

Street Vending in Bangkok: Legal and Policy Frameworks, Livelihood Challenges and Collective Responses

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WIEGO LAW & INFORMALITY PROJECT



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Introduction

Trading on pavements, known as street vending, is an economic activity prevalent in the capital city of Bangkok, Thailand. While recognized for its contribution to alleviating poverty and unemployment, and for its function in distributing inexpensive food and consumer goods to low-income residents, street vending is commonly blamed for a range of problems, including footpath and road congestion, street littering and bribery. It is even considered as a distinct feature of underdevelopment. Unsurprisingly, robust state efforts in removing street vending out of public space are a common problem for those who make a living from this trade.

Admittedly, it is a challenge to achieve adequate regulation of street vendors. Stringent persecution of unauthorized vendors who merely trade for their livelihood and to support their families may be considered as lacking empathy for the vendors' plight by a significant, sympathetic portion of the public (many of whom regularly utilize the services that street vendors provide). But lenient regulation may open the way for corruption and more street vendors, intensifying pedestrian congestion. In this case, marginalized pedestrians would raise questions with law enforcers and question street vendors about "the grab of public space for personal profit". Apparently, either stringent or lenient regulation would potentially lead to public outcry.

This report examines the implications of street vending-related laws and policies in Bangkok, and assesses the limitations of past and ongoing organizing efforts of street vendors to protect their vending rights. To do so, the report is organized into four sections. It starts with a discussion of the national laws and city-level regulations and the implications on the vendors. The next section elaborates on the current regulating approach and practices on street vending and types of street vendors as determined by legal status. The third section will shed light on street vendors, their socio-economic backgrounds, working conditions and challenges they face. Next, the report will trace street vendors' efforts to organize, largely in a bid to protect their right to livelihood. Cases of organizing street vendors will be presented with their limitations discussed. Based on the findings, recommendations for the Bangkok Metropolitan Administration as manager and regulator of street vendors in Bangkok will be made as well as recommendations for street vendors themselves.

The methods used to collect the data were: (1) literature review (2) web search and (3) interviews. The reviewed literature includes scholarly academic journals, theses, international organization reports and government reports. Largely due to limited size of literature exploring street vendors in relation their organizing activities and the state's crackdowns, a comprehensive web search was undertaken and heavily relied on for information as well as to access discourses related to street vending. These two methods were conducted during July-September 2014. Last but not least, in-depth interviews with 11 street vendors from different areas across Bangkok were performed and another 10 vendors were approached on the street for informal conversation during their vending operation. The interviews were carried out during July to August, 2014.

1. Law and Policy Framework

Legal Framework

Laws and regulation related to street vending can be divided into two levels:

National Level

The Public Cleanliness and Orderliness Act B.E. 2535 (1992)

Article 20 prohibits food preparation and selling of commodities in public space, either in a fixed spot or peddling. Violators are liable for a penalty not exceeding 2,000 baht. However, local officers are authorized to designate spots, in collaboration with traffic officers, for food vending and selling goods in public space.

Likewise, Article 39 prohibits installation, placing and hanging any items in public space unless permission is obtained from authorized local officers. Violators will be arrested and prosecuted; related items and vehicles involved in the misconduct will be confiscated.

The Public Health Act B.E. 2535 (1992)

Chapter 9 deals with selling goods in public places and ways. Article 41 and Article 42 stipulate that local officers are obligated to ensure that public places and ways are utilized for public purposes. Trading goods – both in a fixed spot and peddling – is forbidden unless obtaining a license from local officers. At the same time, local officers are authorized to determine, with consent from traffic officers, no-vending areas and issue regulations and guidelines for vending in public space.

The Land Traffic Act B.E. 2522 (1979)

Article 114 prohibits installing, placing and hanging any items that obstruct traffic unless permission is obtained from traffic officers. Permission can be given with sufficient cause and on a temporary basis.

Note: “Local officers” here basically refers to authorized representatives of the Bangkok Metropolitan Administration (BMA), including the Bangkok governor, directors of the district office, and city inspectors (commonly known as “tessakit” in Thai). “Traffic officers” refers to the Metropolitan Police Bureau (MPB).

City Level

Key ordinances that are usually invoked to regulate street vendors in Bangkok are¹:

The BMA Ordinance² on Selling in Public Places and Footpaths B.E. 2545³

By virtue of related sections in the Public Health Act 2535, the BMA Ordinance prescribes a guideline for the regulation of street trading to ensure orderliness; not causing obstruction to pedestrians and road users; cleanliness of the vending areas; and hygienic vending operation, including personal hygiene of vendors and their equipment. It also stipulates that vendors must seek vending permission and obtain a license which they are obligated to renew annually. Eligible persons must be (1) Thai nationals (2) free from communicable diseases (3) compliant with other rules and regulations issued by the BMA.

It should be noted that the Ordinance paves the way for enactment of other regulations that are not specified. It states that vendors are obligated to undertake “other activities suggested by public health officers; ordered by local officers; as well as obey regulations and orders of the BMA” and that the “Bangkok Governor has the authority to issue regulations, ordinances and directives that are consistent with this Ordinance.”

BMA Directive on Regulations and Conditions of Vending in Designated Areas dated 18 July 2005

This directive prescribes a set of specific rules, regulations and conditions designated for street vending. Essentials of the directive are as follows:

- Display must not exceed 2 sq. meters in width or 1.5 m. in height. Vending activities must be on the same side, leaving space no less than 1 meter in width.
- No-vending areas where vending is prohibited include those that are (1) within ten meters of bus stops and entrances to sky trains and subways; (2) within two meters of pedestrian bridges; 3) At crosswalks; 4) In areas

¹ Some communities in Bangkok are governed by the National Housing Authority (NHA) - a state enterprise with the mandate to develop housing for people in the low-to-middle income range. City areas developed by the NHA are concentrated in suburbs of Bangkok. Street vendors in these communities are obligated to observe the “NHA’s ordinance on street vending in communities, B.E. 2546”. The ordinance only roughly describes zones for vending, the fees for which vary.

² A BMA ordinance is a city law that must be approved by the BMA Council whose members are voted in by Bangkok residents.

³ The ordinance was signed by Governor Samak Sundaravej. Prior to this ordinance, two ordinances concerning street vending were issued in 1976: The BMA Ordinance of Vendor Regulation B.E. 2519 and the BMA Ordinance of Stall Seller Regulation B.E. 2519.

surrounding public phone booths, mail boxes, and public toilets; and (5) Entrances of buildings that are used.

- Time is allocated for day and night shifts of vending. A vendor is allowed to set out two dining sets (a set comprises one table and four chairs) or less.
- A license shall be revoked if the licensed vendor allows others who are not a spouse, parent or child of the vendor to vend in their allocated spot on behalf of him/her.
- The fine rate for trading in a public space is 200-500 baht. For selling food in public space, the rate is 1,000-2,000 baht. Local officers are authorized to determine the fine rate in accordance with city zones. The inner city is more crucial in terms of land use, thereby posing higher rates of fines.

Analysis

Under the laws, street vending is illegal unless permission is sought from authorized local officers. However, the permission is accompanied with detailed regulations and restrictions. The permission can also be revoked easily by the officers. This is because the laws and regulations give immense authority to local officers to grant and repeal permission for street vending.

As the BMA is the local administration of the city, it is authorized to issue city laws and regulations that are consistent with the intention of the national Acts, namely The Public Cleanliness and Orderliness Act B.E. 2535 (1992), The Land Traffic Act B.E. 2522 (1979) and The Public Health Act B.E. 2535 (1992). In other words, BMA's vending regulations should seek to ensure public cleanliness and orderliness, public health and traffic fluidity, rather than protecting the right to vending in public space.

