The Untamed Politics of Urban Informality: "Gray Space" and Struggles for Recognition in an African City

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This Article examines the ways in which market vendors in Kampala, Uganda, responded to plans to redevelop their markets through the concession of long-term leases to private investors. These plans met with massive resistance from the marketers, with significant outcomes. The Article uncovers how the marketers actively negotiated a "gray space" between legality and illegality and creatively used the law, with a view to asserting themselves as the legitimate rulers of their markets. It shows how the marketers engaged in highly diverse modalities of struggle, stretching across the legal/illegal boundary. They organized in multiple configurations which were flexible, hybrid and mutant in character, rather than being fixed in particular organizational categories. In their struggles, the marketers engaged in shifting alliances and with a disparate range of political allies. Their politics were fluid, untamed and pragmatic, but also contradictory and fractured. This flexibility and pragmatism enabled them to navigate a complex political landscape and to make instrumental use of a generally unfavorable legal environment.

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Citation: 17 Theoretical Inquiries L. 257 (2016)

Introduction

Growing numbers of people in cities in the Global South and beyond make a living on the margins of law and society. They usually lack protection from the law and enjoy few substantive rights — they rely on what is often referred to as the "informal economy." Despite their numbers and contribution to society, they are often politically marginalized and in many contexts being constructed as illegal and criminalized, by both judicial and discursive means.[1] When organized, their organizations tend to lack de facto recognition from the authorities, irrespective of their legal status. Against this background, there is a growing interest in how these vast populations working informally can be organized effectively to improve their conditions, opportunities and standing in society.[2]

A range of political-economic processes are exerting ever-growing pressures on people working in the urban margins. The currently circulating neoliberal models of urbanism and governance propagate policies, ideas and aspirations that are often unfavorable to these groups. Ideals of "world class" cities, which are usually unaccommodating of the urban poor, have made their way into cities in the Global South with considerable effect. Many cities are being sanitized through evictions and other forceful measures intended to eliminate "undesirable" elements from the urban landscape. Authorities also try to revamp their cities through urban renewal and the "face-lifting" of problematic areas, such as spaces occupied by people working informally. At the same time, informal economies today constitute the last frontier for capitalist expansion, whereby capital is devising strategies to penetrate new segments of the informal economy or adopting new ways of extracting value from it.[3] This includes those urban informal spaces created by marginal groups in the city, with struggles potentially ensuing over land and other urban resources. These groups, however, are not passive in the face of these developments.

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1 Ayone Datta, The Illegal City: Space, Law and Gender in a Delhi Squatter Settlement (2012); Amin Kamete, *Missing the Point? Urban Planning and the Normalisation of 'Pathological' Spaces in Southern Africa*, 38 Transactions Inst. Brit. Geographers 639 (2013).

2 Africa's Informal Workers: Collective Agency, Alliances and Transnational Organizing in Urban Africa (Ilda Lindell ed., 2010); Out of the Shadows: Political Action and the Informal Economy in Latin America (Patricia Fernandéz-Kelly & Jon Shefner eds., 2006); *see also* Supriya Routh, *Informal Workers' Aggregation and Law*, 17 Theoretical Inquiries L. 283 (2016).

3 Kate Meagher & Ilda Lindell, *Engaging with African Informal Economies: Social Inclusion or Adverse Incorporation?*, 56 Afr. Stud. Rev. 57 (2013).

Kampala, Uganda, is undergoing similar processes. Committed to transforming the city into a modern metropolis, the authorities have initiated various interventions.[4] Pressures on valuable urban land have markedly increased. In a city where vending activities constitute the livelihood basis of a significant part of the population, city markets have been an important focus of attention, as they are seen as a stain soiling the image of a modern Kampala. Private investors saw an unprecedented opportunity to intervene and expand their sources of accumulation: by investing in the redevelopment of the markets, they would gain control over both the markets and the land on which they were located. These plans met with massive resistance from the marketers, with significant outcomes.

This Article examines the ways in which market vendors in Kampala responded to these developments and the struggles that ensued over the markets, by looking closely at experiences in two of the affected markets. The Article describes how the marketers were able to navigate a complex political landscape and make creative use of a changing and unfavorable legal environment, including by creatively using the law and by manipulating a "gray space" of legal ambiguity. It uncovers how the marketers engaged in highly diverse modes of struggle stretching across the legal/illegal boundary, and organized in multiple and changing configurations. Their collective organizations were diverse, flexible, mutant in character, rather than fixed in particular models or categories. The Article further describes how the marketers' organizations established relations with disparate allies to support their cause. Their politics were fluid, untamed and pragmatic — and at the same time contradictory and fractured.

The Article proceeds by discussing theoretical perspectives in the nexus between informality, "gray space," (il)legality and power in Part I, followed by a description of the regulatory and political context in Part II. Part III presents the politics as they evolved and were enacted by marketers and other involved actors around market redevelopment, on the basis of experiences in two city markets. This is followed in Part IV by analytical reflections, particularly on the varied modalities of struggle and the flexible organizational forms employed by the vendors. The concluding Part summarizes the findings.

4 Andrew Byerley, *Displacements in the Name of (Re)development: The Contested Rise and Contested Demise of Colonial 'African' Housing Estates in Kampala and Jinja*, 28 Plan. Persp. 547 (2013); Stan Frankland, *No Money, No Life: Surviving on the Streets of Kampala*, *in* Livelihoods at the Margins: Surviving the City 31 (James Staples ed., 2007).

I. Debates About Informality, (Il)legality, "Gray Space" and Politics

Discussions about urban informality have long engaged with issues of (il) legality, either explicitly or implicitly. There is a general recognition that laws and regulations often work against people who depend on informal modes of work and habitation. However, their legal vulnerability does not simply reside in the cumbersome procedures and costs of formalization, as claimed by mainstream legalistic approaches to informality.[5] Rather, their legal disadvantage has deeper structural roots. Thus, recognizing that power and politics are intrinsic to the construction (and application) of the law is key to understanding how laws and regulations that are unfavorable to and oppressive of those groups come into existence and effectively render them illegal (while often protecting the privileged).

Moreover, a range of processes currently perpetuate or deepen the unequal nature of urban citizenships, conferring different legal statuses on different groups in urban society — something that often works to restrict access of disadvantaged groups to urban resources and to the general benefits of citizenship.[6] "Unequal 'packages' of rights and capabilities" are enacted through daily governance practices that tend to exclude those groups from the urban polity.[7] Such unequal configurations of rights are also created and sustained through discourses that typically categorize groups living informally and their activities as illegal and illegitimate. Understanding the relationship between urban informality and the law thus requires a perspective that places power and conflict at the center of analysis — a perspective which this Article embraces.

