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Framing street vending in Guayaquil – Ecuador

From hegemonic discourses
to a rights-based approach

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ABSTRACT

Urban renewal policies that aim to “beautify” public space have had unequal impacts, particularly in terms of restricting access to public space for some groups considered to be “undesirable” in the new urban landscape. This paper concentrates on one such group, informal street vendors, who rely on access to the streets for generating an income, and who have been banned or in any case restricted from doing so. In several Latin American cities, street vending is a very important part of the informal economy. We present the case of Guayaquil, Ecuador’s second most populated city, which has undergone a radical urban renewal and gentrification process during the four tenures of former mayor Jaime Nebot (2000 to 2019). This has pushed street vendors further into peripheral areas of the city, and into informality, and has sparked ongoing conflict between street vendors and municipal authorities. Based on a discourse analysis and an analysis of national and local policies and regulations regarding street vending, we argue that street vending has been framed, consecutively, as a symbol of a chaotic past, as an expression of the right to work, and as entrepreneurship. These discourses translated into an array of policies that overall do not allow street vendors to successfully claim their access to public space. For that reason, this paper considers that the right to the city approach could open more transformational political avenues to enhance vendors’ claims over public space by acknowledging two rights: the right to appropriate public space and the right to participate in public decisions in the city.

1. INTRODUCTION

With almost 2.7 million inhabitants up from 2.1 million in 2001, Guayaquil is today Ecuador’s second most populated city (INEC, 2013). Its demographic growth has been driven by the hyper concentration of economic activities in the biggest cities, attracting migrants from other areas of the country. Since Ecuador’s main port is located in Guayaquil, retail and wholesale trade make up important sectors of the urban economy (Delgado, 2013). For instance, according to the latest economic census (2011), trade produced revenues up to USD 16,568 million. The city’s expansion has also caused a rise in informal commercial activities, prime among which is street vending. Nonetheless, this economy remains understudied in Guayaquil, since there are no formal statistics on the number of vendors. Concerning the socio-demographic characteristics of the group, a recent study shows that vendors’ age varies from 20 to 50 years old, for every woman there are two men, around 33% have begun high school but not completed their studies, and 69% of them earn between UDS 200 to 400 (Véliz & Diaz, 2014).

Prior to 1992, informal retail trade, organized in open fairs on the streets, was tolerated by the local authorities. This changed when mayor Leon Febres Cordero adopted an urban renewal policy that focused on the “recuperation of the city center”. It should be noted that around this time urban renovation programs also emerged in other Latin American cities such as Mexico, Quito and Lima, where public managers used the “recuperation of the city center rhetoric” to push for the gentrification of public space as well as economic activities (Betancourt, 2014). In the economic realm, “beautification” and “modernization” were equated with, among other measures, organizing street vendors. Thus, a network of municipal markets was created in Guayaquil to sell food, flowers, crafts, and other goods in designated spaces (Lawrence & Castro, 2006). Although this initiative aimed to remove vendors from public space, it did not reduce the number of vendors operating in the informal economy. Moreover, among the vendors who formalized their activities, a mere 20% reported an increase in their incomes, while 80% stated that their situation remained the same or worsened (Lawrence & Castro,

2006); indicating the policy's failure in terms of development outcomes.

The informal vendors' refusal to leave the streets resulted in a conflict with the local government. Confrontations intensified during the four consecutive terms of mayor Jaime Nebot, who ruled the city from 2000 to 2019. This long period in power allowed the mayor to consolidate the development model of his predecessor and cemented him as the hegemonic voice in Guayaquil's politics. Adopting an entrepreneurial style of governance and in line with a neoliberal view on the city, Nebot not only expanded the urban renewal program but also envisioned a "city brand" for Guayaquil to attract foreign capital (Villavicencio, 2012). He introduced a solid discourse, highlighting the importance of Guayaquil's physical transformation and the maintenance of order. This sustained discourse, combined with the implementation of strict top-down policies, affected the legitimacy of street vendors' claims over public space. Punitive measures were put in place to ensure that informal vendors would not collide with the new aesthetic of the city center. Nonetheless, several vendors' organizations resisted and even found former president Rafael Correa as a powerful ally at the national level. The president's discourse on street vending rather emphasized people's self-employment and the right to work. But although Correa also managed to stay in power for 10 years, he failed to translate national policies on informality at the local level. Consequently, street vendors have been struggling until now to (re)define their image and find their place within local and national political discourses.

With that in mind, the case of Guayaquil mirrors the cases of other Latin American cities, where neoliberal approaches and urban renewal projects have negatively affected the image of street vendors as well as the way in which their activities are regulated. So far, the literature has paid a lot of attention to the economic impact of these neoliberal approaches, for instance the impact of forced displacement on street vendors' livelihoods, and vendors' struggles to resist this (Crossa, 2009; Bromley and Mackie, 2009; Janoschka and Sequera, 2016). In this paper we explore a different, rights-based approach, as a basis to propose holistic policies for vendors and the city. To do so, the paper combines insights from neoliberal and rights-based approaches to trace continuities and changes in discourses and policies on street vending. More specifically, it aims to scrutinize discourses and policies of two influential political leaders, Jaime Nebot and Rafael Correa, since those have dominated the discussion around street vending in Ecuador and in Guayaquil in particular. Alternative and competing discourses have been present but have had much less impact. We first analyze the hegemonic discourses in view of the local and national political economy, examining not only how political and economic realities shaped the discourses, but also how these discourses have been translated into concrete policies. We then turn to an alternative discourse, grounded in the right to the city approach. We argue that rights-based approaches, drawing on the right to appropriate public space and the right to participate in urban decision-making, can foster more transformational ways of dealing with street vending, acknowledging vendors' substantive citizenship and their role as political actors in the struggle over public space.

Data were gathered from secondary sources (document collection and online searches) and through a limited number of in-depth interviews. With respect to the interviews, which were conducted in July and August 2019, seven participants from diverse communities in Guayaquil were purposively selected (Annex 1 "Key Informants"). Ethical considerations were discussed with the participants in order to approve the use of their names and the audio recordings. The questionnaire was structured along four sections. First, it aimed to contextualize the changes in Guayaquil since the urban renewal process took off. Second, it sought to recognize the impact of the urban renewal program in the use of public space. Third, it intended to unveil

the different discourses regarding entrepreneurship, informality, and street vending. Finally, it touched upon national and local policies. Academic papers on the urban renewal process and the political situation of Guayaquil, as well as the legal documents that regulate street vending in Ecuador were consulted too. The time frame was limited to the 2000–2019 period as the period of Jamie Nebot’s mandate. This can be justified as this was a transformational period in Guayaquil’s history. At the same time, this period can be divided into three intervals (Annex 2 “Time Frame Segmentation”), which allows us to track changes and continuities in discourses and policies. NVivo software for qualitative data analysis was used to organize and code the data.

