

DEMOCRATIC REPUBLIC OF CONGO
City of Kinshasa

REPORT OF THE INVESTIGATION ON

COLLECTIVE BARGAINING ON LEVIES IN KINSHASA MARKETS (D.R.C.)

Requested by StreetNet International to the LDFC

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ABBREVIATIONS

ANEP: National Association of State Enterprises

ANR: National Intelligence Agency

CDT: Democratic Labour Confederation

COPEMECO: Confederation of Congolese Small and Medium Enterprises

CSC/EI-PCS: Trade Union Confederation of Congo/Informal Economy-Department of Petty Trade and Services

DGM: General Directorate of Migrations

Fc : Congolese Francs

FEC: Federation of Congolese Enterprises

FENAPEC: National Federation of Congolese Small and Medium Enterprises

FIC: Interprofessional Congolese Force

FINECO&IPMEA: Provincial Department of Finances, Economy, Commerce, Industries, Small and Medium Enterprises and Handicraft

LDFC : League for the Rights of the Congolese Woman

OPEC : Office of Small Enterprises in Congo

PNC : Congolese National Police.

PNUD : United Nations Development Programme

RDC : Democratic Republic of Congo

REEJER : Street Children and Youth Educators' Network

SNVC : National Union of Congolese Vendors

UNICEF : United Nations Children's Fund

UNTC : National Union of Congolese Workers

0. Introduction

Our study in Kinshasa, capital of the DRC is on "negotiations on levies in the markets of the city of Kinshasa province." It is part of a series of studies conducted in six countries representing three continents where StreetNet International has affiliates.

Its overall objective is to establish a system of representation of street vendors in municipalities (or local governments). In short, our work will contribute to the creation of a statutory framework for negotiations in petty trading which can provide solutions to vendors' problems.

In our case, the city of Kinshasa will constitute the research framework in this study. We will look at how vendors in this cosmopolitan city are negotiating with local authorities to solve problems related to levies.

The methodology used was adopted so as to meet the objectives of the study. In the first phase, the researcher used the documentary technique by exploring documents that may contain information on the context of the study, the legal environment of petty trading and aspects of collective bargaining related to levies.

The second phase consisted of interviews of resource persons who participated in the negotiations from the side of both the Government side and vendor organisations, to obtain information on negotiations regarding levies in order to understand the process of these negotiations and their results for a better participation of vendor organisations in the country's decision-making process.

The third phase was used to analyse and interpret the information gathered in order to write the report of the study on levies' negotiations for petty trade in Kinshasa.

This study has three main sections. In the first section, we describe the context of the study and vendor organisations. In the second, we analyse the progress of negotiations on levies and finally, in the third section, we draw lessons for a diligent and responsible participation of vendor representatives in negotiations aimed at improving working and living conditions by overcoming obstacles to social peace and the development of activities of petty traders in the city-province of Kinshasa.

1. Context of the study

1.1. Presentation of the City of Kinshasa

Under this item we will present geographical and socio-economic aspects of the city-province of Kinshasa so that our readers are informed about the context of our study.

1.1.1. Geographic aspects

Kinshasa is the capital and the largest city in the Democratic Republic of Congo "DRC". It has the administrative status of both a city and a province. It is divided into four districts and 24 municipalities. It extends over 30 km from East to West and more than 15 km from North to South.

Located on the south bank of the River Congo at the Pool Malebo, the city-province of Kinshasa faces the capital of the Republic of Congo, Brazzaville. It shares borders with the provinces of Bas-Congo and Bandundu.

1.1.2. Socio-economic Aspects

The population of the city-province of Kinshasa is estimated at more than 10 million people¹ over an area of 9,965 km². It is the most populous city in the country. This situation makes it the largest city in Central Africa. It is faced with various problems affecting large cities such as unemployment, insecurity, inadequate water supply, under-electrification, etc.

This population is dominated by a high proportion of youth of whom almost 65% are less than 24 years old. A large portion of young people have left school early due to the multifaceted crisis affecting families in Kinshasa, and they engage in informal trading to meet certain needs of their families. This situation is dictated by the interest to support their families and parents who are literally impoverished as they are underpaid and have low incomes. Thus, the population's structure in Kinshasa is included in Table 1, as follows:

Table 1 : **Kinshasa population structure per age group**²

Age groups	% of the population	Population size
Less than 15 years	42,1 %	4.210.000
15 à 24 years	24,2 %	2.420.000
25 à 54 years	29,6 %	2.960.000
55 years and more	4,1 %	410.000
Total	100 %	10.000.000

Referring to the activity rate of 42.3%³ recorded in the survey conducted by UNDP and the population of working age, which is 5,380,000 people aged 15 to 54 years, the structure of employment in Kinshasa is summarized in Table 2.

Table 2 : **Structure of employment in Kinshasa**

¹ OLENGA KALONDA, T, *Green Urban Economy, City of Kinshasa: Efforts and challenges*, Cape Town, March 2011

² UNDP-DRC, Kinshasa, profile summary : Poverty and living conditions of households, March 2009

³ UNDP-DRC, Kinshasa, profile summary : Poverty and living conditions of households, March 2009

Topics	% of workforce	Number of workers
Public administration	11,9 %	640.220
Parastatals	5,0 %	269.000
Private formal	8,8 %	473.440
Non agricultural informal	65,6 %	3.529.280*
Agricultural informal	5,2 %	279.760
Associations	3,5 %	188.300
Total	100 %	5.380.000

Source: Table constructed from data collected in the document "UNDP-DRC", Kinshasa, profile summary: poverty and households living conditions, March 2009.

* Petty trade represents about 50% of non-agricultural informal employment which is 1,764,640 vendors across all categories (market vendors, street vendors and hawkers). To this figure, it is important to add the share of formal sector workers who are also involved in informal economic activities to make ends meet. This proportion of casual vendors is estimated at 30%, which will make the share of informal employment to be 80% of petty trading sector in Kinshasa. It should be noted that almost 90% of the population in Kinshasa are informal workers with petty trade alone employing 80% of employment and the remaining 20% being in other sectors including public transport, market gardening, handicrafts and services.

Although employed or engaged in informal self-help activities, it appears from studies conducted in Kinshasa that about 80% of its population lives below the poverty line of U.S. \$ 2 per day. This situation is accompanied by a decline in living standards following the deterioration of socio-economic infrastructure, increased unemployment, widespread insecurity and unclean working environment.

Moreover, the socioeconomic situation in the city of Kinshasa has also worsened following the looting of January 1991 and September 1993 and due to the ineffective implementation of various reforms initiated by the Central Government. There has been massive loss of jobs in the formal sector which has led to the explosion of the informal economy.

