand to mouth and have therefore been devastated by the pandemic. Undoubtedly, all workers and businesses need support in order to recover from the economic devastation resulting from the pandemic. Just as formal establishments and formal workers need support to be able to recover from the aftermath, informal workers – who contribute significantly to GDP and employment, and are more vulnerable – should receive social protection and be included in efforts to resuscitate African economies.

The limited inclusion of informal traders in relief and stimulus measures means that many are struggling or have failed to resume trading. Most African governments have largely targeted registered companies for stimulus measures including soft loans, grants, and tax concessions. This signals the need for targeted interventions to include informal traders in any current or future relief and recovery measures. African governments should adopt such measures and targeted measures, including waivers of stall rental fees and trading fees, as [Ugandan and Namibian](#) capital cities have done. Governments should adapt processes for identifying beneficiaries, for example, by verification by traders' organizations.

Botswana stands out for having adopted the Botswana National Informal Sector Recovery Plan with support from the United Nations Development Programme. This Plan provides for measures including the establishment of an informal sector agency, the disbursement of relief funds, and training and business support, and also proposes the establishment of a social security scheme for the informal sector. In the long-term, governments must include targeted measures for informal traders in their sustainable development strategies, promote an inclusive financial sector and promote sectoral policies for informal traders. In addition, governments should reform their social protection systems to include self-employed informal traders and accommodate their needs. Studies show that women informal traders were more likely to suffer income loss or income reduction than men. Governments should therefore prioritize women and tailor all forms of support to women's circumstances and specific needs.

National and local governments have introduced a range of measures to prevent the spread of COVID-19 in places where informal trading is taking place. Given that COVID-19 will continue to be a threat to public health, it is necessary to ensure that adequate and comprehensive measures are implemented to cover informal traders operating in different workplaces. An important issue will be to determine how space will be reconfigured to promote social distancing, and whether this requires the allocation of additional space for informal trade. In addition, governments should take responsibility for the provision of infrastructure and providing water, sanitation and disinfection services in markets. These interventions should remain as long-term measures to promote health and safety in the workplace.

Our analysis has shown that only a few African countries have at best created opportunities for informal traders' organizations to participate in decision-making structures at the local level, with a particular focus on preventative measures in markets. Informal traders' organizations should demand to be included in COVID-19 decision-making structures where they continue to operate, or in any decision-making structures that will take over decision-making on COVID-19 matters. Informal traders' organizations should continue to demand to be included in tripartite structures and other fora that determine economic and labour market issues that affect their constituency.

ABOUT WIEGO

Women in Informal Employment: Globalizing and Organizing (WIEGO) is a global network focused on empowering the working poor, especially women, in the informal economy to secure their livelihoods. We believe all workers should have equal economic opportunities, rights, protection and voice. WIEGO promotes change by improving statistics and expanding knowledge on the informal economy, building networks and capacity among informal worker organizations and, jointly with the networks and organizations, influencing local, national and international policies. Visit www.wiego.org.