Detailed BMA's rules and regulations have been issued to lay out obligations and conditions that street vendors must comply with, although some rules are hard to apply in reality. For example, it is hard for vendors to leave a space of at least one meter for people to walk by, as countless stretches of footpath in Bangkok are originally less than two meters in width. Additionally, the BMA is equipped with the power to issue rules on street trading partly at its own discretion. Its past issuance shows a track record of issuing rules and regulations, largely influenced by pressing circumstances, that have more often resulted in greater restrictions, rather than less. For example, the issuance of the BMA Document dated 27 October 2011 that said designated areas are to be reviewed every two years for adequacy. This specific restriction was probably a response to the then widespread public agitation about vending activities that were perceived to be increasingly obstructive to pedestrians ("Democrat's Prachaiwat" 2011).

Policy Framework

There are two development plans for the city: The 20-year-vision (2012-2032)⁴ and BMA's 12 year Development Plan (2009 -2021). In terms of policies related to informal workers and street vendors in particular, the 20-year vision seeks to steer the capital towards an "inclusive city." Implementing strategies include developing a database and registering the informal workers, establishing a one-stop career centre, fostering social welfare for informal workers; and promoting quality street vending that achieves local and international customers' satisfaction while complying with vending regulations; and promoting income security for street vendors (BMA 2013). The 12-year Development Plan seeks to address inequality through setting up incubation centres for community enterprises and enhancing entrepreneurs' access to credit. However, no evidence is found to assess the extent to which these policies and strategies have been translated into actions thus far.

In fact, the policies with direct impact on street vendors are those launched by the Bangkok Governors. (Porntanet 2009 Rupkhamdii cited in Charnchoengrob 2002 Nirathorn 2013). Past research on street vending (Rupkhamdii cited in Charnchoengrob 2002 Nirathorn 2013) posited that governors' policies tend to have two conflicting directions: accommodating and rejecting (Nirathorn 2014) or leniency and stringent regulation (Rupkhamdii cited in Charnchoengrob 2002)

While sharing the same stance, this report puts it slightly differently: all governors - either lenient or strict - are obligated to observe the national laws in implementing policies towards street vendors. Governors who were considered to be "accommodating" or lenient towards street vendors were those who made full use of their authorized power to permit street vending. They tend to allow vending sites that are not yet approved by the Metropolitan Police Bureau, also known as "reviewed sites" (BMA Planning Office 2012). In contrast, there have been governors who were considered to be strict on street vending, stringently enforcing the laws and regulations; issuing more regulations to restrict vendors' rights; and only rarely using their discretionary power to permit vending in public space. Governors of this "strict" category include Pichit Rattakul (1976-2000), who, in a bid to regulate street vending, persecuted both vendors and their patrons, and Apirak Kasayodhin (2003-2009), who launched a clean-up campaign to restore order to street vending city wide, including crackdowns on street vendors in long-standing markets that were not well-regulated (namely Bo Bae and Khlong Thom markets). It was planned that,

⁴ The 2032 Bangkok Vision (also known as "Bangkok: Vibrant of Asia") was an outcome of the participatory process organized by the BMA in formulating a twenty-year plan for Bangkok. Six public forums and 25 forums engaging target population groups including street vendors were organized.

through this regulation, street vending would decrease 10 per cent each year and would become extinct in ten years (Treepak 2012). On the other hand, during Apirak's term, a notable increase of designated vending areas was reported because a number of eligible "reviewed sites" were upgraded to designated vending areas ("MPB approves" 2005).

While perceived to be "lenient", Governor Samak Sundaravej (2000-2004) in fact implemented measures to regulate traders. These included a crackdown on unlicensed street vendors who were regularly extorted for money by city inspectors (Bodhikong & Moongjongklang 2003), and a new vendor registration process that prevented the selling of rights over vending spots. At the same time, he also undertook a range of measures and policies favourable to street vendors, including approval of another 353 designated areas for 11,438 vendors (Nirathorn 2014) and cancellation of no-vending days, thus permitting street trading every day. His refrain from imposing additional restrictions on vendors has been held accountable for giving rise to a thriving number of street vendors that were beyond the control of BMA (Interview with anonymous official 1&2, 2014).

Likewise, in 2011, during the first-term administration of Sukhumbhand Paribatra (2009-2012), he launched policies that were distinctly favourable to street vendors as part of the national Pracha Wiwat scheme⁵. These policies include a proposal to approve another 275 designated vending areas for 6,749 vendors; Street Vending as City's Charm Project; and a soft-loans policy for licensed street vendors in designated areas who could collectively ensure compliance to the BMA's vending regulations. These policies, while favourable to vendors, did not contradict the national laws related to street vending. However, the policy could not be translated into practice for a few reasons. First, the Metropolitan Police Bureau, whose consent is required by law to formally designate a vending area, only approved 147 out of the 275 vending areas proposed by the BMA. Also, the authority only allowed vendors to operate their business on public space for a period as short as six months, which was too short to be feasible for banks to give loans to eligible vendors (Ministry of Finance 2011). Besides, the change of government in 2011 also put a halt to the implementation of the Pracha Wiwat scheme, when the new Phua Thai party came to power. In 2012-2013, policy on street vending under the administration of Governor Sukhumbhand had turned toward stringent regulation. Each district administration was ordered to curb the number of vending spots and crack down on

⁵ The "Prachawiwat Scheme" which was initiated by the government and led by Abhisit Vejjajiva of the Democrat Party, sought to address long-entrenched inequality in Thailand through several policies and measures. This included giving access to soft-loans to street vendors. As a member of the Democrat Party, Governor Sukhumbhand Paribatra also adopted the policies to implement in Bangkok.

money extortion by city inspectors. The driver behind this effort was reported to be a rising number of complaints received (“Street Vending tops” 2012).

It is notable that the governors’ vending policies are, at best, mildly inconsistent and, at worst, contradictory from one governor to the next. The inconsistent and somewhat contradictory policies on street vending have often caused an overturn of rules and regulations. For example, regarding no-vending days, during the administration of Governor Chamlong Srimuang, “no-vending days” were designated on Wednesdays. Governor Samak subsequently cancelled no-vending days, allowing vendors to operate daily. No-vending days were restored and changed to every Monday by Governor Apirak. Then later on, no-vending days were changed to every second Monday by Governor Sukhumbhand. Such inconsistent policies and practices pose challenges for city law officers whose main task is regulating vendors (Treepak 2012). Worse, the fluctuation of vending policies, particularly shifting from “accommodating” to “restricting”, has left vendors vulnerable and struggling to adapt to new measures (Kusakabe 2006). Oftentimes the abrupt changes to regulatory practices have led to clashes between traders and city inspectors (Interview with anonymous official 2015 “To arrest vendors” 2013).

2. Current Government Approach to Street Bending in Bangkok

After the coup in May, 2014, the National Council for Peace and Order (NCPO) ruled Thailand with its so-called “Return Happiness to Thailand” campaign. Seen as part of the campaign, the BMA, backed by the NCPO, pledged to reclaim the city’s footpath for pedestrians.