Another relevant insight, in line with a non-essentialist view of the law, is that the boundary between the legal and the illegal, the legitimate and the illegitimate, is not clear-cut or fixed, but blurred, unstable, and temporary.[8] This makes the legal ambiguities that pervade many informal activities worthy of attention. Oren Yiftachel usefully conceptualizes urban informality as a

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5 *E.g.*, Hernando de Soto, *Dead Capital and the Poor*, 21 SAIS Rev. Int'l Affairs 13 (2001).

6 James Holston, *Dangerous Spaces of Citizenship: Gang Talk, Rights Talk and Rule of Law in Brazil*, 8 Plan. Theory 12 (2009); Kamete, *supra* note 1; Oren Yiftachel, *Theoretical Notes on 'Gray Cities': The Coming of Urban Apartheid?*, 8 Plan. Theory 88 (2009).

7 Holston, *supra* note 6; *accord* Kamete, *supra* note 1; Yiftachel, *supra* note 6, at 94.

8 James Holston, *The Misrule of Law: Land and Usurpation in Brazil*, 33 Comp. Stud. Soc'y & Hist. 695 (1991); Ilda Lindell, *The Changing Politics of Informality*, *in* Africa's Informal Workers, *supra* note 2, at 1.

field of legal ambiguity and manipulation — a space between legality and illegality, between approval and destruction, which he refers to as "gray space."[9] This is a space of legal transgression used by both the powerful and the marginalized. The powerful manipulate it to their advantage, for economic and political gains — such as when private developers violate various urban laws and regulations, exempted from legal compliance and punishment. In this way, legal ambiguity benefits primarily the strong groups, resulting in what Ananya Roy calls "elite informality" or "elite illegality."[10] For disadvantaged groups, on the other hand, "gray space" is described as a space of vulnerability and risk. Yiftachel argues that the legal transgressions of the powerful are legitimated or "whitened," while those of the marginalized are criminalized or "blackened."[11] The arbitrary use of the law by dominant power further contributes to a condition of legal uncertainty for the disadvantaged.[12]

James Holston, who explicitly explores the agency of marginalized urban populations in relation to the law, contends that the law is "a means of manipulation . . . by which *all* parties — public and private, dominant *and subaltern* — further their interests."[13] In urban Brazil, he states, the urban disadvantaged have increasingly become "legal strategists" — by resorting to the law in their struggles over land, by creating their own "legal fictions," and in short, by "using law to avoid being its victim."[14] In a similar spirit, this Article moves beyond a view of disadvantaged informal actors as simply victims of the law — or as merely evading or circumventing the law — to see them as capable of using the law to their advantage, with significant outcomes.

A growing body of work gives salience to the role of collective mobilizations among urban groups living informally for advancing their positions (including their legal standing) in urban society. This Article emphasizes how they contest elites' discursive constructions of disadvantaged informal actors as illegal, insignificant or incapable, and how they may demand recognition and claim the "right to legal rights."[15] A central task of this Article is to examine the modes of struggle and the collective formations through which marketers in Kampala negotiated the gray spaces represented by their markets, and asserted themselves as the legal, legitimate and capable rulers of their markets.

9 Yiftachel, *supra* note 6.

10 Ananya Roy, *Why India Cannot Plan Its Cities: Informality, Insurgence and the Idiom of Urbanization*, 8 Plan. Theory 76 (2009).

11 Yiftachel, *supra* note 6, at 93.

12 Lindell, *supra* note 8.

13 Holston, *supra* note 8, at 695 (emphasis added).

14 *Id.* at 722.

15 Africa's Informal Workers, *supra* note 2; Out of the Shadows, *supra* note 2; Holston, *supra* note 6; Holston, *supra* note 8.

There are, however, a number of common assumptions in the literature debating the agency and politics of urban informal actors that risk constricting our field of vision.[16] Some describe these actors as necessarily seeking autonomy from the state and conceive of their politics in terms of a sharp opposition to the state — or in terms of a "clash of rationalities."[17] Conversely, others describe informal actors as already part of clientelistic networks that are controlled by political elites and ultimately reproduce state power — a logic that hampers the formation and effectiveness of more horizontal forms of civic engagement. While some focus on the informal political networking through which informal actors seek to exert influence,[18] others concentrate on their efforts to insert themselves in formal spheres of governance.[19] Yet others see very little capability for sustained collective organization by informal actors and identify the riot as virtually the only form of collective expression that the "informal proletariat" can achieve.[20] Parallel discussions about "adequate" or effective models of collective organizing among these groups sometimes show a similar tendency to endorse one model or another.[21] For example, some champion the organizing of "workers" in the informal economy along trade union lines (as part of a strategy seeking to expand their access to the legal benefits enjoyed by wage workers); while others consider the trade union model inadequate for these groups and prefer cooperatives and other forms of organizing.[22]

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16 For a lengthier discussion see Lindell, *supra* note 8; and Ilda Lindell, *Between Exit and Voice: Informality and the Spaces of Popular Agency*, 11 Afr. Stud. Q. 1 (2010).

17 Vanessa Watson, *"The Planned City Sweeps the Poor Away . . .": Urban Planning and 21st Century Urbanisation*, 72 Progress Plan. 151 (2009).

18 *See, e.g.*, Ebbe Prag, *Women Leaders and the Sense of Power: Clientelism and Citizenship at the Dantokpa Market in Cotonou, Benin*, *in* Africa's Informal Workers, *supra* note 2, at 65.

19 *See, e.g.*, Alison Brown & Michal Lyons, *Seen but Not Heard: Urban Voice and Citizenship for Street Traders*, *in* Africa's Informal Workers, *supra* note 2, at 33.

20 Asef Bayat, *Globalization and the Politics of the Informals in the Global South*, *in* Urban Informality 79 (Ananya Roy & Nazar Alsayyad eds., 2004); Mike Davis, *Planet of Slums: Urban Involution and the Informal Proletariat*, 26 New Left Rev. 5 (2004).

21 Ilda Lindell, *Organizing Across the Formal-Informal Worker Constituencies in the Global South*, 44 Lab. Cap. & Soc'y 2 (2011).