Some centres like the Kinshasa harbour, markets and streets adjacent to these markets experience a strong attraction of street vendors' activities offering all kinds of foodstuffs and manufactured goods.

The few statistics that are available now are as a result of the latest survey conducted by Street Children and Youth Educators' Network "REEJER" in 2006 with the support of UNICEF. This survey tells us that the city-province of Kinshasa has more than 19,000 street children and youth among whom 13,877 are less than 18 year old and

5,123 are aged over 18 years⁴. Many of these young people are street vendors who sell small items on various streets of the city of Kinshasa in violation of the regulation on petty trade.

These data are increasing rapidly with adverse effects on youth education as children younger than 18 years old devote themselves too early to street trading so as to pay for educational expenses and/or provide for the needs of their families who are often disadvantaged.

In addition, the city-province of Kinshasa is characterised by the coexistence of all kind of formal and informal activities. As stated earlier, almost 90% of its population depends on the informal economy for their livelihood, with the main activity being petty trade which alone employs 80% of workers with the remaining 20% falling in other economic sectors (public transport, market gardening, handicrafts, etc...). As regards the number of vendors, the categorisation of vendors per type of markets, gives the following statistics⁵ obtained by extrapolation from the number of stalls in the markets and the average weekly earnings of local governments:

2 urban markets	+/- 40 000 vendors
103 municipal markets	+/- 550 500 vendors
300 « wenze » (small neighbourhood markets)	+/- 450 500 vendors

In total, there are about 1,041,000 informal traders throughout the city-province of Kinshasa. They have stalls and pay for the license as well as levies to the local government. These statistics do not take into account those who exercise petty trading occasionally because they have a formal employment in companies or public administration, and children below 18 years of age (although the law prohibits some of them to exercise informal trading).

1.2. Vendors' Organisations

Under this heading, we will define petty trade before talking about the type of vendors and their professional organisations because the notion of vendors is directly linked to that of petty trading.

1.2.1. Types of vendors

According to the Ordinance-law no. 19-021 of 2 August 1979 regulating petty trade, this concept is defined as "trading in all commodities, goods or common consumer

⁴ [http://fr.wikipedia.org/wiki/kinshasa/REEJER Sociologic](http://fr.wikipedia.org/wiki/kinshasa/REEJER_Sociologic) survey, Kinshasa, 2006

⁵ Unofficial statistics conducted by Aubin KIANGEBENI. We are waiting for the completion of the operation undertaken by the Provincial Department of Finances, Economy, Commerce, Industry, Small and Medium Enterprises and handicraft on census and identification of economic operators subjected to the license, to bring the necessary corrections.

goods carried out by the sale to the buyer either from the house of the trader or from door to door or from place to place, or on public spaces or markets, unless the shop or stall located on public space is an extension of a store"⁶.

This definition enables us to distinguish the following 5 categories of vendors:

Home vendors: The vendor does not move. S/he sells his/her goods at his/her home and customers come to buy from there.

Door to door vendors: Door to door trading is the one where the vendor goes to his/her potential customer to sell or propose the sale of a good.

Vendors from place to place: The trade from place to place is the one where vendors only sell at designated places and on particular days determined by the public authority. This informal trade is characterized by the periodicity of its operations and the lack of strong and lasting stalls.

Vendors on public space: The public space is largely made up of streets, squares, avenues, sidewalks, car parks (where the public authority prohibits informal trading). In this category of vendors, the law includes traders in a kiosk or a small room of the same size, sometimes built with strong materials, held by one person with no direct access to customers as the sale is conducted through a window pane.

Vendors in public markets: Public markets are places determined by the local public authority, in which a particular petty trading activity takes place permanently within predetermined conditions. The competent authority decides on days and times of operation at these markets.

It should be noted that the analysis of the manner in which petty trade is exercised in Congolese law, demonstrates that activities of petty trade conducted from place to place and in public markets are regulated by the public authority. Vendors of these two categories fulfill the conditions required by law to undertake petty trade in Kinshasa including the requirement to have a license and pay levies. They are subjected to, and strive to uphold, the law.

The situation is not the same for home vendors, door to door vendors and those who trade on public spaces such as hawkers, favourite places of informal activities which often circumvent the provisions of the law concerning petty trade. It is difficult for them to buy a license and they consequently suffer from harassment of all kind.

1.2.2. Vendors' support organisations

⁶ The Presidency of the Republic, Ordinance-law no 19-021 August 1979 on small business regulation, Kinshasa, 1979

In addition to professional or inter-professional trade unions which defend vendors' rights, there are also socio-professional or mutual associations working in this difficult task of organising, support, protection and promotion of vendors' rights.

a) Trade Unions

In Kinshasa, there are many, we can mention as an indication for the labour movement, the Trade Union Confederation of Congo/Department of Petty Trade and Services "CSC / EI-PCS," the Democratic Confederation of Labour "CDT", the National Union of the Congolese Vendors "SNVC", the Interprofessional Congolese Force "FIC". In addition to the SNVC who organise vendors exclusively; other unions are interprofessional; they organise formal and informal workers. They have specialized departments which organise vendors and other informal workers such as shoemakers, carpenters, moneychangers, market gardeners, etc.

These organisations play an important role in organising and recruiting vendors and other economic operators. They regularly organise capacity building workshops for them so that they can be able to better develop their demands in consultation with union officials.

It should be emphasised that trade unions organising in petty trade in Kinshasa suffer from poor leadership and conflict of interest. There is no unity of action in the sector of support to vendors in Kinshasa. Despite efforts to form the Inter-union of Petty Trade in Kinshasa, trade unions continue to tear each other apart to the detriment of vendors and thus go into negotiations in a weak position.

b) Mutual ans Socio-professional organisations

As for mutual associations, we have the association of jewellery vendors, the association «Mamans Malewa (suburb restaurants) », the League for the Right of the Congolese Woman (LDWC), the Association « We Can» (Human Rights NGO), etc.

These associations contribute to the awareness of their members through training sessions and their self-support by granting micro-credits and other supports. Their members become able to initiate and manage projects of community interest. They are easily able to ensure that their rights are respected because they participate in various trainings that strengthen their capacity for action. Their members are from different backgrounds and are involved in various activities.

1.3. Government management structures

1.3.1. State organs

Among state agencies involved in the management and promotion of workers in the informal economy such as vendors, we have:

- The Informal Economy Directorate of the Ministry of National Economy: created in 2007 but which is not yet functional in all provinces of the DRC due to lack of resources and strategies to approach informal workers. The latter are wary of state officials who represent to them the authors of their various harassments.
- The Provincial Department of Finances, Economy, Trade, Industry, Small and Medium Enterprises and Handicraft "FINECO & IPMEA" is the revenue provider for the city of Kinshasa. Its mission is to enforce the orders of the City Governor in terms of regulations of economic, trade and craft activities in the city of Kinshasa. This ministry is very close to vendors and other economic operators because its officials are on site and work closely with trade unions and management.