They launched an operation to “regulate” street vendors in eight major vending areas⁶ in Bangkok (however this was most likely a city-wide operation). The claimed justification behind the operation was that the areas received a considerable number of complaints from people affected by street vending activities which caused many problems, including encroachment of footpaths and littering. In fact, this operation was stated to be aligned with the BMA’s measures prior to the coup (“Crackdown on street vendors” 2014)

The widely used term “regulating” campaign, in fact, is not just about making vendors strictly observe vending laws and regulations, but it typically imposed cancellation of designated vending areas, crackdowns on old markets where unlicensed vending had been long practiced, relocation of vendors, and a ban on day-time vending. For example, no vending is permitted along the main roads across the historic Rattanakosin Island in Phra Nakorn district. Specific vending areas that this measure have been applied to are the lottery vending area in front of the Government Lottery Office on Ratchadamnoen Klang Road and Tha Chang amulet and antique market. Displaced vendors were entitled to move to new vending locations far from there, with cheap rent arranged by the BMA. The vendors were given 15 days to move out. Similarly, a designated vending site was cancelled in front of Min Buri market. Vendors were forced to move out or relocate to a proper market building nearby. In other areas, including Si Lom and Ramkamhaeng, a ban on day-time vending was imposed; only evening vending was allowed. After the deadline, violators were vulnerable to arrest by authorized officers, including military and police officers and city inspectors. They could be fined in accordance with the Cleanliness and Orderliness Act (not exceeding 2,000 baht); and in accordance with the Land Traffic Act (not exceeding 1,000 baht). The overarching aim of the operation was, other than reclaiming footpaths for pedestrians, to

⁶ 1. Sukhumvit road around the entrance of Soi Udom Suk 2. Sukhumvit road around the entrance of On-Nut 3. Ratchadamnoen Klang in front of the Government Lottery Office 4. Ratchadamri Road in front of Central World 5. Ratchaprarop Road in Prutunam area 6. Mahanak Market near Saphan Khao Bridge 7. Minburi Market 8. Ramkhamhaeng Road around Bang Kapi Intersection

crackdown on the mafias who extorted money from vendors (“To crack down” 2014).

According to an interview with a BMA officer involved in the operation, the district administration office played a major role in designing the process, which comprised the following steps: (1) vendors are notified about the operation by leaflets and (2) District office’s meeting with affected vendors who are allowed to voice their concerns. However, news coverage of the past meetings revealed that vendors’ opposing opinions were not seriously taken into account; at best, they led to an extension of the deadline for clearing the area while not influencing the decision on the measures in any significant way (“Deadline extended” 2014).

After the operation with the eight locations is complete, the plan is for the BMA to examine the existing 719 designated vending areas to determine whether they should continue to serve as designated vending areas or not. The major criteria stipulates that the minimum width of 2.5 meters of the pavement must be met. If the location conditions are no longer appropriate for accommodating vending activities, and if vendors leave too little space for pedestrians to walk properly, local officers are authorized to revoke the permission (“MPB not ready” 2014). In August 2014, the survey by the City Enforcement Department shows that designated vending areas in Bangkok decreased to 690 for 20,632 licensed vendors.⁷

Observation and interviews with vendors and officials in a district office revealed that, in reality, the measures in the operation are only applied to vending activities on pavements along the main roads. For side streets and small lanes, where vending on a pavement narrower than 2.5 meters in width and not a designated vending spot, tends to be allowed by the responsible district office for vending activities (Table 1). The vendors are required to pay a “monthly fine” and receive an official receipt in return, which has been commonly practiced long before the current regulating campaign. The officials stated that this practice, driven by the district office’s sympathy for street vendors, is allowed as long as they do not receive mounting complaints about the vendors. Therefore, some of the vendors evicted under the current campaign, moved on to vend in nearby side streets and small lanes, rather than relocating to the proposed new vending locations.

⁷ The figures derived from the City Law Enforcement Department

Table 1: Vendors’ Legal Statuses and Their Legal Rights and Responsibilities

| | Vendors in designated vending areas (licensed) | Vendors outside designated areas, with official recognition (sometimes called vendors in “reviewed areas”) | Vendors outside designated areas without official recognition |
|---|---|---|---|
| Legal status | Legal with a license | No license with precarious legal status: Many vendors of this category did not realize their precarious legal status. | Illegal |
| Official measures and management | Annual fee of 300 baht, comprising: - Fee for license renewal of 200 baht - Cleaning fee of 100 baht | Monthly “fine” of 200-500 baht determined by the responsible district office. Official receipt for the pay is given. | Penalty of not exceeding 2,000 baht fine. Some vendors resort to informally paying a monthly bribe to city inspectors to operate. The rates of their pays are subject to the inspector, ranging from several thousands to more than 10,000 baht. |
| Ownership over vending space | No ownership, although spouse and children of the licensed vendors are entitled to inherit the vending site. In reality, rights over vending sites are commonly traded. | No ownership. Despite outside designated areas rights over this type of vending site are traded as well. | No. |

| | | | |
|-------------------------|--|------------------|--------------|
| Vending security | <ul style="list-style-type: none"> - A vending license that must be renewed annually - A designated area is reviewed for its suitability every two years. - Despite the abovementioned, a designated vending area can be cancelled at any time for reasonable causes, including renovation of the area and a lot of complaints on vending received. | No security. | No security. |
| Entitlements | <ul style="list-style-type: none"> - Past experience shows that when the state launches a soft-loan programme for the poor, licensed vendors were eligible to access the loans. - Food vendors are obligated and entitled to annual health checks at the expense of 300 baht. | No entitlements. | NO |

Note: Halves of authorized fines go to city inspectors.

Box 1**Case Study: Crackdown Operation on Street Vendors in Phra Nakorn District**

Rachadamnoen Klang Road, the stretch in front of the Government Lottery Office in the Phra Nakorn district, is one of the eight areas that performs “regulating campaigns” on street vendors. Based on an interview with officials in the district office, the process comprised three stages: 1. distribution of notification to the vendors about the operation, 2. meeting with Bangkok Market Management Office and the Crown Property to seek support for relocation of vendors, 3. information sharing session with street vendors to inform them about the measures and offer new vending locations.

The district office also proposed a plan to approach banks to provide soft loans to affected vendors and nearby malls to accommodate relocated vendors with cheap rent. Yet the result has not been disclosed publicly.

In terms of justification for relocating street vendors, Pol Maj-Gen Vichai Sangprapai, Advisor to the Bangkok Governor, stated in a media interview that the BMA has a plan to renovate Rattanakosin Island to ensure the cleanliness and beauty deserving of its status as Bangkok’s cultural heritage.

Opinions of BMA Representative and Affected Street Traders

“I understand street traders’ troubles but the City Hall must improve the city’s orderliness, which I think the traders would appreciate that and collaborate with us just like traders in other areas. Footpaths are public space and shouldn’t be appropriated for private uses.”

Pol Maj-Gen Vichai Sangprapai

Source: Naew Na 31 July 2014

“Before implementing such measures, there should have been prior-consultation with traders instead of simply imposing them on us. Consider those who have family burdens and children, what can they do to cope with income cut. Those big distributors in the chain don’t get hurt. They are all rich. Only us street vendors who’re getting poorer and poorer.”

“You are happy but we are miserable. What does that mean?”

“Reclaim happiness to people. Street vendors are also people.”

Evicted lottery vendors

Source: Post Today 10 July 2014

Box 2

Case Study: Cancellation of the Designated Vending Area in Front of Rajamangala University of Technology, Phra Nakorn

On 20 June 2014, Dusit District Office held a meeting with the Street Vending Regulating Committee which comprises the Director of the Dusit District, members of the BMA Council, representative police officers from the nearby police station and representatives of the Rajamangala University of Technology Phra Nakorn. The platform was meant for consultation about the construction of the new multi-purpose building which would impact traders on the footpath along the wall of the university. The committee came up with a resolution that traders must relocate to the nearby pavement along Phadung Krung Kasem canal within ten days.