Table 1. Key informants

| Community | | Key informant | Position |
|---------------------|------------------------------------|----------------------|---|
| Trade | Autonomous Retail Trade (informal) | Ernesto Toledo | Coordinator of Federación de Instituciones de Comerciantes Minoristas del Guayas |
| | Retail Trade | Angel Basurto | President of Federación de Asociaciones de Comerciantes Minoristas de la Bahía (FEDACOMIB) |
| | Trade Union | Juan José Salcedo | Analyst of Cámara de Comercio de Guayaquil (CCG) |
| Local government | City Council | Octavio Villacreses | City Council representing Alianza País (2009 – 2012) |
| National government | Ministry of Work | Carlos Marx Carrasco | Minister of Work (2014 – 2015) |
| Academia | Observatory of Public Policies | Manuel Macías | Director of the Observatory of Public Policies |
| Civil society | Human Rights | Billy Navarrete | Executive Secretary of Comité Permanente por la Defensa de los Derechos Humanos de Guayaquil (CDH) (1990 – currently) |

Discourse analysis (DA) was chosen since exploring the symbolic construction of the urban order can contribute to a broader understanding of the relationship between street vendors and the state (Crossa, 2017). As there are many different applications of DA, this study follows Van Dijk and Merizabal’s perspective (1999) that focuses on political discourse, considering it relevant to conduct a systematic analysis of the context in addition to the structural properties of text. In this paper we focus on “hegemonic voices”, meaning the voices that have been most visible and most influential in the public sphere. We examine who has dominated the public discourse and what has been positioned about street vending. We do so on the basis of Howarth’s (2010) approach to power and hegemony, in which his notion of “hegemony as a form of rule or governance” can be used to explain how power holders employ different tactics, e.g. governmentality, to maintain the existing policy regime, even in the context of resistance. In doing so, we do not aim to neglect the “hidden discourses” or the counter-voices at all, or minimize their importance. In fact, they are very present in our framework through the theoretical focus on rights-based approaches. However, more in-depth field research would be required to fully analyze them and grasp their nuances, as well as to further assess the relevance of the rights-based approach.

Table 2. Time Frame Segmentation

| Period | Events | Hegemonic voice | Texts |
|-------------|--|--|--|
| 2000 – 2005 | Expansion of the urban renovation policy: several ordinances enacted | Jaime Nebot | Speeches of the mayor pronounced in the two most important holidays of the city: 5 in Foundation Day and 6 in Independence Day. |
| 2006 – 2013 | Rafael Correa presidential win Local Elections National Draft Bill for the Defense of the Retail Trader and Self-Employed Worker | Rafael Correa, though its participation in the public discourse expanded other voices: street vendors, congressmen, city councils. | 57 online news published in El Universo in from January to December of 2009 |
| 2014 – 2019 | New policy: Banco de Oportunidades – micro-loans | Jaime Nebot | Extract of the speech of Jaime Nebot launching Banco de Oportunidades YouTube video of the Alcaldia de Guayaquil - Published 31 July 2018 |

This paper is organized into three sections. The first section discusses the central theoretical debates on urban politics and street vending: from neoliberal approaches to rights-based approaches. The second section presents the results of the research, acknowledging the most prominent categories used in public discourse to address street vending; and the type of policies that resulted at the local and national levels. The final section gathers the conclusions and recommendations.

2. STREET VENDING IN THE CITY: THEORETICAL ENTRY POINTS

2.1. Neoliberal approaches to the city

Cities around the world are demanding more autonomy to take control of their economies and become more competitive in the context of globalization (Purcell, 2002). In that sense, central governments are devolving competences to subnational ones, although the scope varies between regions. In the case of Latin America, decentralization began in the 80s after the demise of dictatorial regimes. One of the accompanying discourses centered on the promotion of democratic values and the more efficient provision of public services (Brosio & Jimenez, 2012). This resulted in municipalities obtaining more power and changing their views on how to govern the city. At the same time, neoliberal approaches have also pervaded urban dynamics by presenting cities as centers of capital accumulation. This take on urbanism has created new spatial, social and power relations materialized in processes such as urban entrepreneurial governance and gentrification (Vives Miró, 2011, p. 2).

An urban entrepreneurial governance (EUG) approach entails that private actors become more involved in public decisions related to urban development as well as public service delivery. As a consequence, public decision making is guided by “entrepreneurial” principles such as risk-taking and profit development. This dictates a specific way of organizing the local economy, shifting from previous redistributive goals to a focus on global competitiveness (Dannestam, 2004; Madureira, 2014; Prada-Trigo, 2017). In several Latin American countries, EUG is combined with other forms of governance rooted in the republican era like *caudillismo*. Castro (2007) defines this as a political system in which a charismatic leader rules above institutional means, while his legitimacy allows him to operate with political authority. In several cities, powerful *caudillos* retain a major influence on decision making and turn into the leading spokespersons (Guarneros-Meza & Geddes, 2010).

Neoliberal approaches have induced a clear change in the vision of political elites: from the city as space to be managed to the city as a commodity that needs to be marketed and sold (Crossa, 2009). For that purpose, aside from requesting more responsibilities from national bodies, local governments have focused their attention on transforming the aesthetics of the cities. In doing so they do not merely seek to attract people external to the city to invest (e.g. entrepreneurs) or spend their money (e.g. tourists); it is also a symbolic strategy to make citizens embrace their city’s modernization as well as new uses of public spaces. Local governments have focused their attention on city centers rather than peripheral areas which, as a result, has led to shifts in where productive and recreational activities take place. In general, such strategies have succeeded in attracting external capital and a bigger touristic influx, as can be seen in Cusco (Steel, 2008), Mexico City (Crossa, 2009) and Guayaquil (Delgado, 2013). Nevertheless, it is also clear that the costs and benefits of such policies have been unequally distributed. In that respect, research agendas should specifically address the political consequences of entrepreneurial governance, looking at who empowers and who excludes, and how we could move towards more inclusive arrangements (Crossa, 2009; see also Swanson et al, 2009; Martinez, 2003).

Scholars have recently started to analyze “gentrification” in Latin America in order to explain the social-spatial segregation of different actors such as street vendors; even though the literature has proliferated in and on the Global North. Initially gentrification was used to explain how the renovation of low-income neighborhoods ends up rising the cost of living in those districts, thereby pushing out the original inhabitants. Nonetheless, since the 1980s, it has come to encompass broader processes of social, spatial, and economic restructuring of urban spaces (Sassen in Slater, 2012). Bearing that in mind, there are some specificities in the gentrification processes pursued in Latin America, two of which are particularly relevant for this paper: the way in which gentrification impacts on informal economic activities and the use of discursive means to legitimize gentrification policies.

First of all, gentrification not only pertains to infrastructure, real estate and housing development projects; it also profoundly transforms economic activities (Janoschka, Sequera & Salinas 2014). In Latin America, this shows in the type of policies that have been adopted to deal both with city development and with informal economic activities. The informal economy constitutes the lion’s share of the total economy in Latin American countries, accounting for 140 million of the 260 million of workers in the region (OIT, 2018). Informality is either considered as a “residual space” where people can survive in the absence of formal employment opportunities (dualist view, see Tokman, 2017), or as an “micro-entrepreneurial space” where people simply lack formal property rights and access to credit (legalist view)¹. Under the dualist perspective,

[1] Chen, M. (2008) ‘Informality and Social Protection: Theories and Realities’, IDS Bulletin 39(2): 18–27.

the formal economy is expected to absorb the informal economy as the economy grows. In this sense, modernization and gentrification measures are believed to incentivizing vendors to formalize.