The provincial Minister of Finance, Economy, Trade, Industry, Small and Medium Enterprises and Handicraft is piloting a permanent consultative framework of social dialogue with social partners. He centralises operations of purchasing and issuing licenses. It is a state structure that belongs to the provincial government, headed by the City Governor.

These officials who work in the markets, harbours and car parks supervise price controls and the collection of levies for the public treasury. They play a crucial role in channeling state revenues and negotiations aimed at improving working conditions in various areas of trade.

This consultation framework encompasses representatives of trade unions and employers, delegates of associations and professional inter-professional corporations, delegates of technical and security services especially as markets are constantly change areas and crossroads of civilisation. They enjoy the attention of all services so as to ensure social peace and good working conditions.

In addition, expatriates exercising general business and import-export business activities are also represented in this framework for consultation by their representatives. They are encouraged to establish small and medium enterprises and industries. To do this, they are required to be on the register of commerce and have national identification.

- The Office of Small Enterprises of Congo "OPEC": it is a technical body of the National Ministry of Small and Medium Enterprises (SMEs). Its task is to support SMEs in terms of training, facility of access to loan and capacity building. Its mission is to implement all actions that are likely to bring about grassroot development through the creation of SMEs and the formalisation of the informal sector. It supports micro, small and medium enterprises.

- *These structures develop the general policy for the management of workers in the informal economy in the field of training, regulation and promotion.*

It should be noted that the DRC Constitution, passed by referendum and which came into force on 18th February 2006, establishes the principles of decentralisation of the country. Thus, the city of Kinshasa is managed by the Provincial Government headed by a Governor assisted by a Vice-governor, both elected by the Provincial Assembly. Therefore, **the regulation of small businesses is the responsibility of the Governor of the City.**

It uses the provincial department of Finance, Economy, Trade, Industry, Small and Medium Enterprises and Handicraft which is the technical arm for the implementation of laws and regulations in collaboration with Mayors and Directors of markets and areas that are close to the base.

The Governor and his provincial Ministers decide by order or decree which are signed by the Governor and countersigned by the Ministers concerned.

1.3.2. Other management structures

We will explain the role of vendors' support structures and administrative authorities in the fulfillment of their respective activities and missions in the markets. A distinction will be made between security and technical structures.

1.3.2.1. Security structures

This sub-section includes the following structures:

- Stations and sub-stations of the National Congolese Police : they are responsible of the safety of vendors as well as the population and their goods; they keep and restore public order in the markets and neighbourhoods in Kinshasa;
- National Intelligence Agency (ANR): it is a public service with a mission of ensuring the safety of the state. In markets, branches and offices of ANR play the role of regulating relations between the various stakeholders in order to uphold the law and other regulations. It works to maintain social peace in these sensitive areas.
- The General Directorate of Migration (DGM): it regulates people's migration movement in and out of the markets because these areas are sensitive in terms of security.

In addition to the commendable role of the National Congolese Police stations and sub-stations of making and maintaining peace in the markets, other services like ANR and DGM play the role of political police which is not directly linked to the promotion of vendors. They attend various negotiations between trade unions and local authorities (mayors, market administrators) and act as arbiters and guarantors of the law.

1.3.2.2. Technical structures

These are support structures of the markets and neighbourhoods administration. They play specific roles and contribute to the smooth running of markets in Kinshasa. They are:

- Service of hygiene: provides the sanitary control of goods for sale and transported or to be transported to parking lots.
- Sanitation Commission: it is in charge of occupational health in the markets and car parks.
- Department of Economic Affairs: verification of the authorised profit margin and price control.
- Department of Finances: it ensures the collection of taxes and other revenues owed to the treasury.

These structures are support services of the local government (municipal or provincial). Their officials are deployed in markets, ports, car parks and similar locations to fulfill their specific tasks assigned to them by the Provincial or municipal Executive. They are career officers of the state's public services.

1.4. Previous situation of vendors and petty trade in Kinshasa

This section will attempt to describe the situation of petty trade in Kinshasa before 2009 with emphasis on its organisation and functioning because of its close link with vendors' activities.

1.4.1. Organising power of petty trade in Kinshasa

The law on decentralisation stipulates that the organisation and regulation of petty trade are the responsibility of the Governors of provinces. They use the Constitution and laws of the country to rule in this area.

The regulation of petty trade in the city-province of Kinshasa is the responsibility of the Governor of the city; he decides by decree and his ministers countersign for execution. Social partners' (trade unions) role is limited to community relay between trading community and the State, taking into account vendors' interests and the general situation in the city.

In petty trade, trade unions are involved in vendors' awareness raising, training and information supply to vendors so that they can take charge of their own development while promoting social dialogue with the authorities and other partners.

1.4.2. The Regulation of levies in the markets of Kinshasa

Article 174 of the Constitution of the Democratic Republic of Congo adopted in 2006 and article 2 of the Decree-law No. 089 of 10 July 1998 stipulate that, apart from what is prescribed by the law, no administrative authority has the power to create levies for the market. It is only the Congolese law which may determine levies payable to the market.

Prior to the 2009 Forum on market reforms in Kinshasa, many problems found in those markets disrupted peace and the running of traders' activities. The tension was visible and led to fights between vendors and state employees who were working in those markets.

That is why this forum was set up by the Provincial Minister of Finance, Economy, Trade, Industry, Small and Medium Enterprises and Handicraft as instructed by the Governor of the City of Kinshasa in order to brainstorm on the organisation and functioning of markets. This colloquium which brought together social partners has enabled the Provincial Government of Kinshasa to take a series of decrees regarding the organisation and smooth running of markets⁷.

Among those decrees, we find the decree No. SC/198/BGV/PSD/FINECO IPMEA/PLS/2011 & 23 July 2011 and No. SC/202/BGV/PSD/FINECO & IPMEA/PLS/2011 of 25 July 2011 on organisation and running of municipal and urban markets, and No. SC/0006/BGV/MIN/FINECO & IPMEA/PLS/2011 which sets the rate of levies for trading in the markets of Kinshasa, and the one regarding the establishment of a permanent consultative framework and social dialogue within the Provincial Department of Finance, Economy, Trade, Industry, Small and Medium Enterprises and Handicraft.

1.4.3. Vendors' main problems

Among the major problems that affected the work, working conditions and livelihood of vendors in Kinshasa, we found the following:

- The illegal collection of levies by unauthorised agents causing double taxation;
- The surcharge (multiplicity of levies with ambiguous denominations such as fixed fees for the participation of vendors to safety, special fees for "Salongo" (hygiene), etc... These designations are not reflected in the classification of

⁷ Plaquette « Levies in the markets » What does the law says, July 2003

levies established by law , which is limited (cf. Decree Law No. 089 of 10 July 1998 laying down the new classification of levies authorised to decentralised administrative entities).