In an interview on 30 July 2014 with two evicted vendors who were licensed, the vendors said that originally there were around 30 licensed vendors in the designated vending spot. On 20 June, some of the vendors participated in the meeting and objected to the resolution on relocation. But the authority told them that unfortunately they had already signed for consent on the relocation while the vendors stated that they only signed to show that they were present on the day. Subsequently, the vendors asked to meet with a delegate of the university, begging for an extension of one month for the relocation. Their past experience of vending along the canal, despite it being not far from their original vending spot, is that it hardly has any pedestrians and is thus bad for trading. However, the university's delegate did not concede to the request.

The observation on the same day found that five vendors illegally traded in the recently cancelled vending spot. One of them said that on that day she had been trading from morning to afternoon on the pavement along the canal and only earned 20 baht. In the evening, when the pedestrians are most crowded in the original vending area, they had to defy the order and moved back to trade there. They also changed how they displayed their goods by putting them into medium-sized baskets that can be put away easily if the city enforcers turned up. Meanwhile, the university erected a fence, partially encroaching into the space of the pavement that used to be the designated area, leaving very narrow space, only enough for two pedestrians walking with their shoulders rubbing each other. The vendors tried to trade in that limited space by sitting on the footpath curb, but

found they were then at risk of being clipped by cars and motorcycles. Likewise, with the vendors taking some space out of the existing narrow pavement, some pedestrians resorted to walking on the street.

When asked about the troubles caused by the eviction, a vendor who lived close to the vending area where she had traded for more than a decade said that “if you rent a house and your landlord wants you to move out, he would have to inform you three months in advance. In this case, they just gave us ten days...I will have to pay tuition fees for my son soon. I haven’t been able to save up. If the payment is delayed, he will be charged extra cost. Last time we were charged for late pay.”

**Along with the interview with directly affected vendors, information about the meeting was drawn from the Rajamangala University of Technology Phra Nakorn’s official website.

3. Characteristics, Working Conditions and Challenges Facing Street Vendors

The data in this section is derived from semi-structured interviews with 11 street vendors, 5 of whom are licensed vendors, and informal interviews with another 10 vendors approached on the street. Informal interviews were adopted due to the nature of vending; most of the vendors directly approached on the street did not have much time for a proper interview. The information collected in this way was supplemented by background information gathered by literature review.

The respondents operated their vending businesses in the following districts: Yannawa, Sathon, Minburi, Pomprab, Chatuchak, Phra Nakorn, Pathumwan, Silom and Saphan Soong.

Age, Education and Places of Origin

The respondents were aged between 40 to above 60. Most had primary level education; one vendor aged above 60 was not literate. Only a few of them completed secondary level education and/or a college degree.

Only one respondent was born in Bangkok; the rest were from all regions of the country, namely northern, north-eastern, southern and middle regions. While most of them migrated to the city to find a job, some of them originally moved to Bangkok for other purposes, including education and marriage. Among those who moved for economic reasons were some permanent migrants who moved to the city more than a decade ago, thus becoming residents of Bangkok, and temporary migrants who only come to the city seasonally during off-farming periods.

Past Experience and Vending Experience

Before migrating to Bangkok, most vendors worked as rice farmers. Before becoming street vendors, some had worked in other sectors of the informal economy in Bangkok as domestic workers, homeworkers, barbers and wage labourers. Two respondents were employed formally as a company employee and a factory worker. The two reasons identified for shifting to the street trade were: (1) insufficient income to make ends meet and (2) limited freedom inherent to an employee. In terms of vending experience, many of the respondents have worked as street vendors for more than a decade, some for longer than two decades. Roughly speaking, most of them have traded on the street for more than five years. Only one

respondent worked as street vendor for only two years. Three of them started the job in their late 40s.

Types of Vendors

1. Self-employed vendors who trade on the street can be divided into several groups for whom vending is one or more of the following:
 - a. Their only source of income
 - b. The main source of income, although they may do part-time work as homeworkers
 - c. A supplementary income (during off-season for farming). This group can be classified as two sub-groups:
 - i. Self-employed: this group of seasonal street vendors migrate to the city by themselves. A case in point was a respondent from the northern region coming to Bangkok with his friends via public bus to work as a mobile street vendor selling grilled eggs. They shared a room in a house rented for 30 baht a night. During farming season they leave their vending tools and equipment in the house.
 - ii. Semi self-employed: serving as “retailers”. These respondents came from Surin Province in the Northeast. The commodities they traded were different types of Thai snacks packed in plastic bags with a brand label. They said that the owner of the snacks who went to their villages to recruit people did not impose an age limit for vending the commodity. Interested persons were transferred to Bangkok and provided with accommodation and commodities to sell. On their vending days, the owner would drive them to different vending spots (not formally allocated). A few of them would leave the same area with their tool for mobile vending. At the end of the day they would be picked up by the owner again. These costs – transfer, accommodation and commodities – would be deducted from their earned income. A respondent said her daily income was about 100-200 baht after the deducted costs. For old-aged vendors, they might earn up to 500 baht, as consumers tend to support them out of sympathy.

2. “Disguised wage workers”: Setting aside assistant vendors, some street vendors who appear to be self-employed are, in fact, wage workers who are employed to vend by someone else who owns the carts and products. Many of them were found in busy vending spots, including Pratunam and Pak Khlong Talad (Flower Market). According to a respondent (wage street vendor) in Prutunam, numerous street vendors around there were employed by her employer, who pays a lot of money to city inspectors.

Locations of Vending

Vendors at less-busy vending spots mostly lived nearby. In contrast, vendors in busy areas such as tourist attractions tend to live far away from their vending spots. For example, in Pratunam and Pak Khlong Talad (Flower market) several vendors stated they live far away from the areas.

Commodities, Skills and Marketing

The City Law Enforcement Department’s Survey conducted in February, 2003, showed that 49 per cent of vendors in Bangkok sold food-related commodities (Nirathorn 2006). However, the same survey conducted in 2010 revealed that the biggest portion of vendors traded fashion accessories and personal wares, accounting for 35.42 per cent (Nirathorn 2014)). The commodities sold by the 11 respondents for the in-depth interviews were salad, grilled meat, duck noodles, grilled eggs, fruit, food (made to order), raw fish, beverage (tea and coffee) and miscellaneous products for household uses.

Although the most crucial factor for street vending is their access to clients, some respondents stated that their central concerns were also how to enhance their products and marketing techniques.

“When I started my vending, I paid a salad street vendor to show me how to make a salad dressing. She didn’t tell me exactly the portion of each ingredient. When I tried to do it myself, it came out pretty bad. After that, I kept trying to make it better by using recipes from TV shows. I asked neighbour to try my experiment and gave comment. I did that several times until it became tasty.”

A woman vendor selling salad sets

“Before I started the trade, I explored the vending area and checked whether there was any body else selling this “phu-lae” pineapple. Sometimes I went to see some other vendors who sold this type of pineapple to learn and apply their techniques with my own trade. Sometimes random street vendors also came to check out my techniques too. They even took photos.”

A woman vendor selling “phulae” pineapple

Working Hours

For workers in formal employment, the Labour Protection Act, 2008, stipulates that working hours must not exceed eight hours per day with one hour for a break and a minimum of a day-off per week.

For street vendors in Bangkok, their working days and hours are to some extent subject to the regulation of the BMA. Currently, vendors are obligated to have a Monday off every two weeks for cleaning. For busy designated vending areas, there are allocated times for vendors of different shifts. Most vendors observe the regulation, although there were some vendors stating that they could not make ends meet with the days off.

“Usually I trade despite no-vending day. I paid the city inspectors fifty baht so that I can trade. If I skip a day, I can’t make ends meet.”

A woman vendor selling seasonal fruit

“Apart from the Monday off, I also skip Sundays. I sometimes trade on Saturday but it barely make profit as most of my customers are office workers.”