22 Gunilla Andrae & Björn Beckman, *Alliances Across the Formal-Informal Divide: South African Debates and Nigerian Experiences*, *in* Africa's Informal Workers, *supra* note 2, at 85, 85-89; Bridget Kenny, *Reconstructing the Political? Mall*

Alternatively, a broader canvas of analysis can be adopted that brings into view a wide spectrum of modes of struggle and collective formations. To begin with, one may conceive of the urban political field as encompassing multiple realms of political practice which coexist and may even combine to produce complementary political effects.[23] With respect to the politics of urban informality more specifically, one can similarly envision diverse forms of political agency and modalities of struggle among informal actors — ranging from political networking to open confrontation, rioting, etc.[24] The relations between informal actors and political elites are varied, complex and temporal (and thus not reducible to either antagonism or clientelism).

The fact that internal divisions and antagonisms often exist at both ends contributes to the complexity and unpredictability of these relations. For example, informal actors (or a segment among them) may ally with some state and political actors and oppose others, possibly capitalizing on divisions within the state and bureaucracy and on competition between sections of the political elite.[25] Finally, and in resonance with the above encompassing view of political practices, one should also be attentive to a diversity of organizational forms that may exist among informal actors and to their situational character, rather than being fixed in particular models or best practices.[26]

Applying such a broad canvas, the Article seeks to empirically illuminate the multifaceted politics of the marketers in Kampala, by uncovering the broad range of modes of struggle they employed, and the pragmatic, shifting and apparently contradictory, webs of relations from which they derived support for their claims. The Article exposes how they engaged in varied and changing organizational formations, which they deployed in a flexible manner. It further discusses how the marketers manipulated and appropriated a "gray space" of legal ambiguity and strategically used the law to their advantage, rather than merely being its victims.

Committees and South African Precarious Retail Workers, 44 Lab. Cap. & Soc'y 44 (2011); Jan Theron, *Informalization from Above, Informalization from Below: The Options for Organization*, 11 Afr. Stud. Q. 87 (2010).

23 Edgar Pieterse, City Futures: Confronting the Crisis of Urban Development (2008).

24 For a lengthier discussion, see Lindell, *supra* note 8; and Lindell, *supra* note 16. For an empirical example, see Veronica Crossa, *Resisting the Entrepreneurial City: Street Vendors' Struggle in Mexico City's Historic Center*, 33 Int'l J. Urb. & Regional Res. 43 (2009).

25 *See* Out of the Shadows, *supra* note 2; Lindell, *supra* note 8.

26 *See* Christine Bonner & Dave Spooner, *Organizing Labour in the Informal Economy: Institutional Forms and Relationships*, 44 Lab. Cap. & Soc'y 127 (2011); Lindell, *supra* note 21.

This study is part of a lengthier line of research which, through three periods of data collection from 2004 onwards, has examined the conditions and opportunities for market and street vendors and their organizations in a changing political, institutional and policy environment in Kampala. This Article focuses in particular on market vendors' struggles concerning the redevelopment and management of their markets and draws to a greater extent on data collected at the time when those events and struggles were ongoing. This data includes in-depth interviews with eighteen vendors and leaders of their organizations, aimed at obtaining detailed information on their experiences of those processes as well as about their relationships with other organizations and state agents. These interviews were mainly conducted in two of the markets in Kampala where there had been conflicts concerning their redevelopment, with the intent of gaining an insight into concrete contestations. The two markets were Nakasero and Shaulyiako (described later in the Article). Interviews were also conducted with representatives of two larger organizations operating beyond the market level, as they had an overview perspective and had in some cases actively participated in the studied processes. Some of the organization leaders were interviewed several times, for following-up or deepening some issues. The vendors interviewed were selected through accidental sampling in their respective market (rather than targeting members of the studied organizations) to get the perspectives of the regular vendor. The interview questions were open-ended and the interview schedules were semi-structured to allow for unexpected issues to arise. Most of the interviews were conducted in the local language, recorded when respondents were comfortable with it, and then translated into English. In addition to the interviews, the documents stipulating the rules governing some of the vendors' organizations and other relevant documents that were made available were collected. Since the conflicts around the markets received extensive media coverage, a review of two local newspapers (*The New Vision* and *The Daily Monitor*) was conducted.

II. Kampala: The Regulatory and Political Environment

Most of the legislation relating to vending activities in the city is both outdated (dating back to the 1960s) and too restrictive in relation to the large and growing population depending on such activities for their livelihoods, effectively rendering them illegal. The Market Act of 1964, for example, establishes that markets (and vending activities) which have not been authorized by the local authorities are to be regarded as illegal. The gap between such legislation and reality is enormous, given the widespread practice of street vending and the fact that many markets have been built by the vendors themselves. The illegal status of these markets, however, did not hinder the Kampala authorities from collecting revenues from their vendors.

After the adoption of the Local Governments Act of 1997, the Kampala authorities introduced law changes that would impact considerably on the city markets. Privatization of services ranked high on the public agenda and the Kampala City Council (KCC) started tendering out the management of the city markets.[27] Until then, the *de facto* management of the markets was conducted by the vendors' associations in the various markets, although the formal responsibility lay with the KCC. Initially, the vendors' associations seemed to be awarded priority in some of the markets. However, the Local Artisan Act, under which the associations could legally run the markets, was abolished and eligible contractors were now required to be Value Added Tax-compliant. Interviewed local government officials expressed that the collection of revenue in the markets should be the business of private companies, while vendors' organizations should only be concerned with the welfare of their members. Many associations came to lose their management contracts and private firms external to the markets were awarded the management contracts instead.

The tendering process was permeated by corruption and manipulation and tended to favor wealthy and influential individuals. In a parallel process, a number of the markets were handed over to the traditional Buganda authorities — who control considerable tracts of land in Kampala, as part of long-standing controversies over land between these traditional elites and the state. The Buganda Land Board would select clan leaders or other influential persons to manage those markets. The effects of these multiple changes in the management of city markets varied for different markets. Generally, however, vendors tended to be overtaxed and conditions in the markets deteriorated. Many associations were weakened, sidelined or even repressed by the external management entity. There were intense and recurrent conflicts concerning the management of the markets and considerable discontent and unrest among the vendors.

This unrest intensified when the KCC decided that the city markets needed to be redeveloped and that this was to be done by leasing out the markets to private investors. Firms that had previously bid for management contracts were now trying to get the leases to redevelop the markets.[28] This was a new

27 The tendering out meant that a different entity would be collecting market fees and hand in a share to the KCC. For a lengthier presentation of the privatization of market management and its effects, see Ilda Lindell & Jenny Appelblad, *Disabling Governance: Privatization of City Markets and Implications for Vendors' Associations in Kampala, Uganda*, 33 Habitat Int'l 397 (2009).