- The multiplication of tax collection services;
- Power and water cuts;
- The issuance of false documents by corrupt officials;
- Vendors' exposure to bad weather (such as rain, sun ... due to lack of roof on the stalls of some municipal and neighbourhood markets);
- The harassment by the police and officials (arbitrary arrests since street vendors are not respected by the authorities);
- Insecurity (law enforcement agents prefer to arrest vendors than thugs);
- The unsafe occupational health (the collection of waste is not well organised, because officials who were working on this task were receiving very low allowances);
- The deterioration of ablution facilities in the markets.

2. Levies and collective bargaining

2.1. General considerations on levies and collective bargaining

2.1.1. Notions

« Levies are the remuneration to a moral public institution for its services rendered."⁸ They are also defined as a payment established by the public authority for the funding of actions of economic and/or social interest. They are paid in return for services rendered.

This must be differentiated from tax which is a compulsory payment by taxpayers (individual and enterprise) and intended to cover government spending. It is paid by way of authority, permanently and without anything in return.

In the Democratic Republic of Congo, vendors do not pay tax. They are only subjected to the payment of two kind of levies, namely the levy on remuneration (display fee) and fiscal levy (the license). Other paid fees are as a result of conventions and agreements between trade unions and local authorities to improve service delivery to vendors.

It is important to note that the English notion of levy is the same as tax. Yet in French these concepts are very different. One is paid for a service while the other is paid by way of authority and without consideration as stipulated in the definitions above.

Moreover, a levy is instituted by Decree-Law No. 089 of 10 July 1998 on new classification of levies. On the other hand, rates of levies are set by administrative

⁸ BAKANDEJA, Public Finances'Law, Noraf, Kinshasa, 1977

means according to the classification established by law in contrast to those of taxes which are determined by legislation.

In DRC, the Governors of provinces⁹ enact decrees establishing levies according to the law and determine their rates on the basis of the draft decree prepared by the Provincial Minister of Finance, Economy, Trade, Industry, Small and Medium Enterprises and Handicraft. S/he countersigns the Governor's decrees for implementation.

The municipal Mayors, heads of districts and administrators of urban and municipal markets ensure the enforcement of decrees on the ground in collaboration with social partners (trade unions and other associations).

As for collective bargaining, they are processes of meetings between two or more parties to agree on the use or distribution of a particular resource, the respect of a right, etc.

In negotiations, each party seeks to promote its views and convictions so as to influence partners' actions. Trade unions speak of collective bargaining to mean that one negotiates for vendors' collective interests rather than the interests of individual leaders of these organisations.

Negotiations on levies do not have a set period. The amount of the license is indexed to the U.S. dollar and paid on daily exchange rate. As for the negotiations on the amount of levy on display, they follow the country's economic situation and the imperatives to improve services offered to vendors. The negotiations on other conventional fees are the responsibility of market administrations and trade union delegations. They take place when there is a problem that affects the occupational health, the environment or the security of vendors and their goods. The two parties start negotiations to settle the issues identified in the market. The agreements from discussions are stamped by the mayor of the municipality prior to implementation to avoid slippage.

In short, in Kinshasa markets, vendors pay only two types of levies: the levy on remuneration and the fiscal levy (license) as provided by law.

The levy on remuneration also called daily levy on display (of goods) is paid daily (300 Fc equivalent to U.S. \$ 0.326 for urban markets and 200 Fc equivalent to U.S. \$ 0.217 for municipal markets), their rates were set in 2012 while that the fiscal levy or license is annual and includes categories A, B, C and D. The respective rates are 10 Ff, 15 Ff, 20 Ff and 25. The rates of the fees are indexed to U.S. dollars and were set in September 2010 by decree of the Governor of Kinshasa. Most vendors who are the

⁹ USAID-IRIM, Taxes and harassment : Compilation of legal documents on taxes dues to the Treasury in ports, car parks and markets in DRC, November 2005, pp 17-18.

subject of our study are found in the category A of the commercial license and pay 10Ff or 10 U.S \$.

Moreover, as an economic activity different from business in general, the pursuit of petty trade is differentiated by the fact that it is subject only to the holding of a license. Activities under the license are listed in the law in unlimited manner. Besides this list, it also refers to the following criteria:

- The turnover
- The capital invested
- The nature of the product or commodity (ordinary or luxury products).

However, these criteria have an element of subjectivity and because the list of activities is not exhaustive, it opens the door to tax evasion, as some activities which are highly profitable with a substantial capital, find themselves subjected to the license for the simple reason that they are found on the above-mentioned list.

For information, the activities which are under the commercial and craft license are included in Tables 3 and 4.

Table 3: Breakdown of activities under commercial license

Category A	Category B	Category C	Category D
Market vendors of products other than luxury Vendors on secondary public space Vendors using stalls Fuel vendors on public space Assimilated*	Confectionery Milling Butchery Small bistros, taverns Kiosk operator Hawker (mobile vendor) Delicatessen Small restaurant Assimilated*	Carrier with motor vehicle Trucks of 6-7 tons Trucks of 4 tons Trucks of 3 tons Trucks of less than 3 tons Bus, Mini-bus and van Taxi Canoeing engine Barge and whaling Carrier with engineless vehicle Canoe Vendor on the main public thoroughfare Vendor of luxury products on public market (jewellery, clothes, hone appliances) Shops Assimilated*	Currency exchanger Beverage depot Material depot Cement depot Pharmaceutical Depot Wholesaller Food shop Pharmacy Analysis laboratory Restaurant Hotel Cold room Store Polyclinic Terrasse and bar Assimilated*
They pay the Fc equivalent of 10 \$US	They pay the Fc equivalent of 15 \$US	They pay the Fc equivalent of 20 \$US	They pay the Fc equivalent of 25 \$US

Source : Table constructed from elements of the annex to the decree n° SC/180/BGV/MIN/FINECO&IPMEA/2010 of 17 September 2010 fixing the rate of the annual levy for the issuance of a license, year 2009 and 2010.

*Assimilated: Include vendors and service providers who are not mentioned in the groups mentioned above.