The legalist perspective, strongly influenced by Hernando de Soto's work on informality in Peru, argues that to unleash vendors' entrepreneurial potential it should suffice to simplify bureaucratic procedures and secure formal property rights (Wilson, 2011). Following this approach, several cities have created enclosed spaces requiring legal permits to operate in them (Meneses-Reyes, 2018). Other cities have implemented micro-credit programs which were premised on the condition to formalize. In Lima, a micro-credit program was launched with the pre-requisite of getting a license and the commitment to be relocated in the mid-term (two or three years). An evaluation of the program showed that income slightly improved for sellers in in-door markets, but this was due to longer working hours. Moreover, working conditions were equally precarious (Linares, 2018). In Sao Paulo, local government programs aimed at rebranding street vendors as entrepreneurs have contributed to a better social status. This was evident in the words of the former Ministry of Trade of Brazil, who considered that complying with the law and formally contributing to the economy of the country qualified vendors for a full citizenship: "being part of the formal economy means being a citizen" (Hirata, 2014, p. 104).

However, several studies have also questioned the effectiveness of microcredit programs to improve wellbeing. They generally have high barriers to entry, interplay with social regulations and power dynamics in society, and may thereby sharpen rather than flatten out inequalities (Guérin, D'Espallier & Venkatasubramanian, 2015). Evidence from such interventions in street vending in different Latin American cities confirms this. In the case of Bogotá for instance, a report from the Office of the Comptroller General of Colombia evidenced that most of the stalls in formalized markets were deserted due to low earnings (Donovan, 2008). Similarly, in Guayaquil, expectations about the improvement of the socio-economic status of traders were not met (Lawrence & Castro, 2006). Meanwhile, in Cusco, the number of unplanned courtyard markets increased due to the creation of new markets (Bromley & Mackie, 2009). Though regularization could minimize the exposure of vendors to street mafias or exploitation by police officers (Meneses-Reyes, 2018); requirements to participate in formal markets or vending zones (barriers to entry) still pushed vendors into informality.

In that context, some authors find that the expulsion of vendors from city centers constitutes a first move towards gentrification (Janoschka, Sequera & Salinas, 2014). Bromley and Mackie (2009) and Janoschka and Sequera (2016) have detailed the displacement of street vendors from historic centers in Cusco and Mexico City and the responses/resistance of these actors. In Cusco, where street vendors were displaced from the city center in order to create a "safer and modern" environment for tourists, unplanned courtyard markets emerged after vendors had been removed from public space. As an alternative, enclosed markets were created in other areas, although the enhancement of the space also required a "gentrified" version of traders, that is to say, carrying a certain image and professional skills. This produced a differentiation between vendors working in formal markets and informal vendors selling in the unplanned courtyard markets. Similarly, in Mexico City, in order to promote heritage tourism, street vendors were evicted from public space enabled by punitive measures enforced by local police. In fact, Swanson (2013) has reflected on the use of punitive measures in Latin America, where city managers have promoted the increase of surveillance or deploying more local police. She concludes that such repressive techniques have served as a cleansing strategy, deepening social and racial inequalities related to access to urban space (Swanson, 2013).

Second, several authors have demonstrated that discourses about street vendors being informal, unorganized and even criminal, represent a powerful tool to legitimize neoliberal urban renewal programs in general, and street vendors' evictions in particular. For instance, Janoschka and Sequera (2016) point to the real impact of public administrators' discourses about street vending in these words:

Displacement is a social injustice that encumbers certain groups from the right to the city. Consequently, it should also be addressed by considering existing power relations that define and structure discourses about it, something that necessarily includes the role of public administrations (Lees in Janoschka and Sequera, 2016, p. 6).

Similarly, Betancourt (2014) shows that city planners in Mexico, Quito and Lima have used nostalgic rhetoric to carry out renovation programs, which in reality aim to reinstall elite values in areas now occupied by lower classes. The discourses that are used employ a wide range of arguments, including aesthetics, culture, order and security, as well as economic arguments. In their study on narratives around street vending, Fourkour, Akuoko and Yeboah (2017) conclude that local authorities frequently exploit the negative public perception of vendors by branding them as "informal", "illegal", "criminals"; to reinforce their control over public space. These scholars identify as the most common arguments used against street traders: a) the affectation of the city's beauty and modern status, b) the invasion of the streets creating chaos, c) the facilitation of street crime; and, d) the unfair competition with formal business. Focusing on Bogotá, Hunt (2009) states that there exists a double standard in the way that local leaders frame "mobility" of pedestrians versus street vendors. While for the first group mobility should be protected, for the second one mobility is constrained or forbidden using the above-mentioned reasoning on safeguarding public order. This not only affects their right to work, Hunt argues, but also their citizenship:

Attempting to maximize citizen mobility while eliminating vendor mobility creates a binary conception of citizenship in which vendors are relegated to the status of noncitizens whose right to walk -identified as the most fundamental of human needs (see Alcaldía, 2000, 3.13)- can and should be restricted. (Hunt, 2009, p. 334).

As seen earlier, neoliberal approaches to urban governance, including urban entrepreneurial governance and gentrification, have a major impact on urban economic activities, in particular informal economic activities. More so, the literature reviewed demonstrates the displacement and marginalization of informal street vendors, that is accompanied by influential discourses about vendors being unorganized, illegal and criminal. City leaders, such as some influential mayors, play an important role in pushing these discourses and implementing these policies. Thus, by purposively overlooking informal street vendors' contribution to the city's economy and treating them as second-class citizens; local leaders have been able to push them out and gain the ultimate control of the streets. This does not mean, however, that street vendors do not show any form of resistance.

Bearing that in mind, for Linares (2018) effectively tackling street vending requires a comprehensive perspective in which this economic activity is conceptualized beyond its relationship with informality. To substantiate this, the author compared the cases of Lima and Bogotá, which have adopted quite different policies towards street vending. In accordance with policies that are promoted by the World Bank, Lima has adopted a market-based approach

focusing on economic growth and assuming that an expanding formal economy would gradually absorb the informal economy, as dualist perspectives would hold. Bogotá on the other hand has followed a right-based approach, which is advocated by the International Labor Organization (ILO) and argues for a greater participation of the state in the economy in order to protect workers. Despite these fundamentally different approaches, the author concludes that both cities view street vending as a problem of regulation and formalization, thereby dismissing vendors' relationship with public space. In the next section we expand on the rights-based approach, which is less common when thinking about informal economic activity.

2.2. Rights-based approaches

As seen earlier, current policies on informal street vending have not led to significantly improved outcomes in terms of human development and often ignore the spatial nexus between the economic activity and public space. With that in mind, in this section we explore some alternative perspectives to address street vending, drawing on contributions from the right to work and the right to the city literature.