A male vendor selling beverage

Other than the designated no-vending days, working hours for street vendors are also influenced by their busy hours, the type of commodity they sell and whether it requires much time for preparation. Working hours for street vendors thus vary and include time for preparation, buying materials and clean-up. Usually the time combined exceeds the working hours legally prescribed for formal workers.

“I sell (salad) from 3 pm to almost 10 pm, then do the washing up until almost 1 am. At 5 am I got up to go buy fresh vegetable. It has to be daily buy to maintain freshness. Then I spend almost the whole day preparing - wash, chop, boil. I normally clean the vegetable three times-- first with water, second with alkali water and third with water again....With cabbages, it takes a long time to prepare: chop and sink in the alkali water and then dry the vegetable with fans. I use 4-5 fans for vegetable preparation. It prolongs the freshness of the vegetable. My monthly electricity bill is around 1700-1800 baht. Before selling salad, the monthly fee was just 600 baht.”

A woman vendor whose working hours exceed 15 hours a day

“I got up at 4am then went to the market to buy ingredients. I started to sell at 6am then the other vendor takes over the vending spot at 3am and I have to move to nearby areas. Without the smoke chimney (which she installed at her regular vending spot), I can only sell spicy salad (not to create smoke) until the evening. When I get home, my family members do the washing up. Then I can rest and watch evening dramas.”

A woman vendor selling food

“In the morning, I pushed the cart to trade at a morning market. After that before lunch I moved to trade here until the evening as a lot of office workers come to have lunch around here. I normally go to bed at 8pm and get up at 4am. If I pay somebody to do the peeling of the pineapples, I will have more time to relax.”

A woman vendor selling pineapple

Vending-Related Fees

Other than investment costs, including materials, electricity and water bills at home, gas and minor services (i.e delivery of materials and peeling fruits), vending activities also incur the following costs:

- Vending fees: as discussed in Table 1, “vending fees” are varying, depending on the vendor’s legal status.

“Previously I had to pay 1,500 baht a month to the city law enforcer and it was increased to 1,600 baht. This year this “fee” has risen to 1,800 baht. No receipt.”

A male street vendor selling beverages outside designated areas

“I pay city inspectors 10,000 baht a month. This does not include the “fee” for my selling pirated stuff.”

A male vendor selling pirated DVDs in a busy tourist attraction

“I have to pay for two district offices as in the morning I trade here and I move to trade in front of the school in the afternoon where I have to pay for another district office”

A mobile vendor selling tea

However, these “costs” seem to be irrelevant for mobile vendors. Four respondents who were mobile vendors unanimously stated that they had never been fined for vending outside designated areas. This could be explained by Nirathorn’s (2006) observation that city inspectors tend to be lenient in regulating impoverished street vendors. As mobile vendors (with a carrying pole) tend to be poor as they rely on their labour and possess low capital.

- Cost of purchasing right to vend

According to the BMA’s vending regulation, licensed vendors do not have ownership over their vending spot and thus are unable to give or sell it to anyone else. Selling the right to a vending location or subleasing it is an act of law violation. However, designated vending space is in high demand. Also, with an absence of systematic examination of this illegal activity, selling vending rights is widespread. The value depends on the location and whether it is very busy. A respondent bought her vending rights from a licensed vendor for around 10,000 baht. Another respondent paid 5,000 baht over a vending spot where she can trade with official recognition from the district office.

- “Front-of-house fee”

In general, if vendors occupy the pavement’s side next to a house or a building, owners of the house/building are allowed to charge some fee from the vendor. The fee rate has to be mutually accepted. There is no regulation or criteria in determining the rate. In an interview with a city law enforcer, he stated that if the charge is unreasonably high, the affected vendor is entitled to lodge a complaint to the district office. In in-depth interviews with the vendors, it was found that some house owners do not ask for the fee while other house owners do, even when the vendor used the space on the far side of the pavement from the house.

“I pay the house owner 300 baht a month. The previous vendor (who took this space) paid the same rate. I took over her space and it’s better to do it the way they did before. I don’t want to get into trouble.”

A women food vendor

“I pay the house owner 100 baht for vending one day. Some house owners in another area even charged 200 baht for vending for a few hours.”

A male dessert vendor

- Utility cost (for the vending space) and pushcart parking fee

“In the past I went to the toilet in the post office (which is next to her vending space). These days they no longer allow the vendors to use the toilet, claiming that we made it dirty. Actually it was not clear who was to blame as the post office also has a lot of visitors, but they blamed vendors. What I do currently is riding a bike back home to go to the toilet.....for electricity, I plug my extension cord to the electrical socket of a nearby shop. Once the public transformer around there exploded. People blamed it on this shop which allowed vendors to use electricity from their building. If in the future, the shop won't allow us to connect, I'm not sure what to do. The street light is not bright enough.”

A woman vendor selling salad

“I go to the toilet in the shrine. Most vendors around here do the same. When the shrine celebrates a special occasion, we will donate some money.”

A woman vendor selling pineapple

“I use water provided by the hospital. They charge me fifty baht monthly. For my pushcart, I park in a nearby parking lot with a monthly fee of 400 baht. There are also toilets there with five baht entry fee.”

A woman vendor selling seasonal fruits

“I use water from the shop nearby because we know each other. I give her 200 baht a month. My pus cart normally parks at the side of that building whose owner is the same as the building I pay for the “front-of-the-house fee.” The owner doesn't charge me for the parking. To go to the toilet, I walk back to my house, which is countless in a given day.”

A woman vendor selling food

- Cleaning fee and waste management

Licensed vendors are obligated to annually pay a 100 baht cleaning fee. Vendors in a district stated that they are also asked to help with cleaning the area. This cleaning fee has nothing to do with removing daily waste from the vending site. The BMA regulation stipulates that vendors must get rid of their waste by themselves and not to leave garbage at the vending spot and not to drain waste-water into nearby public drains.

“During cleaning the vending area, the district office provides water for us, vendors are required to do the cleaning. For rubbish, we have to take it home.”

A woman vendor selling Salad

“When I do the washing up here, I pour the water into the nearby drain. If I bring it home, I will have to drain it into public drainage anyhow.”

A woman vendor selling food

Income, Savings and Debt

A number of studies indicate that there are varying levels of economic status among street vendors (Nirathorn 2014). Nirathorn’s *Fighting Poverty from the Streets: Survey of street food vending in Bangkok* (2006) states that it is difficult to find out exactly how much street vendors earn due to the following reasons: 1) the lack of daily calculation and fluctuation of income and 2) unwillingness to disclose the information due to fear of being taxed. The in-depth interviews for this report experienced the same difficulties. In replying to the question about their income, most respondents said that it was hard to say the average as their income can fluctuate. However, all of them said that except on very slow days, their daily income with costs already deducted was higher than the current minimum wage of 300 baht. Some vendors, based on their ability to achieve social mobility, were able to earn quite a lot. Most vendors indicated that their ability to save up is determined by their financial burdens and debts. Several respondents stated that their fellow vendors in the same vending area were mostly trapped in informal debts, although only one of them admitted their own informal debts.

“My minimum income, if it’s not an extraordinary bad day, I earn around 500-700 baht per day. Cost, which is around 2,000-2,500 baht, is already deducted. My low days mostly happen during the rainy season. I don’t have any saving. My debts combined exceed 100,000 baht. Each month I have to pay off the debt, totalling around 4,000 -5,000 baht. I’ve got two children who have to go school without any support from my ex-husband. My mom is also ill. I have to send money to help her. That’s why I don’t want to stop trading on the no-vending day. I’d rather pay the city law enforcer and get to trade as usual.”