Table 4: Breakdown of activities under craft license

Category A	Category B	Category C	Category D
Plumber Brick maker Road mender Sandpit Stone crusher Shoeshine Charger in the parking Bike operator Traditional healer/ practitioner Independent midwife Assimilated*	Manufacturer of tombstones Joiner Bricklayer Carpenter Tiler Painter Shoemaker Refrigeration specialist Machine operator Electronics engineer Repairman (watch, radio) Motorcycle operator Independent nurse Independent musician Repeater Florist Silkscreen printing Barrow pushers Handlers in car parks Assimilated*	Dressmakers Small laundry Tyre repairers Photographer Electrician Assimilated*	Blacksmith Decorator Designer Vendor of artwork/artefacts Upright customs agent Travel and cargo agent Private parking operator Dispensary and small clinic Attorney Office automation Small room for video movies Public telephone cabin Metal workshop Funeral parlours Garage Assimilated*
They pay the Fc equivalent of 10 \$US	They pay the Fc equivalent of 15 \$US	They pay the Fc equivalent of 20 \$US	They pay the Fc equivalent of 25 \$US

Source : Table constructed from elements of the annex to the decree n° SC/180/BGV/MIN/FINECO&IPMEA/2010 of 17 September 2010 fixing the rate of the annual levy for the issuance of a license, year 2009 and 2010.

*Assimilated: Include vendors and service providers who are not mentioned in the groups mentioned above.

2.1.2. Factors that triggered Negotiations

Harassment, loss of purchasing power, the multifaceted crisis that hits vendors are among the factors that triggered the negotiations to alleviate the heavy burden of levies on vendors, while promoting social dialogue, compromise and improvement of their working conditions so that they can normally contribute to the development of the market, which is their environment.

Given the facts mentioned above, the Minister having the functions of Finance, Economy and Trade convened a forum on market reforms in Kinshasa in 2009 which lasted two weeks. It was punctuated by work in commissions and in plenary.

The final document of this forum with the main resolutions and recommendations was not given to participants, but we found that the Provincial Minister of Finance, Economy, Trade, Industry, Small and Medium Enterprises and Handicrafts has used the document of that forum in the decrees that he issued in 2011. As a reminder, we have various decrees already mentioned above which were issued to regulate petty trade in the city of Kinshasa, for instance the decree no. SC/198/BGV/PSD/FINECO & IPMEA/PLS/2011 of 23 July 2011 on the organisation and functioning of urban markets, decree no. SC/202/BGV/PSD/FINECO & IPMEA/PLS/2011 of 25 July 2011 on the organisation and operation of municipal markets, decree no. SC/0006/BGV/MIN/FINECO & IPMEA/PLS/2011 fixing the rate of levy on display in the markets of the city of Kinshasa.

2.1.3. Initiators of negotiations

It appears from interviews that the initiative for negotiations on levies was taken either by the urban or municipal authority which may have been tempted to increase its financial resources by increasing its levy to vendors and other economic operators and expanding its tax base to the categories that escaped the payment before, or by vendors' representatives after observing tensions in vending places which led to strikes and sit-ins, reflecting vendors' discontent or complaints from their members following difficulties in implementing decisions taken by the Government.

Trade unions then requested meeting sessions with relevant authorities to brainstorm together and submit vendors' message so that an amicable solution could be reached to preserve social peace and dialogue in the sector of petty trade in Kinshasa.

Indeed, the rates of the levy on display paid in 2011 were set at 200 Fc (U.S. \$ 0.217) and 100 Fc (0.108 U.S. \$) respectively for urban and municipal markets. The attempt to increase these rates to 500 Fc (U.S. \$ 0.543) and Fc 300 (U.S. \$ 0.326) raised tensions in the markets. Vendors felt that market administrators did not take good care of

their occupational health in the markets. They refused to pay, while sending correspondence to all relevant authorities to review the rates fixed.

Their efforts did not get good response. After two evaluation meetings, they decided to harden their positions. Thus, groups were formed to take turns participating in a sit-in in front of the city Governor's office in Kinshasa. Vendors and shop stewards were even arrested.

They spent about two hours in front of City Hall of Kinshasa. It took the intervention of the representatives of trade unions and officials of the National Intelligence Agency (ANR) to initiate dialogue that enabled the Governor's Assistant to receive a delegation composed of three vendors and two trade unionists.

These negotiations forced the city authorities to instruct its services to collect levies according to the old rate while the Provincial Minister of Finance, Economics, Trade, Industry, Small and Medium Enterprises and Handicrafts was investigating the matter further. It was not until 2012 that the Governor of Kinshasa issued a decree reducing the rates to 300 Fc (U.S. \$ 0.326) and 200 Fc (0.217 U.S. \$) for urban and municipal markets respectively in consultation with trade unions. This decree resolved the crisis prevailing in the markets between vendors and state officials.

It should be noted that these meetings were intended to bring the competent authority (City Governor) to postpone the implementation of the problematic decree, or to change some of its clauses because no one else has the power to do so. It is also possible to get special arrangements for payment by installment of a levy which overwhelms traders. For example, because the license is annual, it is paid by installment after negotiations.

2.1.4. Inspirations of initiators of change

Media (audio-visual, print) and professional contacts with other businesses, such as trade unions and other West African Associations who have a long and rich experience in organising in the informal economy, continue to inspire political and administrative authorities as well as vendors in the city-province of Kinshasa on the approach to adopt for the promotion of social peace and good trade climate petty trade in Kinshasa.

Vendors have adopted strategies that made them respected and consulted by those in power in defense of their rights and the betterment of their living and working conditions as social partners of authorities.

They no longer appear alone before the authorities when there are problems in the markets, car parks and ports as they are worried about not obtaining satisfactory solutions and getting intimidated. They are accompanied in collective bargaining

meetings by shop stewards and union representatives because their presence cools the ardour of state officials.

Personal problems of vendors are resolved through the assistance of advisors from their union committees who act as intermediaries between vendors and market authorities. The issues are resolved either through the payment of transactional fines or by advice to restore or preserve social peace.

As a result, these officials deal with vendors' issues seriously because they are worried about the reaction of trade unions in the press and in the community and the disciplinary actions that may follow from their hierarchy if things get out of control, since trade unions' room for maneuver is broad. They can trigger large-scale industrial action paralysing the economic and social life of the city of Kinshasa like dead city days and days without market like the ones held in 2011 and 2012 by vendors and public transport operators.

2.1.5. Players in negotiations

Among those involved in negotiations, we found the representatives of trade unions who have attended capacity building seminars and workshops.

It is important to note that negotiations have made changes in various areas including the organisation and functioning of markets, the procedure for the collection of levies, the harmonisation of opening and closing hours of markets, the standardisation of rates, etc.

These organisations namely the Trade Union Confederation of Congo (CSC-EI/PCS), the National Union of Congolese Workers (UNTC), the Democratic Labour Confederation (CDT), the National Union of Congolese Vendors (SNVC), the Interprofessional Force in Congo (FIC) had made alternative proposals aimed at improving working and living conditions of vendors and through that to safeguard social peace, a guarantee for the promotion of economic and social life in areas where vendors live, work and evolve because they are an important part of the economy of the country in the absence of a structured middle class.