Regarding the right to work, Meneses-Reyes and Caballero-Juárez (2014) argue that street work is already recognized in different legal instruments, such as the International Covenant on Economic, Social and Cultural Rights and national rulings from Constitutional Courts of India, Mexico and Colombia. These legal precedents serve as mechanisms that street vendors can employ to claim their rights to sell on the streets (Meneses-Reyes & Caballero Juarez, 2014). Nevertheless, Constitutional Courts need to weigh street vendors' right to work with a bundle of other rights, such as pedestrians' right to walk, the right to private property, as well as municipal duties to safeguard public space. For that reason, Constitutional Courts' rulings have sought for a middle ground. On the one hand, they generally condemn street vendors' evictions and demand municipalities to develop alternative policies. On the other hand, Constitutional Courts reaffirm municipalities' role as rule setters of public space; since those are the ones that will decide where vendors should work and on what conditions.

For the vendors, resorting to Constitutional Courts presents both opportunities and limitations. For example, the involvement of Constitutional Courts has contributed to setting licensing systems that either allow street vendors to transit in the city or to find a designated space; which can translate in a more secure working environment for them. However, the licenses and vending zones can also be seen as mechanisms to block access to certain areas and can generate differentiated regimes for authorized and unauthorized street vendors (Meneses-Reyes, 2018). This is particularly important in Latin America since property rights are used as entry points to exercise other rights. Fischer (2008) has suggested that, for the Latin American urban poor, the possession and accumulation of legal titles represents a means to access certain socioeconomic rights (i.e., housing, health, social insurance). It is also cultural pattern that may be determined by the institutional formation of a social environment where "each dimension of the urban citizenship had its paper signifier, and without it, none could enter" (ibid., 120) (Meneses-Reyes, 2018, p. 290-291)

A potentially more transformational way to tackle street vending is to consider vendors' claims as expressions of their right to the city. In order to develop this approach, we first need to briefly review debates on citizenship, particularly in Latin America. For Appadurai and Holston (1996) the notion of citizenship, understood in nation-state terms, has weakened along with the rise of power at the subnational level. However, the authors consider that rather than distinguish between global, national and local's dimensions of citizenship, a differentiation

between formal and substantive citizenship is more poignant for development purposes. While the first refers to the formal membership of a specific locality, the second one encompasses the set of political, civic and socio-economical rights that people can actually exercise. After analyzing those categories, Appadurai and Holston (1996) conclude that substantive citizenship should become more relevant since “many poor citizens [...] have formal membership in the state but [...] are excluded in fact or law from enjoying the rights of citizenship and participating effectively in its organization” (p. 190). A substantive citizenship is embedded in the right to the city debates and movement that has emerged over the last years. It advocates for a new approach to urban spaces. Substantive citizenship then implies that city managers enable citizens to exercise their rights and to participate in decision-making processes (Brown & Kristiansen, 2009).

In Latin America, however, an authoritarian notion of citizenship is prevalent. This view does not so much emphasize citizen’s rights, but rather their responsibilities in terms of conforming to urban regulations and norms (Parra, 2006). Accordingly it does not present any sustainable alternative for exercising vendors’ right to work. It should be noted that vendors’ status and ability to claim rights in the city is affected by narratives around the “recuperation of public space” and civic virtues foreseen in a neoliberal city such a “fair competition”. In that context, Parra (2006) argues that a wider understanding of citizenship is required, which acknowledges a differentiated treatment - positive discrimination in relation to other groups -; so that these actors can fully fulfill their socio-economic rights.

Substantive citizenship hinges on the possibility to exercise political, civic and socio-economic rights. Two rights, discussed in right to the city debates, are particular for street vendors (Purcell, 2002). First, the right to participate is deemed essential since municipalities are increasingly incorporating non-state actors -with private interests- in public decision-making processes, as mentioned in the previous section. All citizens, not just the elites, should have access to proper participatory mechanisms and should be consulted in matters that will affect urban dynamics. Second, the right to appropriate the streets is equally important in the context of local governments implementing social-spatial segregation that benefit capital accumulation rather than the full usage of public space by citizens. In that sense, adding Purcell’s rights-based perspective to street vending debates can be helpful since street traders are usually not considered in city decisions when it comes to organizing public space, although they often do find ways to informally rearrange the space to fit their commercial needs (Colin, 2018, p. 261).

In brief, the right to the city approach can contribute to debates on street vending, since it addresses aspects unattended in current informality discussions. On the one hand, the right to the city framework puts the emphasis on a holistic understanding of citizenship as substantive citizenship. On the other hand, it advocates for a political view of urban space (Purcell, 2014). Accordingly, this perspective understands public space as a site that gathers an array of activities and for which the state has to negotiate with other actors over access to and control over the streets (Bayat and Biekart, 2009). Marcuse (2009) argues that critical urban theory can contribute to advance the right to the city agenda by promoting changes in urban politics from below. This is in stark contrast with the authoritarian notion on citizenship and current policies on street vending in Latin America, which typically follow a top-down approach. On that remark, Marcuse considers it relevant to define first of all whose rights should be prioritized, to later elucidated what rights, and finally reimagine a future city arrangement. An initial approach would be to start with the groups that currently do not enjoy the right to the city, and whom the author labels as “oppressed” and “alienated”. However, to achieve any

political action, these actors will require a level of organization, e.g. coalitions or assemblies. In terms of the question what rights, a combination of rights is deemed relevant. An ideal city design should create the political, social, cultural and economic conditions that allow to meet the citizens’ aspirational and material needs. Following this proposal, street vendors’ rights should be put above and not subordinated to more powerful groups that dictate an unequal use of public space.

3. STREET VENDING IN GUAYAQUIL: DISCOURSES AND POLICIES

Over the past 20 years, street vending has become a central issue on Guayaquil’s political agenda; considering the expansion of an urban renewal program locally and the discussions over labor rights nationally. In that context, two political leaders, with opposing discourses and policies, became prominent voices in the debate (see table 3). On the one hand, the former mayor, Jaime Nebot, initially portrayed street vending as a “symbol of chaos and of the past” in need of eradication. His view later shifted to seeing street vendors as potential entrepreneurs in need of formalization and financial inclusion. On the other hand, the former president of Ecuador, Rafael Correa, amplified the conversation on street vendors by emphasizing their right to work; after it was recognized as a constitutional right. His motivations, however, were fueled by political reasons and hindered sustainable outcomes for street vendors. In what follows, we analyze the three consecutive discourses, and link them to the policies that were put in place.