A woman vendor selling seasonal fruit

“I’ve never calculated how much I earn daily. I normally look at how much I’ve got left at the end of the month after paying off all household bills. Mostly I’ve got 3-4 thousands left and would send some of that to my sisters back at my hometown in the countryside. I hardly have any money left for saving.”

A woman vendor selling food

“I’ve got a saving with the community’s saving group. The interest is higher than banks. I’m entitled to loans, with the value not exceeding my own saving. It’s fortunate that I can have loans from the group. Otherwise, it would have been tough. Previously, I had to pay for education of my two children. Now they already graduated from university. I’d say I could support their education thanks to my salad business”

A woman vendor selling salad

“In the past, when the economy was thriving, I could earn around 30,000 baht in three days of the Chinese Ghost Festival but I didn’t earn as much on a usual day. I had informal debts too but because I could have loans from the Government Savings Bank, I already paid off all the debts. As the truck is already paid off, my major financial burden now is my children’s education. And I have another loan for buying a house that I have to pay off.

A male street vendor selling duck noodle

Access to Social Protection and Government Support

When asked to list the entitlements they have received as a licensed street vendor, most of them, at first, could not figure out any until examples were given. Some of them talked about BMA’s training opportunity about food safety. A few of them mentioned their gas subsidy, although one said that the process was too complicated and time-consuming; she’d rather spend the time on vending than to go through the process to receive the subsidy.

However, the following are what the respondents mentioned as the state’s social support that they had access to:

- Soft loans
- Old Age Allowance
- Universal Coverage Scheme (UCS)
- Social Security Article 40 (voluntary insurance for informal workers)

The policy that the respondents mostly mentioned was the “30 baht” scheme, which is currently known as the Universal Coverage Scheme. Nevertheless, some of them said that they never utilize their entitlement as they are rarely ill and prefer the pharmacy store. Some said they prefer out of pocket payments to get better service than the service they experienced using the UCS.

Soft loans from the Government Savings Bank rank second. However, a licensed vendor in the vending area governed by the NHA stated that she was not entitled to any small credit for vendors granted by the bank because only licensed vendors in BMA’s designated vending areas were eligible.

In fact, most vendors said that they did not know about the Social Security Article 40. The vendors who were insured knew about the scheme from their community’s saving group and their informal worker’s network.

Occupational Health and Safety

The typical work-space of a street vendors is a section of public pavement next to a busy road or street. Some vendors might use a big umbrella or the eaves of nearby houses as shelter protecting them from rain and sun. Typically, street vendors are exposed to air pollution, noise and extreme weather conditions. The nature of their work sometimes demands that they carry heavy things. The common health problems and accidents that the respondents experienced are as follows:

- **Body aches:** most respondents have to push carts with their goods from either their house or the nearby parking areas to the vending spot. One of them had a fixed stall and only brought their goods from home. Most of them have problems with body aches.

“When I first started vending, I felt achy all over my body. I almost couldn’t walk. One time we pushed the cart to the market further away from our current vending spot. We made good business there but we didn’t have strength enough to push the cart there.”

A couple of vendors aged over 50

“In the past I was quite mobile with my push cart, stopping from place to place, but that was tough. I constantly had body ache. I only got this fixed vending spot recently, shortening the distance that I have to push the cart.

A vendor aged over sixty

“I carry my stuff to sell from home then got on a bus (to the vending spot). It’s not heavy. I don’t sell many things.”

A male vendor selling miscellaneous products such as sponge and envelope

- Air pollution: All vendors said that they breathe in polluted air from time to time. Some of them operate on the street that is busy with traffic all the time. While only a few of them stated that the air pollution has caused health problems, many of them suffer from asthma.

“At the beginning, I really struggled. I felt pain in my nostrils. Currently, I’m used to it although I have asthma and have to see the doctor occasionally.”

A woman vendor on a busy side street

“I have asthma but I don’t go to see the doctor. I only go to pharmacy.”

A woman vendor on a busy side street

“I have acid reflux disease before I start salad vending. I guess it was caused by my delayed meals. With the street vending business, my meals are even more delayed.”

A woman vendor beside a main road

- Getting clipped: some vendors operate literally on the street as the pavement is too narrow to accommodate a vendor and their cart or stall. These vendors said they experienced their stall/cart being clipped by a car.

Other Challenges: Complaints

“Complaints” (on vending activities) emerged as a great concern of most vendors. Complaints can be made by pedestrians, road users and owners of nearby buildings on a range of issues, including obstruction of public ways, littering, smoke caused by food street vending, congested traffic caused by parking of cars to transfer wares to vendors or to buy food from the vendors. Most of the respondents have had some experience with “complaints”: some were confronted directly about their vending activities, some were pushed out on the alleged grounds of complaints, some have been warned constantly about observing the rules and not causing complaints or their permission would be revoked.

Most of the respondents insisted that they always obey the regulations. Some admitted that some fellow vendors in the same vending area do cause some problems, triggering complaints. For example, some vendors did not remove their

waste after finishing their operation. Some vendors' businesses draw big groups of clients who crowd the pavement and block other pedestrians. A respondent said that when the district office receives a lot of complaints for the same vending area, they summon all vendors in the area for a warning even though only some vendors cause the problem. This raises grave concerns for vendors as the designated vending areas can be cancelled at the discretion of the district office.

"I obey all the rules and regulation because I'm afraid that they won't allow me to trade. But when they receive complaints, they criticize us all, threatening to cancel the vending spot. The district office would summon all of us for a meeting to give a warning. One rotten apple spoils the whole barrel. I don't know what to do. It's hard to ask fellow vendors to observe the rules. Sometimes you get told off when you do it."

"Complaints" are commonly used as major justification for most evictions and relocations of vendors, as well as revocation of designated areas. At present, complaints can be made via phone calls and electronic channels (i.e. Facebook pages, websites and mobile application). Interestingly, there does not seem to be an exact number of complaints after which action is required."

In late November 2013, it was reported that the total number of complaints in Bangkok potentially exceed 2,500, surging from 2,062 recorded in the previous year. The coverage stated that the issues included street vending, unauthorized building modifications, electricity, waterworks and roads. It also made an assumption that the surge of complaints was possibly caused by complaints made by vendors affected by crackdowns ("Street vending tops" 2012).

In 2014, there was an emergence of virtual groups organized on social media platforms, namely Facebook, for people frustrated by street vending to get together and discuss it. The prevailing narrative underlying these platforms is that pedestrians are seeking to reclaim the footpath. The groups with more than one thousand followers were as follows:

- Thai against Street Vending: <https://www.facebook.com/saynostall>
- Bangkok Sabai Walk Group: <https://www.facebook.com/BangkokSabaiWalk>
- Reclaiming Footpath Group: <https://www.facebook.com/footpaththai>

While the other two groups campaigned for reclaiming pavement for pedestrians from other users, including street vendors, motorcycle taxi drivers and sidewalk billboard owners, the "Thai against Street Vending", which had more than 5,000 followers in July 2014, is exclusively against street vending as suggested by the

group name. This Facebook page is open to anyone to share stories and pictures to show how existing street vending causes problems for pedestrians and the city as a whole. They are also active in lodging complaints about street vendors to the responsible district office and the NCPO. They have been proactively monitoring whether BMA's regulations remain stringent after the crackdowns.

It is no exaggeration to state that this is an emerging challenge for street vendors. While those opposing street vending have adapted to the changing information technology and widely have access to social media to get together beyond geographical constraints, enabling their voice as pedestrians and city dwellers to be strengthened, it has been found that social media is not being leveraged by street vendors to collectively campaign for their interests. Whether street vendors have access to the technology needs to be examined elsewhere as it is beyond the scope of this study. At this stage it is reasonable to say that the increasing visibility of those pedestrians disapproving of street vending could potentially influence future policy on street vending.