They have developed a list of demands and were with vendors in their struggle and were able to convince the Government about the need to meet regularly to solve everyday problems of vendors and other economic operators. But, meetings are held without a fixed schedule. They depend on developments in economic life in the city of Kinshasa.

<p>Participants in negotiations had hoped that meetings would be regular and permanent in order to facilitate problems resolution because these meetings had no</p>

timeframe as we mentioned earlier. They should not wait until there is a problem to start negotiations.

They play the role of support and community relay between vendors and local political and administrative authorities. They contribute to safeguarding vendors' rights and the improvement of their working conditions.

In addition to trade unions; the Government was represented by the Cabinets of the Ministers of Finance, Economy and Trade; Population and Decentralisation; Employment and Equal Opportunities; Environment and the Governor of the city of Kinshasa. These players were more concerned about the regulation of economic activities likely to favour the increase in revenue of decentralised entities.

There were also organisations of employers, corporate and security which supported and continue to support vendors and participate in negotiations, such as the Federation of Congolese Enterprises (FEC), the Confederation of Congolese Small and Medium Enterprises (COPEMECO), the National Federation of Congolese Small and Medium Enterprises (FENAPEC), the National Association of State Enterprises (ANEP), the National Congolese Police (PNC) and the National Intelligence Agency (ANR). These organisations have often played the role of arbiter between the interests of trade unions and those of the Government, as they have extensive experience in the management of organisations and collective bargaining. They unlock negotiations in the event of an impasse by proposing compromises that are acceptable to the conflicting parties (trade unions representatives and those representing the management of markets and/or urban and municipal authorities).

2.1.6. Position of Actors on the change¹⁰

The multifaceted crisis that the DRC experienced had not left the area of petty trade unaffected. This sector was totally hit to the point that activities that take place there were no longer happening according to the standards contained in the Ordinance-law No. 90-046 of 08 August 1990, which repealed Ordinance-law No. 79-021 2 February 1979 regulating petty trade.

There were multiple levies, violation of provisions regarding the collection of levies and handover owed to markets management for activities of common interest such as the occupational health, renewal of painting, and payment of water and electricity bills. This confusion has caused insecurity, theft, and destruction of socio-economic basic infrastructure in the markets, ports and car parks.

¹⁰ Djoboke BILOMBO, Urban Coordinator of Informal Trade and Services at the CSC-Informal Economy

Anxious to overcome these problems, the competent authority in this case the Governor of the city of Kinshasa instructed the Provincial Minister of Finance, Economics, Trade, Industries, Small and Medium Enterprises and Handicrafts as well as the one in charge of decentralisation and population, each one according to his responsibilities, to bring peace and order in various places where petty trade takes place.

That is why the forum on the reform of markets in Kinshasa was convened in order to find lasting solutions to problems that undermined the running of markets which made vendors to become cash cows of state officials.

Aware of their precarious situation and of eternal exploitation, vendors have pushed their representatives (trade unions) to engage in talks with city and municipal authorities to pass laws that guarantee the exercise of petty trade because the various legal provisions on petty trade were almost no longer applied and were no longer taking into account changes in the country's economic and social life and the major concerns of vendors.

It was therefore necessary to make laws that would regulate and organise petty trade, harmonise levies and their rates and specify the roles of different stakeholders. This mission was achieved because few months after, this forum made it possible to city authorities to regulate petty trade.

However, it is important to point out that trade unions organising in the petty trading sector in the city of Kinshasa attend these negotiations as divided as ever because of conflicts in leadership and lack of unity in action despite repeated attempts to harmonise professional relationships among them.

As for state officials working in the markets, ports and car parks, they were less enthusiastic because they had created systems that allowed them to have easy money at the expense of urban and municipal authority due to the confusion created in the making and collection of levies. Previously, vendors were paying the license on display of Fc 200 (U.S. \$ 0.217) and Fc 100 (0.108 U.S. \$) respectively for urban and municipal markets, but there are corners in markets that were already paying at least Fc 500 or U.S. \$ 0.548 because there was some confusion due to the multiplicity of collection services.

The experts of the Provincial Minister of Finance, Economy, Trade, Industry, Small and Medium Enterprises and Handicraft who were aware of this reality, proposed:

- Fc 500 (U.S. \$ 0.54) for the levy on display (urban markets)
- Fc 300 (U.S. \$ 0.32) for the levy on display (municipal markets).

As vendor representatives were keen to harmonise the rate of the levy on display in all markets they counter-proposed:

- Fc 200 (U.S. \$ 0.21) for the levy on display (urban markets)
- Fc 100 (U.S. \$ 0.10) for the levy on display (municipal markets).

Finally, after negotiations, both parties agreed for the rate of Fc 300 (U.S. \$ 0.326) and Fc 200 (U.S. \$ 0.217) respectively for urban and municipal markets. Since 2012, these rates are identical in all markets of the city of Kinshasa.

In short, social partners played an important role in the changes that occurred in the regulation of petty trade in Kinshasa since the forum on market reform was held. However, much remains to be done because some legal provisions have not yet been met including the prohibition of expatriates to practice petty trade, the obligation to buy the license, etc.

2.2. The Negotiation process

This section will deal with negotiation structures, negotiators, main issues for negotiations, the period of negotiations, the progress of negotiations as well as activities held during negotiations.

2.2.1. Negotiation structures

There is a structure called "Permanent Consultative Framework and Social Dialogue" which is instituted by the Provincial Department of Finances, Economy, Trade, Industry, Small and Medium Enterprises and Handicraft. This framework is a place of negotiations on problems affecting workers in the informal economy including vendors who make up the biggest group.

This framework has a set of rules and regulations which determines its organisation and functioning. It is coordinated by the Provincial Minister of Finance, Economy, Trade, Industry, Small and Medium Enterprises and Handicraft. Meetings are held in his office. However, for sensitive issues which are likely to disrupt social peace and harm the state security, meetings are held at the City hall of Kinshasa in the presence of the Governor of the city and members of the Security Commission.

From the point of view of participants in the negotiations, this forum is suffering from serious malfunctioning due to non-compliance to its rules and regulations by the Provincial Minister of Finance, Economy, Trade, Industry, Small and Medium Enterprises and Handicraft. Meetings are not held regularly. They are convened by the Provincial Minister of Finance, Economy and Trade, Industry, Small and Medium Enterprises and handicrafts when there are problems in the markets, ports and car parks or to collect the views of vendors' representatives and employers on specific

issues such as the involvement of expatriates in petty trade, the application of value added tax, the issuance of new banknote denominations.