Table 3. Summarize of Findings

| | Discourses | Policies | Scale |
|-------------|---|---|----------|
| 2000 – 2005 | Street vending as a symbol of chaos/past | Urban renovation: prohibition of street vending | Local |
| 2006 – 2013 | Street vending as the exercise of right to work | Expansion of constitutional labor rights: recognition of street vending | National |
| 2014 – 2019 | Street vending as entrepreneurship | Micro loan program | Local |

Source: Own elaboration

3.1. [2000 – 2005] Street vending as a symbol of chaos and past

Following the legacy of Leon Febres-Cordero, Jamie Nebot (also from *Partido Social Cristiano* or PSC) politically capitalized on an ambitious urban renewal program that started with the recuperation of the city center of Guayaquil. When Nebot entered the political scene in 2000, he became the uncontested spokesperson of the city. It must be acknowledged that the domination of the PSC in Guayaquil was secured after overturning the ravages of previous city management that led to a collapse of public services (Villavicencio, 2012). In fact, according to Silva and Olavarría (2016) restoring order served as a:

“(…) legitimizing mechanism for the recovery of the territory for the local business elite, which has been the visible face of this [political] project. The predisposition of the citizens allowed the parochialization of power to produce undisputed hegemony for the Guayaquil elite” (Silva & Olavarría, 2016, p. 97).

The program of the center-right wing party resonated with wider neoliberal discourses and to some extent with conservative values common across Latin America at the time (Moncagatta & Espinosa, 2019). On that note, Febres-Cordero had started the first

major infrastructure works that transformed the city. However, it was Nebot who combined the entrepreneurial style of governance with a social development strategy, focusing on new economic activities such as “tourism, ventures, shopping malls and a city brand in progress” (Villavicencio, 2012, p. 76). Just like in other Latin American cities, including Cusco and Bogotá, the displacement of unwanted economic actors from the city centers was seen as a condition to attract more tourists, to provide them with a more aesthetic experience and a feeling of security (Crossa, 2009, Bromley & Mackie, 2009, Swanson, 2013).

Considering that the urban space was critical for the development model envisioned by both Febres-Cordero and Jaime Nebot; new ordinances were enacted with the aim to regulate economic activities on the streets and enhance security of renovated areas. In this context, private-led investments contributed to the homogenization of public space, which was now subject to new rules of use and moral codes. All so-called “anti-social” activities were “expelled and suppressed (...) to new city boundaries” (Garces, 2004, p. 56). Street vendors, who used to sell their merchandizes in *ferias libres* deployed on the streets, did not fit within this reimagined public space. Their informal activities were considered among the “anti-social” activities that needed to be removed from the city center, and later forced to formalize. Although Febres-Cordero created a network of municipal markets around the city and shaped an alliance with now formalized vendors’ associations such as FEDACOMIB; many informal vendors remained excluded. According to Billy Navarrete, Executive Secretary of the Permanent Committee of the Defense on Human Rights (CDH), the municipal policies failed to include the informal street vendors in the decision making about the new city plans, leading to marginalization and discontent on the part of the street vendors (personal communication, 25 July 2019).

During Nebot’s first term, however, municipal policies became more repressive and civil society organizations started reporting abuses by local police forces. For instance, in a report from 2003, the CDH (Permanent Committee of the Defense on Human Rights) made a statement on the arbitrary arrests of street vendors. One of the cases was the detention of soda sellers for “disrupting public order”. Although the CDH followed the legal steps for the release of the detainees, this process was delayed by the Director of the Justice and Surveillance Department of the Municipality. Furthermore, the report highlights the discourse used by the said Director, who wanted to directly address the detainees to show them “who rules the city” (CDH, 4 November 2003). The situation worsened when the Regulatory Ordinance of the Urban Renovated Area in the City Center (2004) was issued. While it acknowledged the presence of informal economic activities, the ordinance also established that the metropolitan police could crack down on informal street vending in the renovated areas.

In that context, street vendors had little control over the exclusionary policies that concentrated on the city center and pushed informal activities ever further into peripheral areas. Ernesto Toledo, representative of the informal street vendors, recounted that during that time, they voiced their concerns to the municipality: “we had asked at some point, where do we work, to what he say, go to a non-renovated area. But what happens where the whole city is renewed, where do we work?” (personal communication, 6 August 2019). In other words, street vendors were not seen as economic actors worthy of the new aesthetics of the revitalized areas and were expelled to areas where the commercial exchange was less economical appealing. This image of informal vendors not adding any value and “invading” the city center is apparent in the comment of Gustavo Zúñiga, Director of Urban and Rural Hygiene and Markets of the Municipality:

“they are not befitting the city, which suffers everyday with the invasion of 300.000 to 350.000

people, who come to do several activities, to sell products, to wander the streets, or to sell plantains in the corners” (El Universo, January 9, 2005).

Analyzing Nebot’s public speeches during the city’s most important events between 2000 and 2005², we have identified recurrent themes such as “urban regeneration”, “urban poor”, “Guayaquil as touristic destination”, “modernity”, “local development”, “employment”, “progress”, and, the catchphrase *más ciudad*³. Three main ideas are expressed in his discourses. First, the former mayor stated a relationship between the transformation of the urban space and the economic development of the city. Second, he repeatedly argued that the urban renewal program would not only concern the city center but would be expanded to more peripheral and low-income areas in Guayaquil. Finally, he made a distinction between the past and present of the city, to argue in favor of modernity, since prior to the PSC governments Guayaquil was considered to be a failed city. This became clear in a speech Nebot gave in 2000, in which he advocates to leave behind old practices that he traces back to the Inca empire, and to focus on progress:

“If some want to return to the Tahuntinsuyo, we respect their opinions, although we do not share it, but we demand that our right to walk steadily be respected in the 21st century and enter through the wide door to the first world, the world of progress and well-being” (Nebot, 2000).

Under that logic, for Nebot the treatment to vendors was justified in order to preserve the new landscape, development opportunities of the city and modernity. Although Nebot did not explicitly refer to the repressive measures in those public speeches, he did address evictions and relocations in the media in the following words, referring to the need to vacate these areas because they are overcrowded and unhealthy:

“(…) due to the situation of overcrowding, disorder and unhealthiness that lived in this area and that left much to be desired for the passers-by, neighbors and for the same vendors who were located in this sector” (El Universo, November 10, 2003).

His view on the urban renewal process and its links to order is reviewed in a newspaper article titled “Modernity leaves behind informality”. The article states that Nebot’s inspiration for the urban renewal program came after a visit to Singapore. He was impressed not only with the beautification of public space but also the change in attitudes of citizens towards order, claiming that:

“urban renewal is [done] to achieve human improvement. The beautification of the city is a change for good in people’s attitudes; more prominent in some sectors than others, however the change is good to [improve] the way of living” (El Universo, July 23, 2005).

These excerpts show how Nebot emphasizes the “positive side” of urban renewal leaving behind vendors’ struggles or reducing them to causes of remnants of the past, ill-fitting in the new and modern city. He uses these speeches to display his rhetoric about urban renewal that benefits all citizens, and therefore does not address the conflicts with the vendors.

In conclusion, during the 2000-2005 period, the discourse on and measures towards

[2] There are two important dates in Guayaquil: the foundation and independence of the city on July 25 and October 9, respectively. These dates were used by city managers to report the advances on their public works and social programs.