28 The management contracts did not include the development of the markets.

opportunity for these firms to entrench themselves in the markets and to gain control over the (often valuable) land on which they were located, as a basis for new lucrative investments. The vendors, however, were suspicious of the intentions of the private developers, feared that the rents for vending space would go up, and felt their livelihoods were threatened. (Where vendors companies had promptly fulfilled their monthly obligations to the KCC, vendors felt betrayed by the KCC.) As the vendors and their organizations risked losing their markets to the developers more or less permanently, they mobilized great resistance, through demonstrations, riots and negotiations.

The vendors' struggle for their markets unfolded in a complex and fragmented institutional and regulatory landscape, as well as a difficult political environment characterized by intense competition between ruling party and opposition and between central and local government. City markets and market vendors were very much part of, and played an important role in, this political competition. The opposition party that ruled Kampala (the Democratic Party) had attained considerable support among marketers, and a new Mayor was elected in 2006 on the basis of populist discourses and his high popularity in the markets.[29] The marketers began to reassess their support when the KCC started to sell long-term leases on the city markets to private investors. The ensuing course of events, presented below, would provide the President with an opportunity to position himself on the side of the complaining marketers and to potentially strengthen the influence of his party (the National Resistance Movement) in the markets, while at the same time undermining the Mayor and opposition party in Kampala. The marketers themselves would also actively capitalize on these political divisions to protect their interests: they shifted their political allegiances, while also simultaneously linking up with different segments of the political elites — as illustrated in Section III.D. below. But divergent political affinities have also sometimes created divisions and conflicts in the markets.[30]

The above political rivalries would be dealt with by the central state by restructuring local government and creating the Kampala Capital City Authority (KCCA), which led to a considerable weakening of the powers and autonomy of the Mayor and in fact corresponded to a recentralization of urban governance in Kampala.[31] Under this new dispensation, previous

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29 *See* Tom Goodfellow, State Effectiveness and the Politics of Urban Development in East Africa: A Puzzle of Two Cities, 2000-2010 (2012) (unpublished Ph.D. dissertation, London Sch. of Econ. and Pol. Sci., Dep't of Int'l Dev.), http://etheses.lse.ac.uk/id/eprint/557.

30 Personal communication with researcher William Monteith (June 2015).

31 *See* Tom Goodfellow & Kristof Titeca, *Presidential Intervention and the Changing 'Politics of Survival' in Kampala's Informal Economy*, 29 Cities 264 (2012).

achievements by marketers' organizations would sometimes come under challenge and official hostility towards street vendors would also intensify. The specific set of events that this Article focuses on occurred before the abovementioned political and governance shift.

III. The Enacted Politics of Market Redevelopment[32]

A. Concerted Action for a New Policy on Market Redevelopment

An important moment in the vendors' struggle to retain their markets was a plan for a highly organized demonstration that would mobilize vendors from sixty-two markets in Kampala on April 10, 2007. The demonstration was organized by the Kampala District Market Vendors' Association (KDMVA), an umbrella association that seeks to encompass all markets in the Kampala District and aims at representing and lobbying for market vendors' interests at all levels of government. The association has been in existence since 1987 but the number of affiliated markets later declined, partly due to the waning of market associations. The KDMVA would, however, play a leading role in organizing this critical moment of concerted action.

As reported by its chairperson, the KDMVA deliberately did not apply for police permission and kept the demonstration a secret until the day before, when it publicized it in one of Uganda's newspapers.[33] The city police advised the chairman of the KDMVA to call off the strike. As this proved futile, the Inspector General of Government met with the representatives from the sixty-two markets. They, however, demanded to meet the President of Uganda. Gaining the support of the President was perceived as necessary, as he could steer the less than cooperative city authorities. The next morning, a large group of market leaders met with the President and presented their memorandum, which advised a new policy for the markets that would give priority to the vendors to manage and redevelop their markets.

Apparently, during their discussions with the President, the vendors' leaders had insinuated the potential political consequences if their demands were ignored. "We told the president how his government was failing by bringing

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32 This Part of the Article draws upon a description of results from the fieldwork compiled by Christine Ampaire (in consultation with Dr Josephine Ahikire). *See* Christine Ampaire & Josephine Ahikire, Infrastructure Development of City Markets and Collective Organizing among Vendors (2008) (unpublished manuscript) (on file with author). The authors thank Dr Ahikire for advice in structuring the report.

33 Interview with Chairman, KDMVA, in Kampala, Uganda (Nov. 3, 2008).

millionaires to take the markets," a market leader explained, implying that supporting the "millionaires" rather than the vendors could lead to non-support from the vendors in the next elections.[34] Given the large number of vendors in the city, this was a potentially effective threat. The market leaders gave the government a two-day ultimatum to respond to their proposals. The President responded favorably and reportedly insisted that the KCC comply with the new policy. The Minister of Local Government, who until then had been in support of the private developers and had previously instructed KCC officials in that direction, was given the task of drafting a national policy together with the market representatives.

The policy document was approved by the Cabinet of ministers chaired by the President and published. In a letter (dated September 11, 2007), the Minister of Local Government communicated to the Mayor of Kampala the guidelines decided upon by the Cabinet pertaining to the redevelopment of the markets in Kampala City Council, municipalities and towns, as follows:

a. The markets shall remain where they are and shall be no change of user, subject to the Town and County Planning Act.
b. The sitting tenants who own stalls (*emidala*), kiosks etc. in the markets shall all register under their associations and the registered market vendors shall be given the first priority to redevelop and manage the markets.
c. The sitting market vendors shall be free to redevelop their own markets on condition that they can mobilize funds, have the capacity to construct modern markets meeting universally acceptable standards and have received planning permission from their respective local councils and the Town and Country Planning Department and the Ministry responsible for urban planning.
d. In the event that the market vendors being unable to raise the required funds to reconstruct and modernize their markets, they shall be free to identify a partner with whom they can pool resources and build and manage new markets together.
e. In the event that the market vendors fail to fulfill terms (b) (c) and (d) above, the Government and local governments shall develop the markets and rent them to the vendors giving priority to the sitting/existing vendors.
f. All programmes to redevelop markets in local governments must first be submitted to the Ministries of Local Government and of Urban Development and the respective local governments councils for scrutiny and approval;

34 Interview with Andrew Namuyomba, market leader, in Kampala, Uganda (Nov. 7, 2008).

and the sitting/existing vendors shall be kept fully informed well before these programmes commence.[35]

The approved policy preserved the vendors' original proposals and was a breakthrough for the vendors in their struggle to retain the management and redevelopment of their markets. The communication of the guidelines to the KCC was equally a hallmark, as it was expected to halt the KCC's preference to lease out the markets to private investors. This would hopefully put an end to the social unrest among the vendors and to the conflicts that troubled many markets. However, the KCC would prove sluggish or inconsistent in its compliance with these guidelines, as will be described below.