It should be remembered that this structure is holistic because it addresses all worker related issues in the city of Kinshasa, be it from the formal sector or the informal economy (vendors, moneychangers, market gardeners, transporters, general trade, etc.). The minutes of the meetings are neither distributed nor adopted in plenary. In cases where there is a need or new problems in the markets, other partners request meetings, but they are sometimes at the mercy of the government authority. This leads to deadlocks, distrust and tensions in the markets of Kinshasa.

2.2.2. Principal themes of negotiations

The main problems faced by vendors in the exercise of their profession are transformed into negotiation themes in order to find appropriate solutions. In this vein, we will mention some examples:

- Administrative and police harassment;
- The illegal collection of levies;
- Rising prices of basic commodities;
- The price structure of imported products;
- The lack of security and safety in markets;
- The over-taxation in informal trade;
- The launch of license operations;
- The regulation of informal businesses (the involvement of expatriates in small businesses in violation of the law);
- The organisation and functioning of markets;
- The affiliation of vendors to trade unions;
- The identification of economic operators;
- The untimely power and water cuts.

It is important to note that the consultation framework deals with all problems affecting vendors and other economic, commercial and craft operators. However, as part of our investigation, a special emphasis was put on negotiations related to levies in petty trade because our scope is limited to that area.

2.2.4. Period of negotiations

Negotiations took place in several phases. The forum on markets reform in Kinshasa organised in 2009 had explored different problems faced by vendors and other economic operators and proposed solutions.

In 2010, there were preparatory sessions and technical meetings for the preparation of draft laws regulating petty trade and other sectors so as to implement various

recommendations of the forum mentioned above. In 2010, a decree establishing the amount of the license for 2009-2010 was signed. Other decrees on the organisation and functioning of urban and municipal markets were signed in 2011.

The decree regarding the rates of levies on display in Kinshasa markets was signed in 2012. These various decrees were signed by the Governor of the City of Kinshasa and countersigned by his Ministers responsible for their implementation. In addition, three technical meetings on the launch of the license for 2010-2011 were held in 2012 in the office of the Provincial Minister of Finance, Economy and Trade.

2.2.5. The negotiation proceedings

The negotiations proceeded in a friendly atmosphere and a climate of dialogue. Participants were motivated by a desire to better accomplish their mission as their members were waiting for concrete solutions.

As partners in the negotiations, there were representatives of vendors (trade unions), members of Ministers' cabinets, the office of the Governor of Kinshasa, the representatives of employers' associations, the representatives of professional bodies, delegates of the technical and services of security and order.

However, some partners wanted to exclude others. This situation was handled by the Legal Adviser of the Provincial Minister of Finance, Economy, Trade, Industry, Small and Medium Enterprises and Handicraft. He invited the warring parties to submit to him a copy of their constitutions so that he could solve the problem.

After analysing the documents submitted to him, he concluded that inter-professional and professional trade unions who were fighting for leadership in markets all had their place in this structure because it addressed specific and cross-sector problems affecting both formal the informal economy workers (vendors and other informal economic operators) operating in Kinshasa.

Technical problems and conflicts were resolved during preparatory sessions before the Governor of the city opened the proceedings of the forum in 2009. Organised by the Provincial Minister of Finance, Economy, Trade, Industry, Small and Medium Enterprises and Handicrafts, this forum had several objectives including the regulation of economic activities in the city of Kinshasa. These meetings proceeded for two weeks at a place called "carrefour des Jeunes" in Kinshasa.

During the meetings, each participating group was invited to present its ideas and concerns for about twenty minutes on the topics of the day while trying to formulate recommendations. The interventions were followed by discussions for clarification. The forum's technical secretariat compiled the summary of presentations from participants, which enabled the Minister in charge to prepare draft decrees presented to the Governor of the city of Kinshasa.

2.2.6. Other activities organised during negotiations

There were demonstrations in the markets, report-back meetings and even strikes that paralyzed the city of Kinshasa, and a sit-in outside government offices held responsible for blocking negotiations. These demonstrations maintained pressure on both representatives of vendors and those of political and administrative authorities so that there could be concrete results of general interest.

During these activities the spokesperson for each group in negotiations intervened to report back to members and adopt new strategies to achieve the results expected by vendors. These meetings were very agitated and punctuated with cries of joy and anger which reflected the support that negotiators or group leaders had.

These activities took place in 2009 at a forum on the reform of markets in Kinshasa and in 2011 during negotiations on the rates of levies on display in markets, ports and car parks.

3. Results of negotiations

3.1. From the levy point of view

After debates and deliberations, participants in negotiations (vendors' representatives, Ministers' advisors, Advisors to the Governor of the city, representatives of professional and interprofessional bodies (COPEMECO, FENAPEC); representatives of urban Divisions of Economy, Finance and Budget) obtained a satisfactory compromise for all parties to the negotiations.

Regarding the rate of levies, they agreed on the following rates:

- Fc 300 or \$ 0.32 U.S.\$ for the levy on display (urban markets)
- Fc 200 or \$ 0.21 U.S.\$ for the levy on display (municipal markets).

Other results:

- Creation of vendors' records after the identification of economic operators;
- Retention of the license rates despite the attempt by the government to increase it;
- Determination by decree of the sizes of stalls for display in the markets of the city of Kinshasa.

3.2. From the regulation point of view

The various working sessions and technical meetings enabled the Ministers concerned to prepare draft decrees to submit to the Governor of the city-province of Kinshasa after deliberation by the Council of Ministers.

After adoption, the Provincial Ministers concerned organised awareness and popularisation sessions of the signed decrees in cooperation with trade unions that organise petty trade in order to facilitate their application.

The regulation has been a positive development especially as decrees related to markets sector adopted in 2011 and 2012 had amended, supplemented, or repealed the previous decrees. They are now a regular and normal running of markets in Kinshasa in line with standards of good governance.

3.3. Rights gained or protected

In this section, we will quote rights earned by vendors regarding levies and other issues that have been negotiated. The results obtained were as follows:

- Application of rates agreed through dialogue;
- Retention of rates of license per professional category;
- Setting-up of stalls' sizes in the markets;
- Existence of the consultative framework (it needs to be improved for greater impact in solving vendors' problems);
- Rehabilitation of Matete and Bayaka Markets;
- Increase in the number of police officers to better ensure the security of vendors and their goods;
- Rehabilitation of toilets after memos were sent to market authorities.

3.4. Failure of negotiations

In the absence of failed negotiations on levies, we felt it necessary to mention a few items for negotiations that have not been successful.