[3] *Más ciudad* is a recurrent slogan of Nebot’s administration that implies that the city grows and improves with the new development model that capitalizes on the renovation of Guayaquil and the privatization of public services.

street vending have been shaped by the urban renewal policies. Despite the fact that these policies have been acknowledged by the United Nations as a reference for local development (Delgado, 2013), gentrification has led to forced displacement and exclusion of particular types of economic actors (Bromley & Mackie, 2009). More concretely, informal street vendors have been pushed outside of the city center and have been forced to work in fixed kiosks or markets. This has been legitimized by a discourse on street vending as a symbol of the past and of chaos, which is contrasted with a new city brand that is promoted as inclusive (*más ciudad*), yet in practice excludes all citizens who do not fit in the picture.

3.2. [2006 – 2013] Street vending as the expression of the right to work

The uncontested position of Jaime Nebot in Guayaquil changed when Rafael Correa, from *Alianza País* (AP), entered the political scene in 2006. Correa won the national election with the promise of a radical citizen revolution and a new development model, based on state-led development and the concentration of some key functions in the central government. The new institutional design demanded a state-building process that, in turn, constituted a threat to the neoliberal economic model built in Guayaquil. These diverging ideologies resulted in a personal dispute between Rafael Correa and Jaime Nebot. In response to Correa's new model, Jamie Nebot mobilized several elite-dominated civic associations and working class citizens to organize and participate, respectively, in a major demonstration (in 2008), which "sought not just to critique the president's statist proposals, but also to articulate a demand for autonomy sufficient to defend the city's distinct policy regime" (Eaton, 2017, p. 45).

In response to Nebot's public confrontation, Correa started to tackle issues that defied Guayaquil's development model. Street vending was one of those. As Manuel Macías, Director of the Public Policies' Observatory of Guayaquil, points out: "(...) the whole problem about the informality of autonomous traders was exacerbated, because there was also a defense on the side of Correa's government" (personal communication, 20 July 2019). In doing so Correa responded to the regulations that had been adopted by Guayaquil's local government, such as the *Substitute Ordinance of the Ordinance that regulates the installation of kiosks and trucks and other forms of commercial activity development in public spaces of the city of Guayaquil* from 2006. This ordinance forbade informal work and the approval of licenses in revitalized districts (article 6, numeral 6.1.5 and 6.2.4). Correa did not only acknowledge the importance of street vending as an economic activity, he also openly criticized repressive policies and the denial of the structural causes of informality. He did this by referring to his own (academic) experience and personal history :

I want to tell you that something I know about this. I studied for my bachelor's degree about the informal sector of Guayaquil, as an alternative for generating employment, and it served to verify what we already knew how much employment you generate, (becoming) the solution and not part of the problem as the oligarchy believes. They believe that poverty is solved by hiding it, painting it to make it part of folklore and landscape. (He) believes that informal commerce will be solved with repression (Presidency of the Republic of Ecuador, n.d).

This discourse was translated into national policy in the 2008 Constitution, which acknowledged self-employment in the public space as a legitimate labor category and prohibited the seizure of merchandize (article 325 and 329). It also created a new mechanism for citizen participation, making it mandatory for municipalities to leave an "empty seat" in its sessions for a representative of citizens (art. 101). However, unlike in other cities like México City and

Bogotá, vendors did not resort to Constitutional Courts to further operationalize the right to work (Meneses-Reyes & Caballero Juarez, 2014). Instead, vendors' organizations participated in the drafting of a national legislation materializing the right to work. In spite of the support of the ruling party in the National Assembly, however, the draft bill did not come through. Motivating the decision of the lawmakers was the fact that public space is a competence of lower tiers of governments. According to Betty Tola, President of the Legislative and Oversight Committee, the demands of self-employed retailers would be addressed in other legal acts such as the bill for autonomous decentralized governments and the solidary based economy, instead of an specific legal instrument (Ecuador Inmediato, 16 July 2009). Retracing this event, Ernesto Toledo, representative at that time of self-employed workers, considered that the constitution became a "dead letter" (personal communication, 6 August 2019); and without a national legal framework its worth was rather symbolic.

Around the same time, however, street vendors in Guayaquil considered the 2009 local elections as a new opportunity to voice their concerns. They felt empowered by the alliance with Correa's administration. In fact, the hostility between vendors and police forces dropped in the months preceding the local elections. As one of the vendors claimed, "they do not say anything because we are with Correa" (El Universo, 12 April 2009). With that in mind, a prominent leader of vendors, Ernesto Toledo, pursued a seat for Guayaquil's City Council with AP. Although he did not win the seat, his candidacy made the alliance between the national government and street vendors very visible. That association can be compared to the political path previously developed between former street traders now formalized in FEDACOMIB and the PSC. For instance, Angel Basurto, leader of FEDACOMIB described the relationship with PSC, as a marriage:

Well, we have work on that, so we can say that we have a good relationship, it can be said the we have political and commercial agreement, so in that way, we have move forward. For us, this has been a relationship, and the agreements have been met. There has been seriousness on the side of the authorities and from our side, this is why I say that this is like a marriage (personal communication, 23 July 2019).

When the draft bill presented to the National Assembly was discharged, street vendors resorted to demonstrations and hunger strikes. These events dominated the public debate during second semester of 2009. Initially, various organizations came together with a unified message. However, the municipality announced they were open for dialogues and some leaders accepted the call, which provoked ruptures in the movement. For César Espinoza, head of the Self-Employed Work Organization *10 de junio* the decision to end the strike was a way to proof vendors were open to negotiate (El Universo, 28 July 2009). As a result, some of the vendors relocated to the market *Las 4 manzanas*. However, complaints about the working conditions and low sales made vendors go back to the streets (El Universo, 15 October 2009).

In the 2009 elections Nebot secured his third term, but for the first time did not have a majority in the City Council. As Correa's party was gaining more influence in Guayaquil, Nebot reinforced his view of vendors as street invaders in the speech pronounced during the remembrance of the city's foundation: "Will it be revolution to create chaos the streets of cities attacking the order, the distraction of people, the tourism and the progress of thousands of retailers already organized?" (Nebot, 2009). He further defended the repressive policies, saying that: "the lack of respect to the public space and unfair competition will not be tolerated" and

that “Guayaquil will not return to chaos” (El Universo, 12 June 2009). Similarly, the mayor of Yaguachi from *Alianza País*, a nearby municipality, coincided that “it does not look good” to keep vendors on the streets. This last declaration remarks that local perspectives on the aesthetic and progress of the city are alike, regardless of party affiliation.

The numerous confrontations between Correa and Nebot were closely followed by the media. For instance, El Universo –one of the most important newspapers of Guayaquil– published 57 articles on the political leaders’ disputes around street vending in 2009. The main clash was about the national vision of street vending as an employment matter. For instance, mentions to the “right to work” and “autonomous work” were prominent in about half of the 57 articles.