The next Sections provide an account of the conflicts and struggles as they unraveled in two of the city markets, Nakasero and Shaulyiako, where the vendors mobilized against the private developers. The vendors' strategies and modalities of struggle are described, on the basis of interviews with vendors and organization leaders.

B. Contestations in Nakasero Market

Nakasero market is one of Kampala's oldest markets and was built by the colonial government.[36] As trading activities grew in the city, commercial activity grew beyond the original market area. Today, a major part of the merchandise being sold consists of fresh food, textiles and cheaper electronic goods. A large number of small-scale vendors operate in this market. When the authorities introduced privatized management of the markets in the mid-1990s, the vendors at Nakasero market were at first able to secure the management contract for their market, through their association. However, in 2001 the contract was awarded to an outside firm, Sheila Investment.

In order to be able to legally compete for the management and redevelopment contracts, a vendors' company — the Nakasero Market Sitting Vendors and Traders Limited (NMSVTL) — was hurriedly created in 2007 and registered at the Registrar of Companies. Eligible shareholders were landlords who owned stalls, tenants who rented stalls, and vendors operating without a stall

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35 Letter from the Minister of Local Government, to the Mayor of Kampala (Sept. 11, 2007). The content of the letter is available at *The Politics And Money Behind Market Wrangles*, Africa News Service (Sept. 18, 2007), http://business.highbeam.com/3548/article-1G1-168795767/politics-and-money-behind-market-wrangles (by subscription).

36 A detailed history of Nakasero market is provided by William Monteith, First Let There be a Market: Nakasero in Colonial Uganda, Paper Presented at the Urban Property, Governance and Citizenship in the Global South Conference, Copenhagen, Den. (June 23-26, 2015) (on file with author).

in the market. As stated by its leader, the company had over 17,000 registered members, but only a fraction (3500-4000) were actually able to save for the lease: only those able to contribute a million Ugandan Shillings (USh) — equivalent to $526 at that time — to the lease would be able to benefit from the redeveloped market. The company operates through unofficial structures, that is, bodies and procedures that deviate from its Memorandum and Articles and which more resemble those of an association.

The Memorandum and Articles declare a range of objectives with a strong business orientation — which potentially reflects a shift from small-scale vending to bigger business ventures — although the company also sees representation of the vendors as one of its tasks. The major and immediate objective of the company was, however, to build the market. A year and a half after its formation, the vendors' company had already managed to draw up its development plans and a proposed market structure, as well as a proposal for financing the plans and a revenue collection plan involving the banks. Its plans were ambitious: they consisted of a high-rise complex comprising an underground parking lot, a business area from the ground level up to the fourth floor, above which there would be a hotel as well as offices and apartments.

However, in spite of the new government policy awarding vendors' organizations the priority to develop their markets, Sheila Investments reached an agreement with the KCC to be allocated the tender to redevelop Nakasero market. This firm had held the management contract for the market until 2005 but was able to prolong its presence in the market until 2007 — this, in spite of the firm's default on payments to the KCC, according to informants. Using its position, the Deputy Secretary of the market described, the firm moved to acquire a lease on the market for forty-nine years, supported by the executive of the former vendors' association, and it transferred four billion USh to the KCC for the tender. Approached by the vendors, the Mayor informed them that they had lost the tender to redevelop their market. The Mayor, who had previously been supportive of the vendors at the time of and immediately after the local government elections, came to change his attitude a few months later.

In the words of the Deputy Secretary, Sheila Investments "spread propaganda that we are in the market *illegally*" and gave the vendors a seven-day ultimatum to leave the market so that it could initiate the construction.[37] The investor reportedly brought in some seventy bodybuilders and called for the support of the District Police Commander to assist it to enter its offices in the market. It started removing the roofs and doors of the shops as well as fencing off the site.

These developments triggered a violent response from the traders. The Deputy Secretary explained how the vendors mobilized into "the Nakasero Riot":

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37 Interview with Deputy Sec'y, NMSVTL, in Kampala, Uganda (Nov. 11, 2008).

they used whistles, picked up what they came across (tomatoes, watermelons, sticks and stones) and drove the firm's men out of the market. They also overpowered the District Police, which used tear gas and live bullets against them. This episode marked the end of the firm's presence in the market.

While the vendors' struggle for the market seemed to be mainly against the deals between the private investor and the KCC, the process would also contribute to a major split among the vendors within the market. According to the new market leaders, Sheila Investments was supported by the executive of the former vendors' association with which it signed an agreement. This was based on an understanding that the first floor of the reconstructed market would be given to the vendors (or a group of them) to operate as compensation for their loss of the plot, while Sheila Investments would take the rest of the floors. The two partners had agreed that the vendors had no financial means of developing the market and that the private investor would be entrusted with that task. Sheila Investments referred to this agreement with the former vendors' executive as a means of justifying its actions and asserting itself as the legitimate developer. But the deal had been negotiated without the knowledge of the majority of the vendors, who regarded the agreement as "fake" and perceived the acts of Sheila Investments as illegal, based on the President's new policy. They felt betrayed by the former executive and ousted the old executive. Assisted by the chairperson of the KDMVA and the Resident District Commissioner, they organized elections to select a new leadership for the vendors in the market.

By the time the riot occurred, the vendors had submitted a petition to the Ugandan Parliament. The Parliament, upon an inspection visit to the market, ruled in the vendors' favor and forced the private investor to give up one of the land titles that he was processing for that market. The investor contested the decision, after which the Parliament's response was no longer in favor of the vendors. The Parliament then advised that all disputes concerning Nakasero market be resolved through the courts of law. But as the Deputy Secretary explained, the vendors distrusted this option, as they were convinced that the investor was backed by the KCC and could bribe the courts. Instead, the vendors petitioned the Parliament once again, whereupon the Parliament instructed the KCC to abide by the government's policy concerning the redevelopment of markets.