These are:

- Savage eviction of vendors works of artwork for reasons of general interest (construction of the monument at a place of the station previously occupied by these vendors);
- Rising prices of basic commodities due to the ineffectiveness of price control (underpaid state employees, corruption);
- Malfunctioning of the sanitation committee which led to unsafe and unhealthy conditions found in Kinshasa markets

3.5. Replication of achievements in other cities

Trade unions and associations operating in the markets in general have a national scope. This aspect facilitates the transplantation of struggles and achievements obtained in Kinshasa, the capital of Democratic Republic of Congo.

There are seminars and workshops organised in Kinshasa or in the provincial capitals for the exchange of experiences and sharing of knowledge. These meetings contribute greatly to the transplantation of positive achievements. For the city of Lubumbashi, the CSC and SNVC attend meetings held in this city by local authorities to improve vendors' working and living conditions. They are inspired by demands submitted in Kinshasa which led to success and they also get satisfactory results.

3.6. The obstacles to achievements in negotiations

- The unexpected change of interlocutors (mutation, shuffle, etc.).
- Mistrust of partners worsened by the socio-economic crisis (corruption, discrimination, etc.).
- Failure to observe rules and regulations of the permanent consultative framework (Provincial Department of Finance, Economy and Trade;
- The dispersal of street vendors prevents the organisation of feedback meetings and causes distrust (poor attendance to meetings, search for daily bread);

4. Lessons for StreetNet

This point will attempt to address some lessons that StreetNet can draw from the Democratic Republic of Congo experience in terms of collective bargaining on levies in the informal trading sector in Kinshasa.

4.1. Lessons on achievements

- Creation of a permanent framework for consultation and social dialogue within the Provincial Department of Finance, Economy, Trade, Industry, Small and Medium Enterprises and Handicraft (*this framework suffers from failure to observe its rules and procedures by the Government*);
- Organisation of demonstrations to support negotiations (Example: peaceful demonstration for respect of the law related to the prohibition to expatriates to involve themselves in informal trading, general meeting to denounce the double taxation operated by the Department of Economic Affairs).
- Involvement of social partners in the development of draft laws and census of vendors.

4.2. Lessons on Failures

- The multiplication of conventions and protocols on the exercise of informal trading in violation of the law organizing this sector (p.ex: *The creation of flat participation vendors' fees for various reasons including safety, security in the market*).
- It is obvious that responsibilities are shared between representatives of local government and union representatives. Both parties make their own arrangements in the markets by circumventing the law by using ambiguous terms such as participation fees, which in reality, are levies taxes established by them in violation of the law, because they draw in dividends.
- Conflicts of leadership on the part of the social partners as they promote corruption, exclusion and blocking of reforms which are to assist vendors (*trade unions from informal trading sector do not look in the same direction and vendors suffer the consequences of these conflicts*).
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5. Recommendations

- To operationalise the permanent framework for consultation and social dialogue for effective resolution of vendors' problems;
- To create a climate of trust between partners, and seek the general interest of vendors in the negotiations;
- To make operational state structures of support and promotion of workers in informal economy for greater impact in socio-economic development. Apart from the leaders of trade unions and associations, vendors do not directly feel the importance of these structures in their struggles.

6. ANNEXURES

6.1. Persons interviewed

- Dédé DIANGENDA, Legal Advisor and Assistant to the Governor of the city of Kinshasa
- KAPESA, Economic Advisor to the Provincial Minister of Finances, Economy, Trade, Industry, Small and Medium Enterprises and Handicraft
- Bébé META, Mayor of the Commune of Kasa-Vubu
- Jeanne MBOMBO, Administrator of Mobutu Market
- MASAMBA, Administrator of Kizeza Market (Commune of Ngaba)
- Innoncent TAMBANGA, Administrator of Mfidi Market

- MPILA PEZO, Inspector tax collector at the Synthetic Tax Centre of Kasavubu
- MAFUTA Cécile, President of the Mutual Insurance of Women Vendors (Freedom Market)
- Christa KANGULUMBA, Secretary at Kimbanseke Commune
- KAVUNGU LUNKIKA, President of the association of Fish vendors
- Daniel KASINGA, Urban Interprofessional Secretary of the Union Confederation of Congo "CSC" (Chief negotiator of CSC at the permanent consultative framework (Provincial Department of Finance, Economy, Trade, Industry, Small and Medium Enterprises and Craft Industry)
- Djoboke BILOMBO, Coordinator of Informal Trade and Services at CSC / Informal Economy.

6.2. Consulted documents

- Congolese Labour Code
- LDFC, Manifesto of Street Vendors, Kinshasa
- Thérèse OLENGA, Green Economy, City of Kinshasa : Efforts and Challenges, Cape Town, March 2011
- Ministry of Planning, Monograph of the city of Kinshasa, Kinshasa, April 2005
- BAKANDEJA, Public Finance Law, Ed. Noraf, Kinshasa, 1977
- USAID-IRM, Taxes and harassment: Reports of legal texts related to taxes owed to the Treasury in ports, car parks and markets in DRC, November 2005.
- Presidency of the Republic, Decree-Law No. 19-021 on the regulation of informal trading
- Presidency of the Republic, Decree-Law No. 089 on the new classification of taxes
- Internet (<http://fr.wikipedia.org/wiki/Kinshasa>, etc.)
- Decrees on informal trade in Kinshasa.

6.3. Legal Documents/regulations for justification

- Constitution of DRC
- Act n° 015/2002 of 16 October 2002 on labour code
- Decree-law n° 79-021 of 2 February 1979 regulating informal trading
- Decree-law n° 90-046 of 08 August 1990 regulating informal trading
- Decree n° SC/198/BGV/ PSD/FINECO&IPMEA/PLS/2011 of 23 July 2011 on organisation and functioning of urban markets
- Decree n° SC/126/BCV/05/M.N.M/LEM/1993 of 05 October 1993 on organisation et functioning of municipal markets
- Decree of the Governor of the City-Province of Kinshasa n° SC/202/BGV/PSB/FINECO&IPMEA/PLS/2011 of 25 July 2011 on organisation and functioning of municipal markets
- Decree n° SC/0006/BGV/MIN/FINECO&IPMEA/PLS/2011 determining the license rate for trading in the markets of the city of Kinshasa

- Circular note n° SC/2695/BGV/LBB/COTECH/ML/2000 of 18 March 2000 regulating the markets sanitation committee.

6.4. Documents related to the agreements

Memorandum of understanding on flat rate fees for the participation of vendors to the safety of Gambela Market.

7. Survey Protocol

1. Description of respondent (Name, function, institution, etc.)
2. What role did you play in the negotiations you participated in (for the resolution of the problems related to levies)?
3. How did these negotiations proceed, what were the factors that triggered these negotiations? What was the result?
4. Who participated in these negotiations? (How were they appointed, were they leaders or members of organisations, what motivated them?)
5. Do these negotiations have a legal base? If yes which one?
6. What were the challenges and disappointments?