In 2010, other issues started to dominate the political agenda in Guayaquil. For instance, the Organic Code of Territorial Organization (COOTAD) was approved, a contested bill that established the new administrative and political organization of the Ecuadorian State. The mayor did not agree with the new law, considering that his management followed a “de facto autonomy” (Eaton, 2017). In spite of the discrepancies with the COOTAD, its article 54 stated that the municipal autonomous decentralized governments can regulate and control the use of public space; although they should also foster local development and guarantee a system of citizen participation in municipal decision making. The upcoming years, the confrontations between Correa and Nebot lowered in intensity. Nonetheless, the earlier dispute over Guayaquil paid off for Correa; he managed to win the presidency with 61% of the votes in the city, an unprecedented event since in previous elections residents of city preferred center-right wing candidates.

In sum, the discussion on street vending changed during the 2006-2013 period due to the support of the President and the constitutional recognition of autonomous work on the streets. The national government framed street trading as matter of employment, and vendors’ claims to the street as a manifestation of the right to work (Meneses-Reyes & Caballero-Juarez, 2014). This was in line with the government’s policies on poverty alleviation, eliminating precarious form of labor and expanding the number of workers affiliated to social security. These measures were positively received by the ILO; yet the agency also considered that there was a limit for these policies:

(...) Even when there is scope for these policies to continue expanding social security affiliation and reduce informal employment in the formal sector, there are signs of exhaustion of their effectiveness, since at the same time the informal sector and self-employed workers have increased and employers and domestic workers have declined (ILO, 2014, p. 10).

Nonetheless, without further legal acts and with other issues on the political agenda, the alliance with the national government was not successful enough to completely replace the previously held discourse on vendors as street invaders.

3-3. [2014 – 2019] Street vending as entrepreneurship

The final period reviewed represented a challenging time for Rafael Correa. Although both Nebot and Correa were highly successful in the local elections of 2014 (Rodriguez, 2019), the national leader started to face opposition from previous allies such as labor unions and the indigenous population. Furthermore, the national economy was affected by external shocks that heavily upset the country’s financial health. Along with that, corruption scandals damaged

the reputation of the vice-president and other members of the citizen revolution government. This lowered trust in the national regime and its political ideals.

In that context, there were fewer interventions from the national government to tackle street vending. One attempt was from the former Minister of Work Carlos Marx Carrasco who proposed that local governments establish vending zones in the most visited districts of the city instead of in peripheral areas. For that purpose, he suggested a new labor category of “quasi-dependence” between the municipality and street vendors, though it was not embraced (personal communication, 16 July 2019). Later, the Ombudsman Office from the Citizen Participation Branch of Government emerged as a new actor to mediate the relationship between the municipality and street vendors. In its resolution No. 0237-DPE-1029-2013-LS, the Ombudsman Office urges the City Council to harmonize local ordinances with the national regulations in place. Later, with the resolution No. 081-2015-ADHN-DPE, the institution addresses the petition of the President of the *Asociación de Comerciantes Minoristas en los Exteriores del Terminal Terrestre del cantón Guayaquil 28 de MAYO* and declared that the Municipality of Guayaquil infringed the constitutional rights of autonomous workers by not granting them licenses to operate. Both resolutions recommend the restructuring of the Metropolitan Police as well as human right trainings. The resolutions were not follow through though by Guayaquil’s municipality, evidencing the defiance towards the national policy regime.

For the street vendors, the demise of Correa meant they lost a powerful ally. Jaime Nebot took advantage of this and managed to reframe the discourse on street vending once more. In 2018, the municipality launched a microloan program to enable self-employed workers to enter the formal economy. By incorporating actors from the banking sector such as *Banco del Pacífico* and *Corporación Financiera Nacional*, the municipality gathered an investment of \$30 million to provide small loans of around \$300 to \$500 to individual vendors (El Expreso, 1 august 2018). The municipality did require that the applicants to the micro-loans submit a business idea and participate in a training, in order to ensure that the credit is use for its conceived purpose. The end goal of the program was to turn self-employed retailers working in the informal economy into formal entrepreneurs. So this marked a new discourse shift, to street vending as a potential entrepreneurial activity. This is in line with several market-based approaches that have emerged over the last decades, which focus on financial inclusion and integrating people in formal markets.

Nebot’s speech at the occasion of the program launch evidenced a shift in discourse. First of all, it was implied that financial inclusion was essential for enhancing the economic conditions of people living in poverty. This is well illustrated in the following extract, in which Nebot reflected on a previous experience, a social housing project, that was successful in incorporating the urban poor in the formal economy:

(...) What has made Ecuador grow? A good policy of production and productivity, unfortunately not, is the incorporation into [the formal economy through] consumption. That is the demand of many people who have some money to spend. Who are those people? Poor people, who through dollarization managed to have a small salary that would win the race to the prices to have the highest purchase value to buy things. 18 years ago, I started the popular housing programs, then Mucho Lote 1, then Mucho Lote 2, Mi Lote 1, Mi Lote 2... Almost 40,000 houses with completely urbanized land, paid by the poor. Today there is a euphoria of private banking and public banking to finance social interest housing. Now this is the next step for self-employed workers, so-called retail merchants, and retail sellers to have access to credit (Alcaldía de Guayaquil, 31 July 2018).

Second, although on this occasion the mayor addressed informal vendors as “self-employed workers” and made the case for their financial inclusion; it was clear that the premise of removing them from the streets had not changed. For instance, in the same speech Nebot stressed that the purpose of the program was to formalize and improve the city first, and then improve the citizen’s life quality:

(...) Apart from that there will be as requirements to demonstrate that you have lived in the city of Guayaquil for at least four years, and you have to commit to follow and comply with the ordinances of the city, because this [policy on microloans] is to formalize, this is not for informalize, this is to improve the city and improve the quality of life of the inhabitants, not to make everything worse (Alcadía de Guayaquil, 31 July 2018).

The microloans foreseen in the *Banco de Oportunidades* Program do not exactly meet the needs of street vendors, according to former and current vendors’ leaders. For Angel Basurto from FEDACOMIB, the credits are too low, and his own organization already provides better options (personal communication, 23 July 2019). On the other hand, Ernesto Toledo affirms that the microloans proposal does not constitute a real solution to the vendors’ demands since they require a revision of the city ordinances that restrict their right to work in the renovated areas.

In conclusion, after a long static view on street vending, at the end of this period the municipality attempted to acknowledge the entrepreneurial side of the activity and recognize financial exclusion as one of the drivers on the informal economy. This discourse resonates with wider development debates as indicated above. However, the negative perception on informal work is still persistent in the mayor’s speech, which in turn categorizes vendors without licenses as second-class citizens, who “make everything worse”. This discourse has imposed exclusionary policies on public space and ignored vendors’ citizen status and mobility. Thus, the local policy regime has prevailed over national attempts to expand the regulatory framework of street vending. Nonetheless, street vendors have appropriated the “right to work” discourse to legitimize the course of actions. This partially helps them in their struggle to rewrite city norms. Therefore, the right to city could complement the right to work and make the case for an unresolved dimension of the activity: its mobility and socio-economic worth in the new city landscape.