The vendors' company succeeded in chasing out the private investor and eventually managed to secure an annual lease on the market. Later on, however, the vendors' company failed to comply with annual payments, as it was unable to mobilize the necessary funds from the constituency of market vendors, many of whom suffer from precarious material conditions. This would serve as an excuse for the restructured city authorities (the KCCA) to take back the management of the market and suspend the vendors' lease for a period. This process would again involve legal jostling and the standing of the vendors' company in the market has reportedly weakened.[38]

C. Contestations in Shauliyako Market

Nakivubo Shaulyiako market, located in the central division of Kampala, originated as an open-air market in the 1930s, consisting mainly of the sale of foodstuffs and eating places. Over time, while some sections remained open-air, in other sections lockups were built. The market is today very different from the open-air makeshift market it once was. The traders today mainly trade in hardware (building materials, farming equipment, electrical equipment, motorcar spare parts, etc.). There are also specialized shops and restaurants, but fresh foods have disappeared from the market. The scale of business has also changed, from small to larger scale. As explained by one of the vendors' leaders, the market today is largely based on wholesale businesses and includes foreign traders. Moreover, today it is housed in an impressive building — an achievement of the traders' organization.

When the KCC initiated the tendering out of markets, a traders' association at Shaulyiako won the contract to manage their market. Internal quarrels led to a replacement of the leadership and a reconfigured traders' association — the Nakivubo Shaulyiako Market Vendors Association (NSMVA) — registered in 2001. The revised constitution of the association required approval by the KCC, which also dictated the rules for governing the market. The management contract was renewed soon afterward. The interviewed leaders of the association declared that the association fulfilled their financial duties towards the KCC and had good relations with it — in fact, the association managed the market beyond a valid contract, with backing from the KCC. Membership was free of charge and open to anyone holding a shop, stall or lockup in the market.

A vendors' company titled Nakivubo Shauliyako Market Company Limited (NSMCL) was created and registered at the Registrar of Companies in 2006. This was certainly a move to strengthen the vendors' ability to compete for the market lease and for the redevelopment of the market, at a time when such discussions were intensifying in Kampala. Among its major goals, the vendors' company wanted to obtain ownership of its market (that is, to hold the land lease, manage and redevelop the market), and to fight for the vendors' rights, as one of the company's leaders stated.

The initial number of shareholders at the time of registration was 623 vendors, according to the leader — only a fraction of the several thousands

38 Personal communication with researcher William Monteith (June 2015).

of vendors that operated in the market. The number of shareholders was, however, growing and this was reportedly one of the major sources of conflict within the vendors' company. This is a sign of a restrictive attitude towards the size of the membership, which is not surprising since all fully paid-up members would be entitled to a shop in the future building and space would be limited. Another constraint on becoming a shareholder was that a vendor had to contribute a million USh for the leasehold and 9,040,000 USh to the construction of the market, totaling 10,040,000 USh (approximately $5280 at that time). The costs were prohibitive for small-scale vendors. Many registered shareholders failed to meet their payment obligations, the Secretary General explained, and many sold out their shares to vendors with stronger paying power. Those unable to pay would not be allocated a shop in the new building and would be squeezed out of the market. At the time of the fieldwork, the building was already in place and, as mentioned above, small-scale food vendors, for example, no longer had space in the market. Shauliyako market had become dominated by bigger businesses — importers and wholesalers, mainly in hardware, which requires considerable capital. The Secretary General confirmed: "Our members are not poor . . . . For someone to contribute 10,040,000 USh, surely one can't be poor."[39]

The vendors' organizations (in their shifting configurations) had had their own intentions to develop the market for years and got their redevelopment plans approved by the KCC in 2004. In spite of this, two years later the KCC leased out part of the market to a private investor — Nterenfune Company — for redevelopment. This generated discontent among the vendors and fights with the KCC. Even before this matter was settled, another private investor, First Merchants International Trading Company (FMITC, owned by the same businessman as Sheila Investments), started to negotiate the lease for the remaining part of the market. The executive of the still existing vendors' association (the NSMVA) had agreed to have FMITC as its development partner and notified the relevant minister, who supported the association's intent.

When the vendors heard that FMITC had purchased a sublease of the market, they initiated several riots. "We felt betrayed and unfairly treated given the fact that we were paying promptly to KCC during the two terms of managing the market," the Secretary General explained.[40] He reported that FMITC sent in a team of bodybuilders, supported by the head of the Division Council and assisted by the police. But the vendors fiercely fought for their market: during two weeks about a hundred vendors stayed and guarded the market day and night, aided by another hundred street men. "We would not

39 Interview with Sec'y Gen., NSMCL, in Kampala, Uganda (Nov. 15, 2008).
40 *Id.*

work or sit on our stalls but stayed guarding the market with sticks, stones and any other objects," the Secretary General added.

Hindered from entering the market for two weeks, the private investor FMITC, together with the executive of the vendors' association, filed a lawsuit against the KCC and the vendors' company. After a year, the court decided in favor of the vendors' company. It justified its decision with the fact that FMITC lacked the necessary documents (a signed land lease and title) to warrant an injunction; that the firm had reached agreement with the "wrong" executive (that of the vendors' association); and that it had not consulted with the "right" executive (that of the vendors' company). This legal process was thus characterized by accusations and counter-accusations concerning who were the legitimate organizations representing the vendors, who were the "rightful" redevelopers, etc.).

By the time the court decision was delivered, the vendors' company had already initiated the construction project, with the support of the Mayor. The vendors' company managed to finance the purchase of the sublease as well as the construction through contributions from the shareholders and loans from the banks. The result was an impressive building made possible through the persistent struggle and the capabilities of a vendors' organization. However, this was at the expense of poorer vendors, who were excluded from the new market. In addition, the vendors' company would soon experience serious internal controversies, as some of its shareholders were dissatisfied with the way the organization was run and took its leadership to court.

D. Finding Allies and Building Networks

The vendors' struggles for the markets involved establishing relationships with a range of actors, including state actors at multiple levels, business partners and civil society organizations. As interviews in both markets uncovered, the vendors and their organizations engaged in considerable networking with, and mobilized considerable support from, influential members of the political elites. This networking must be understood in the context of the complex political environment in Kampala, which is characterized by intense political competition. The President was often referred to by the marketers as a critical ally during this period of disputes over the redevelopment of their markets, as he ordinated a policy awarding priority to the vendors' organizations. This action reportedly set "a precedent for presidential intervention in market place issues that were formally decentralised" and marked a change in the political relations of the market vendors.[41] Nakasero vendors, for example, expressed

41 Goodfellow, *supra* note 29; *see also* Goodfellow & Titeca, *supra* note 31;

high esteem and full support for the President and his party and participated in large numbers in rallies and national celebrations presided by the head of state. "We always mobilize vendors in thirty taxis to go to national functions with two banners to show our support," a vendors' leader explained.[42]

Other political figures were also supportive of the vendors in this period of controversies. For example, the Resident District Commissioners, who represent the President in each district, advised the vendors and were also present in the discussions with the President. In addition, the area Member of Parliament, who belonged to the opposition party, was active in the struggle, led demonstrations, assisted the vendors with their petition to the Parliament, and was the legal counselor of Shaulyiako market. Other supportive political actors referred to in the interviews were the Division Town Clerk and the Inspector General of Government, the latter of whom reportedly helped stop the demolition of Nakasero market by the private developer and provided security to the vendors.