4. Vendor Organizations: Experiences of Protecting Vendors' Right to Livelihood

Past Record of Organizing

This section will look at the past organizing efforts of street vendors, will examine the limitations of those efforts and then will discuss the successful case of the Nakkeela Community Cooperative, a street vending organization that has evolved from an informal group of affected street vendors.

While formal workers are guaranteed the right to unionize by the Labour Relations Act, B.E. 2518, street vendors, as a sector of informal workers, despite their large number, are not legally entitled to organize as a labour union. In terms of policies, organizing street vendors was to some extent promoted. At the city level, during Governor Apirak Kasayodhin's administration in 2005, illegal street vendors in areas that met BMA vending criteria were allowed to apply as a group to be considered for vending permission on the condition that they propose a plan on how to ensure collective self-regulation in accordance with the laws and regulations on vending (Pornthanet 2009). While, the policy can be seen as encouraging the organization of street vendors, it essentially put additional constraints on an individual eligible street vendor to ensure collective compliance with the law before attaining the right to vend in a public space. However, it is not clear what the outcomes of this policy were as no documentation, including news coverage, was found reporting it.

The only scheme that essentially encouraged the organization of occupational groups, particularly street vendors, was the Pracha Wiwat Scheme introduced in 2011 by the then government under the premiership of Abhisit Vejjajiva. The policy gave access to soft loans to a collective of street vendors in designated vending areas, aiming to promote the group's self-regulation through collectivism, thus curbing the number of public complaints towards street vending. Nevertheless, as discussed previously in the section "Policies on Street Vending," the scheme failed at the outset.

In tracing the efforts of street vendors to organize, it was found that organizing activities can be observed throughout the history of street vending in Bangkok, especially organizing in a short-term fashion as a response to immediate threats to vending that emerge. Narumol (2014) stated that street vendors have taken to the streets to protest crackdowns since the early days in the late 1990s. In 1983 there was a so-called "Carrying-Pole Rebels" movement, which was a months-long protest of

street vendors against draconian regulations (Charnchoengrob 2002). Over the past few decades, this short-term organizing has remained present. In 2002, unlicensed street vendors in front of Chulalongkorn hospital, affected by the city inspectors' extortion and state crackdown, got together to protest and petition the National Human Rights Commission (Bodhikong & Moongjongklang 2003). In 2005, street vendors across the city protested against Governor Apirak's strictly enforced law on street vending. In 2010-2011, unlicensed street vendors in Siam Square collectively undertook several strategies – ranging from negotiation to defiance – to counter Chulalongkorn University's property owner's efforts to evict the vendors ("Street vending banned" 2005). In 2013, displaced street traders in Siam Square united with those in the Victory Monument area to protest against their eviction by the BMA during Sukhumbhand's administration ("Street vendors raid" 2013). At present, tighter measures on street vending, including restriction of vending times and relocations, have significantly upset numerous street vendors across Bangkok who were negatively affected. But efforts to organize affected vendors to counter the measures have been remarkably limited and short-lived. This can be partly attributed to the fact that Thailand was under the authoritarian rule of the military-led government.

Typically triggered by the threat of losing the right vend as usual, these collective short-term resistance groups often used protests, road-blockages, petitions and bargaining. Unfortunately, this did not lead to long-term, systematically organized street vending groups. What normally happened was either their resistance was dismissed or they managed to get back to their vending once the regulations became less stringent, and their resistance quickly dissolved.

However, the research "Hawkers and Vendors' Self-Advocacy: A Case Study of Bangkok Metropolitan Administration" by Achariya Charnchoengrob (2002), which looks into the cases of four street vendor groups' efforts in protecting their vending rights, found that there were two organizations of street vendors that aimed for the long-term protection of street vendors: Bang Kae Street Vendors Club and the Thailand's Street Vendors Club.

Bang Kae Street Vendors Club sought to protect the vending rights of members through negotiation and collaboration with authorities (Charnchoengrob, 2002). Their members were kept updated about the results of negotiations. Their achievements included the following: their negotiation with the BMA for street vendor members to leave their stalls in the vending place instead of having to put the stalls away every night on finishing trading as previously ordered by the BMA;

protecting the members from extortion by mafia; their ability to mediate disputes among traders; and their successful mobilization of members to vote for politicians who responded to vendors' demands in protecting their interests. Furthermore, the club could ensure collective self-regulation. Nevertheless, Charnchoengrob (2002) observed that the club itself was likely to transform into a gang themselves as there was evidence showing that representatives of the club assaulted members who failed to pay membership fees regularly. At a later stage, despite the membership collection, there were no substantial benefits for the members.

Thailand's Street Vendors Club was founded in 1996 following a recommendation from the public forum "How to enhance collaboration between street vendors and the BMA". It was organized in partnership with academics, by street traders in the Tha Chang area who were affected by Governor Kritsada Arunwong's measures on street vending (Charnchoengrob, 2002). The establishment of the club led to an interesting movement of street vendors, including initiatives to empower vendors through training on related street vending legal frameworks; drafting of a proposal on street vending regulations submitted to their local administration, the Phra Nakorn district office; meeting with the then BMA Governor; sending a congratulations letter to the newly-appointed prime ministers and BMA governors; making inquiries in detail on political parties' policies on street vending during general elections; leveraging media for street vendors' interests (i.e. joining a TV programme to talk about extortion); fostering their relationship with police by volunteering as crime monitors; and giving support to affected street vendors regardless of their vending sites.

However, there is no evidence indicating that the two clubs currently operate. Other than Charnchoengrob's study, no other study has mentioned these clubs. Also, there has been no organization emerging, claiming to represent street vendors to defend vending rights in the face of the current BMA's citywide crackdown.

Charnchoengrob (2002) argued that the limited organizing of street vendors and the inability to stay vigorous and long-standing can be attributed to livelihood constraints, street vendors' excessive reliance on leaders, the independent operating nature of street vending, the lack of knowledge on street vending rights, the failure to leverage the legal framework to defend their rights, limited aims of organizing, such as only to secure vending rights while failing to recognize the rights in other aspects, including the right to vending facilities and utilities.

Case Study: Nakkeela Community Service Cooperative⁸

In fact, in Bangkok there is a street vendor organization that has robustly defended their vending rights and eventually developed into a cooperative that is successful in solving vendor members' debt problem. Calling themselves the "Nakkeela Community Service Cooperative", the group, under administration of the National Housing Authority (NHA), mainly comprises street vendors from the "Economy Square" in Nakkeela Community.

Their original mobilization of affected vendors was triggered by their conflict with the NHA. In 1996, the NHA wanted to implement a plan to renovate the community's old market. The vendors, thus, were asked to temporarily move their trading to the "Economic Square", which was a space across from the original vending site for community activities. They were promised that they would get their vending location back with the NHA once the development was finished. Subsequently, promises were broken; the NHA contracted a private company to operate the renovated market, resulting in too high a rent per stall for the vendors to afford. To counter the NHA's move, most of them refused to move back, continued to trade in the square and kept paying vending fees to the NHA. Unfortunately, some residents filed a lawsuit against the NHA, accusing them of profiting from community space which was preserved for communal purposes. As a result, the NHA pressured the vendors into leaving the space by all kinds of means, including not taking the vending fees to undermine the vendors' legitimacy in using the area for their trading. However, in defiance, the vendors continued their vending activities in the square, in answer to which the NHA organized a group of men who dismantled the vending shelters and stalls. The NHA then filed a lawsuit in the court, demanding that the vendors clear the square ("Vendors complain on NHA" 2006).