3-4- An alternative approach: street vending and the right to the city

Lacking from both the framing and the regulatory framework of street vending in Guayaquil is a perspective that allows street traders to exercise a substantive citizenship, acknowledging both their right to work and their right to participate in decision-making. With that in mind, the abovementioned discussions on the right to the city could shed a new light on street vending. Central to these discussions is the need to create mechanisms that enable citizens to enjoy and perform their rights in the city, instead of solely focusing on duties (Brown & Kristiansen, 2009). As seen earlier, vendors’ struggles have been shaped by the transformation of Guayaquil, which resulted in the prohibition of informal activities in renovated spaces. Nonetheless, over the last decade the interaction between national and local government led to an expansion of the discourse on street vending; framing the activity as an expression of the “right to work” or “micro entrepreneurship”. These categories acknowledge the economic dimension of street vending and open the path to a more comprehensive view on the activity rooted in the right to the city approach.

Since the right to the city encompasses a broad agenda, it is important to define

which rights are relevant for street vendors in Guayaquil. We argue that two rights are imperative: the right to participate in city decisions and a right to appropriate the city (Purcell, 2002). Concerning the participation of street vendors, Alcântara et al. (2014, p. 10 -11) consider the following:

With regard to street vendors, who carry out their work in public spaces, in order to be agents of transformation of the urbanization processes that include them, this depends on their participation as collective subjects in the mechanisms of public policy deliberation and social recognition.

In spite of their significant contribution to Guayaquil's urban economy, very few opportunities have been presented to exercise vendors' right to participate in city decisions related to public space. In fact, as was demonstrated above, the openings that were created for vendors to participate in such discussions, always emerged in response to social protest. However, street vendors organizations are open to be consulted and involved in negotiations:

First we have to talk with the authorities, we do not have to face publicly, we have to sit down and talk and make a map of the city and define within this range of streets you will work in this way, from the interval of this street you can work in this way, and throughout the city you can work this way (Ernesto Toledo, personal communication, 6 August 2019).

In other Latin American cities, street vendors are more integrated in city planning and involved in the law-making process. For instance, in Lima, street vendors participated in several meetings with government organizations to create an ordinance for the sector. It should be noted that the internal organization of vendors and their alliance with other labor organizations facilitated the negotiation process (Roever & Skinner, 2016). So street vendors in Guayaquil may need to reconsider their current state of organization, since their level of atomization hinders their bargaining power, as reflected by Ernesto Toledo (personal communication, 6 August 2019). City managers on their part need to act on the dispositions of the Constitution of Ecuador (2008) and the Organic Code of Territorial Organization (2010), which already provide for citizen participation. Building on participatory democracy and taking a substantive approach to citizenship, one alternative could be to revise the current ordinance subscribed in 2006, which prohibits street vending in renovated areas. Another option could be to draft a specific regulation on street vending. For example, in India the Protection of Livelihood and Regulation of Street Vending Act of 2014, demanded the creation of street vendors town committees, a census of the vendors to later grant them licenses and independent instances to tackle vendors' grievances (IGLUS, 2019).

Beyond the economic dimension, the recognition of street vendors' right to appropriate public space requires an understanding of the streets in terms of its multiple purposes, in which: "commercial uses and street vending might be part of the diversity of uses of public spaces." (Colin, 2018, p. 263). This highlights the intrinsic relationship between vendors and public space. Moreover, focusing on the right to appropriate public space brings to light the need to review long-standing exclusionary practices from Guayaquil's municipality that prefers to remove vendors from renovated areas to enclosed spaces, rather than granting them licenses.

In that context, street vendors could resort to the Ecuadorian Constitutional Court, which constitutes the highest institution to rule over possible violations of constitutional guarantees. It has the capacity to interpret articles 325 and 329 of the Constitution and define what entails the state's obligation to protect autonomous work on the streets. A previous

action in that direction was introduced when the vendors in Guayaquil made a request to the Ombudsman Office to determine protection measures from police abuses and seizure of their merchandize. However, the Ombudsman's rulings are not binding unlike the ones of the Constitutional Court, and its advice was not followed by the municipality of Guayaquil. With that in mind, the Ecuadorian Constitutional Court has the power to invalidate current ordinances and could urge municipalities to set the procedures for vending conditions, with prior consultation with formal and informal street vendors as well as other stakeholders. The Court could also analyze when it is appropriate to opt for fixed stalls and when it is not; since vendors' ability to increase their income is also linked with their mobility.

The consideration of the above-mentioned rights can facilitate a new conversation on street vending in Guayaquil. As a result, it could spark a new regulatory framework, based on a substantive approach to vendors' citizenship. This does not mean that street vendors would bear more rights than other groups. On the contrary, it acknowledges vendors' positive relationship with urban space and their participation in urban policy-making equates their citizenship status with other stakeholders already involved in Guayaquil's urban politics. This could make them less dependent on unstable alliances with powerful leaders, and more on institutions that can protect their rights in a more sustainable way.

4. CONCLUSION

In line with neoliberal approaches presenting cities as centers of capital accumulation, several Latin American municipalities have pursued ambitious gentrification policies. Such policies promote formal, "tidy" and "modern" economic activities, rather than small-scale and largely informal ones such as street vending. A rhetoric in favor of aesthetics and the recuperation of city centers has become instrumental for local regimes to discipline citizens and justify socio-spatial segregation strategies in the name of global competitiveness and local development. In such a context, street vendors defy authoritative city rules, resorting to a combination of strategies rooted in an awareness of their contribution to cities and their increasingly recognized right to work. Nonetheless, their negative public image diminishes their capacity to reframe their status in the city and fully enjoy their citizenship in substantive terms.

The case of Guayaquil reflects these dynamics, in particular during the long-term ruling period of former mayor Jaime Nebot. Nebot promoted a celebratory discourse on the transformation of the city that pushed vendors outside of renovated areas; and equated their practice to an activity of the past, a disorderly occupation. Another perspective was taken by president Correa, who rather focused on the vendors' right to work. Finally, a recent municipal program re-branded vendors them as entrepreneurs. Although this new discourse helped to build a more positive image, it still did not change the ordinances that expel them from renovated areas. We have shown that the dominant position of political figures – both at the local and the national level – has on the one hand opened opportunities for vendors to build strategic alliances. But it has also significantly reduced their chances to lead the discussions and participate in policy-making processes concerning their economic activity and their role in the city. They remain dependent on patron-client relationships, in which the ultimate power is in the hands of the political leaders.

We have argued that street vendors' voices can be amplified by adopting a right to city approach rooted in a substantive view of their citizenship and with an emphasis on two rights: the right to participate and the right to appropriate public space. Experiences from other cities demonstrate that street vendors can be included in law-making processes both at the local

and national level, as part of participatory democratic mechanisms. Likewise, as street work is a constitutional right, the Constitutional Court could provide a more comprehensive legal ground for the activity. In that sense, this body may become a relevant mediator of urban conflict in cities like Guayaquil where street vendors' needs clash with municipal agendas. Finally, the right to the city framework could be further developed in studies that look deeper into vendors' resistance to dominant voices, and include other communities' perspective on public space usages as well.

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