Other political actors would take an adversarial stance or at best an elusive position towards the vendors' efforts to lead the redevelopment of the markets. The Division Chairperson, for example, consistently supported Sheila Investments in these disagreements. The Minister of Local Government, who previously opposed the vendors' claims, came to reorient his position to comply with the President's directive to implement the new policy. The then Mayor of Kampala and the KCC were particularly inconsistent in their behavior. The marketers felt betrayed, as the Mayor they had helped put in power turned his back on them and started selling off their markets to investors. Accordingly, the marketers in Nakasero market reported that the Mayor had changed from being generally supportive to opposing their demands and allying himself with the investor. In Shaulyiako market there were similar grievances, although the Mayor and the KCC would eventually side with the vendors' company against the investor.

The lines of alliance and opposition were thus far from clear-cut. State actors shifted their positions and marketers realigned their political allegiances. Alliances were both provisional and selective, as they involved particular factions among the marketers, potentially deepening divisions in the markets — some of the vendors' organizations even allied with the private investors. In addition, as mentioned above, some supported the President and his ruling party as well as the area Member of Parliament belonging to the opposition party. The vendors thus enacted a pragmatic politics where allies could be found at multiple levels and across the political spectrum. The above also

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Personal communication with researcher William Monteith (June 2015).

42 Interview with Tom Nalongo, market leader, in Kampala, Uganda (Nov. 11, 2008).

suggests that the vendors' leaders commanded considerable skill in navigating a complex political landscape and in taking advantage of divisions between factions among the political elites.

The vendors' companies also linked up with non-state actors. For example, as collective investors, the vendors' companies developed close relations with the Uganda National Chamber of Commerce and Industry (UNCCI), making themselves eligible for the services offered by this agency. It is noteworthy that the leaders of the UNCCI were reportedly very active in connecting the vendors to the President — it is unusual for this type of organization to back a vendors' organization. The vendors' companies also successfully established connections with the banks: loans from the banks were critical for the vendors' companies' ability to concretize their redevelopment plans.

The vendors' struggle over their markets also drew upon wider organizational networks beyond individual markets. The critical role of the KDMVA, the vendors' citywide umbrella association, in achieving a new policy in favor of the vendors has already been mentioned. A new overarching vendors' organization was, however, created during the struggle — the Uganda Market Vendors and Allied Workers Union (UMVAWU). The new union became affiliated with the Central Organization of Free Trade Unions of Uganda (COFTU), which had long aspired to reach out to workers in the informal economy. The motive for creating a vendors' *union* was to enable the vendors to defend their rights on a legal basis, the chairman of the KDMVA explained. This is because associations (such as the KDMVA) register with the board of NGOs and cannot, by law, represent members on labor matters. The UMVAWU, on the other hand, was registered with the Ministry of Gender, Labor and Social Development, which gave it a legal standing to represent its members on labor issues and other legal advantages.

In practice, however, the leadership of the UMVAWU overlapped to a great extent with that of the KDMVA, and the leaders confessed to not being able to distinguish the work of one organization from that of the other. One market leader explained the advantages of having a union: "They would take us lightly as an association, but were surprised that we have a union. . . . When they attack the association we present ourselves as a union and vice versa."[43] This was a novel development, as unions have been traditionally reserved for wage workers in Uganda. The COFTU did not directly intervene in the vendors' struggles for their markets: its chairman described the COFTU's role as instructing the vendors about their constitutional rights as workers and about the laws, and giving them the capacity to negotiate and speak for themselves.

43 Interview with Andrew Namuyomba, *supra* note 34.

IV. Modalities of Struggle and Organizational Forms

A. Modalities of Struggle

This Part discusses how the vendors in the studied markets resorted to a range of modalities of struggle and organized in multiple and flexible configurations with a view to preserve control over the markets. The vendors' modes of struggle included informal methods and extralegal acts as well as engagement in more formal political channels. An important aspect of the vendors' agency related to the realm of the law. The vendors sought legal recognition and advantage by registering as new entities (as companies, unions, etc.) — coming across as "legal strategists" who actively manipulated the law in their interest. Disputes concerning the redevelopment of the markets also partly unfolded in the courts of law. As reported, the overthrown private developers took legal action and filed lawsuits, seeking to assert their positions as "rightful" developers of the markets. The leaders of the vendors' companies responded by submitting their written statements of defense to the courts. They also engaged lawyers to argue their cause and assist them in legal matters. The courts ruled in favor of the vendors' companies, who emerged victorious and cleared of all the accusations that had been brought against them.

This was a new experience for the vendors and an important breakthrough. They had (at least for a moment) successfully maneuvered in and manipulated a "gray space" between legality and illegality to their advantage, and asserted themselves partly by using the law and the courts. At the same time, the illegal behaviors of the private investors were being exposed (accusations concerning the lack of proper legal documents, the circumvention of formal procedures, etc.), which played a role in the courts' rulings in favor of the vendors' companies. This suggests that the "gray spaces" of informality may at times also turn into a space of uncertainty and disadvantage for the powerful. The use of litigation by informal workers is also emerging in other places, but is still uncommon — a sign of their frequent legal marginality.[44] The vendors' leaders expressed skepticism about initiating a lawsuit against the developer, alluding to the latter's impunity and power to bribe the courts. Importantly too, the vendors in Shaulyiako also used the courts against each other: first when the vendors' association (with the investor) sued the vendors' company, and later when shareholders of the company took its executive to court. This might reflect the level of formalization attained by these vendors' organizations and stands in contrast to usual practice in most markets in Africa, whereby conflicts are handled informally.[45]

44 Africa's Informal Workers, *supra* note 2.

45 *See, e.g.*, Ilda Lindell, *The Multiple Sites of Urban Governance: Insights from*

The vendors' organizations used other formal and conventional methods. First, they submitted formal petitions to the offices of the President, to the Parliament, to the Resident District Commissioner, to the area Member of Parliament and to the Mayor. They channeled their grievances directly to high-level government bodies and political figures and displayed a significant degree of negotiation skills and assertiveness. Second, they conducted a number of peaceful demonstrations. One particular demonstration revealed their capacity for highly concerted action across Kampala and the important role of a citywide vendors' organization that could mobilize vendors from all the markets. This is in itself an important achievement, as vendors' organizing in Africa is frequently small-scale and localized to their sites of operation.[46] This concerted action showed the political elite that the city's vast vending population was against handing over the markets to private developers.[47] This modality of action was key to a major coup by the vendors: a favorable policy for the redevelopment of the markets.