More than 100 vendors were affected by the NHA's attempt to evict them. These vendors organized themselves into a savings group of vendors from Nakkeela Market, which was led by Areerat Chulathip. From the onset, the group was essentially supported by the Consumer Foundation who guided them through the process of effectively organizing, mobilizing and campaigning. During the period before the verdict was announced, the group actively advocated for their justice by petitioning related agencies to scrutinize the NHA on this case. Their advocacy successfully drew some media attention. The verdict was subsequently delivered,

⁸ Information in this section is largely based on the interview with Areerat Chulathip, a major leader of the group.

stipulating that once the NHA secured a new vending venue for the vendors, the vendors must clear the square. Until now, a decade since their conflict with the NHA broke out, the vendors have maintained their vending operation in the square as the NHA has not provided them with a new vending location. The savings group has transformed itself into a cooperative seeking to provide social benefits for its members, who are mainly the street vendors.

Like other groups' efforts in organizing, the Nakkeela Service Cooperative started to organize themselves in a bid to counter an emerging eviction threat. Unlike the other vendors in resistance organizations, the organization has transformed from a collective reaction response to an immediate threat to their livelihoods into an institutionalized organization among vendors for their long-term interests. Their achievement can be largely attributed to a group of unwavering leaders who have continuously led their resistance, and to the strategic support provided during their initial stage of organizing by the Consumer Foundation. There are some contributing factors that should be taken into account: First, under the governance of the NHA, the vendors are regulated by a different set of regulations which are loosely prescribed, unlike street vending under the BMA regulations. Second, a community developed by the NHA is typically located in the suburbs of Bangkok; in other words, street vendors under the supervision of the NHA are not in economically and culturally important locations in Bangkok.

Currently, the cooperative has 275 members, although membership is not limited to vendors only. The organizational structure comprises a president with a two-year term and nine committee members. There is one annual meeting of the president and the committee members who get 300 baht meeting fee. As mentioned earlier, the achievement of the Nakkeela vendors' organization was not about securing their right to vending space from eviction only, but the group also addressed the member vendors' informal debts by providing soft loans. An eligible borrower is a member who bought a share of 100 baht on monthly basis. Once they have done that for six months, they are entitled to a loan twice as much as their savings. In an effort to curb public complaints about street vending activities in the square, an overarching strategy that all members are encouraged to adopt is to be considerate of other users of the space, including pedestrians, road users and building owners by not causing congestion or blocking the space or the nearby road. They are aware of the fact that complaints can be used as a legitimate reason to displace them. Additionally, the cooperative seeks to fortify its relationship with other community members by regularly contributing some funds to the community's activities.

However, the existing limitations that could potentially undermine the sustainability of the group are as follows:

- Lack of a new generation of leaders to take on leading positions, especially as the chairman.
- Lack of appropriate media and platforms for disseminating information. Due to livelihoods constraints, meetings are rare, which is not sufficient for effective communication and dissemination of information among the group members.
- Lack of effective measures to ensure 100 per cent return of money borrowed.
- While the cooperative's soft loans are appealing to members, it is not yet enough to be an effective mechanism in pressuring street vendor members to discreetly observe the vending rules.

5. Conclusion and Discussion

While not all street vendors in Bangkok are disadvantaged, street vending is unmistakably a crucial source of poverty reduction as it provides employment for those with limitations, including the low-educated and the elderly, and provides supplementary income for seasonally unemployed farmers. Some of them could even generate sufficient income to support family burdens, including children's education and family debts, which, in turn, benefit society as a whole. In producing these advantages, this economic activity merely relies on public space and the state's permission to use it.

In terms of street-vending laws, there is a clear boundary between what is legal and illegal, but when it comes to law enforcement, leniency at the district office level caused by either empathy, vested interest, or bribery can be commonly observed. Therefore, other than legal and illegal status, a number of street vendors have ambiguous and precarious legal status without realizing that this is so. Similarly, the inconsistency of Bangkok's governors' policies on street vending, particularly when there is a change of administration, has made it difficult for both city inspectors to regulate street vending and for street vendors to ensure their compliance with the laws and regulations. Fluctuation of policies may occur even during the administration of the same governor. Swift change of the predilection has often been attributed to mounting public complaints on street vending; and the need to crackdown on extortion as well as city renovation projects. These may serve as justification for abrupt application of law enforcement actions as well as additional rights-restrictive measures on street vendors, including eviction of long-operating street vendors, cancellation of designated vending areas without meaningful participation processes resulting in tight deadlines for affected vendors to relocate. For some, moving out from the same vending spot is equivalent to the need to leave street vending for other means of livelihoods.

Technological advancement and access to social media has facilitated virtual organizing for those who disapprove of street vending, including pedestrians and road users affected by street vending, and those holding ideas that street vending is a sign of underdevelopment. They have campaigned to connect to those who share the sentiment and closely monitor BMA to ensure their stringent regulations on street vendors. While there are vendors who violate the laws and rules, causing trouble for stakeholders of public space, a number of street vendors diligently ensure their self-regulation on vending. These vendors fail to adapt themselves to changes;

there is no equivalent social media leveraged to empower street vendors. Past organizing has been largely limited to short-term street protests, political pressure and justifying their street vending as long-practiced to counter state evictions and beg for their empathy. But the laws do not guarantee any vending rights, regardless of how long one has been trading on the street, while the laws give full protection for pedestrian rights in public space. Street vendors' efforts to organize in a short-term manner in pursuit of reclaiming their vending rights in the same site is probably a critical factor that undermines the prospect of long-term organizing for street vending. Representing a successful case of organizing of street vendors, the Nakkeela Community Service Cooperative demonstrates that relentless determination of group leaders in organizing and guidance by an experienced non-profit organization and efforts on collective self-regulations are important factors to their achievement of organizing and securing vending rights, although there exist challenges to the organization's sustainability.

6. Recommendations

For BMA

1. The BMA should establish a department with the exclusive mandate of, not only regulating and restricting the activities of street vending consistently over time, but also of systematically and strategically building relationships with street vendors through practical approaches. These should include supporting the establishment of and collaborating with street vendor collectives (see more Nirathorn 2013).
2. The BMA's approach to street vending should be underpinned by a perspective that recognizes street vending's economic and social contributions to the society. This should feed into policies on vending rights in public spaces that accommodate all stakeholders' rights in public space, which are consistent over time.
3. In decision-making processes that affect street vending, meaningful participation and prior consultation of potentially affected vendors should be ensured.

For Street Vendors

1. Should recognize the importance of collectivism and organizing. Individual self-regulation does not guarantee their legitimacy to vending rights owing to the lack of law that aims to protect street vendors' rights in public spaces. Collectivism and organizing would facilitate collective self-regulation and curb complaints by other stakeholders of public space. Systematic and effective organizing would lead to empowered street vendor organizations that can raise their voice to be heard by policymakers, and ensure their participation in designing policies that affect their livelihoods.
2. Should seek partners, including NGOs and academics, who can potentially help them to participate in the growing public discussion on the use of public space by asserting their Right to Livelihood, while at the same time acknowledging the concerns of other users of public space where legitimate.

For NGOS

1. Should understand better the circumstances (plight and opportunities) of street vendors and support empowerment initiatives for street vendors,

including on reforming the BMA policies and defending the Right to Livelihood.

2. Research and disseminate information that is of importance to street vendors, including on their current rights and entitlements under the law, and catalyse discussion on these to promote an agenda of progressive change.
3. Engage in the long term and support the strategic coalition-building of street vendors.
4. Enable street vendor organizations to be able to communicate with the BMA on their needs and expectations for the Right to Livelihood in the city.

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