Informal as well as extralegal methods were equally important in the vendors' struggles over their markets. As explained in the previous Part, the vendors made extensive use of informal lobbying and networking with sections of the political elites. These informal channels of influence created valuable support for their claims, even if the reliability of this support would prove temporary and unstable. The vendors' contestations also involved extralegal and violent actions — extensively covered in the local media and sometimes also in international media. When private developers and the KCC infringed on the Cabinet's ruling with impunity and when more conventional and "legitimate" forms of political action appeared insufficient, the vendorsturned to violent physical confrontations. Clashes with the police and the military had heavy costs for the vendors — loss of life and property, arrests by the police, etc. But through these "unlawful" methods, the vendors chased the private developer out of the market and massively displayed their discontent. One vendors' leader disclosed that the vendors even threatened to burn down the city. Such threats were perhaps intended to convince political leaders of the vendors' determination, in an environment where playing according to the legal and formal rules of political engagement did not offer sufficient protection.

These violent actions were complemented with more peaceful ones intended to keep the private developer out of the market and raise public awareness — guarding the market day and night, closure of the market for a period of

an African City, 45 Urb. Stud. 1879 (2008).

46 Brown & Lyons, *supra* note 19; Africa's Informal Workers, *supra* note 2.

47 The demonstration also had an extralegal element — refusal to apply for permission — that effectively contributed to getting an audience with the President.

time, etc. Further, the vendors made use of both the printed and electronic media: they held press conferences and gave interviews to journalists to contradict their detractors and linked up with favorable sections of the media to publicize the demonstrations. In sum, the vendors combined a range of disparate methods — legal and extralegal actions, formal and informal political means — to advance their positions.

B. Organizational Forms and Alliances

The case-study also shows how the vendors have organized into multiple and shifting forms and configurations in their efforts to preserve their control over the markets: ranging from informal self-help groups, registered associations and vendors' companies, to an umbrella association at the city level and a union with national ambitions.[48] These varied organizational forms emerged from and responded to the opportunities and constraints posed by a changing legal environment. Vendors' companies were formed in response to an unfavorable law change, in order to strengthen their ability to compete for management contracts, leaseholds and the redevelopment of their markets. The vendors' union was created despite the existence of an umbrella association (the KDMVA), because registering as a union would provide new potential advantages — greater political clout, legal backing for addressing labor issues, and the right to strike, among others. Existing as two different legal entities (an association and a union) while sharing the same leadership, offered added flexibility and versatility to the vendors' organizations — as one of the leaders explained, "when they attack the association, we present ourselves as a union and vice versa." Such fluidity meant that their leaders could switch between organizational forms according to circumstance, broadening their options and the legal grounds for their struggle.

Some of the vendors' organizations had an in-between character. While the vendors' associations evolved to become more business-oriented and seemed keen to enter business partnerships with the external investors, the vendors' companies posited the defense of vendors' rights as one of their major goals. Owned collectively by their shareholders and having grown from within the markets, the vendors' companies spearheaded the struggles against the external interests of private investors trying to take over their markets. The vendors' companies were a kind of hybrid organizational form, as their actual operations and daily language resembled those of an association. The

48 These organizations were differently registered, with the NGO board, with the Registrar of Companies and with the Ministry of Gender and Labor, and were thus governed by different legal acts.

above suggests blurry boundaries between the two organizational categories in this particular context. But there were also important differences, not least the much more restrictive nature of the membership in the vendors' companies. In addition, there were sharp divisions between the associations and the vendors' companies in the two markets as they were in conflict and in competition with each other. As an outcome of these conflicts, in which external allies (investors and state agents) were involved, the associations lost ground to the benefit of the vendors' companies.

The achievements of the vendors' companies were indeed outstanding — even if not necessarily irreversible. They attained control over their markets (even if this control later proved tenuous in some cases) and were able to finance the leasehold and sometimes the construction of their markets. The fact that they were registered as companies facilitated their liaising with the banks to access finance and opened up new opportunities through participation in the Chamber of Commerce (UCCI). However, these successes of the vendors' companies came at a high cost, as large numbers of weaker vendors were unable to benefit. Ironically, this exclusion of the weak seemed to be a necessary condition for the vendors' companies to compete favorably.

The fact that the vendors' companies prevailed over the associations also means that a growing share of the members in the vendors' union (UMVAWU) and in the umbrella association (KDMVA) were in fact *company shareholders* — noteworthy, given the union's intention to defend vendors' rights as *workers*. Perhaps these seeming contradictions and the unorthodox methods used by these constituencies partly explain why the trade unions federation (the COFTU) would prefer to keep a safe distance from the "messy" politics of the market vendors.

Conclusion

This Article set out to examine the forms of collective organizing, the modalities of struggle and the politics initiated by market vendors in Kampala, as they responded to plans to hand over their markets to private investors for redevelopment. The legal aspects emerge as important elements of this struggle. An important insight is the central importance of collective organizing for vendors' success in warding off the offensives of the external investors and securing the markets under the control of their organizations. Noteworthy also is the role of *scaled up* organizations like the umbrella association KDMVA in facilitating concerted action and mobilizing market vendors across Kampala around a common cause.

The vendors used both lawful and unlawful actions and a broad range of modalities of action, where each modality played a crucial role in the outcome of their struggle. Demonstrations generated public awareness and pressure towards a change in policy in favor of the vendors' organizations. Political networking created support from sections of the political elite for their cause. And while the riots chased the investors out of the markets, the courts settled accusations of illegality which had been raised against the vendors and confirmed them as the legitimate rulers of their markets. Indeed, the vendors actively navigated a "gray space" between legality (registration, contracts, courts, etc.) and illegality (including the extralegal aspects of their livelihoods and markets), a space which they manipulated successfully to attain a measure of recognition. This same "gray space" of legal ambiguity proved less easy to manipulate by the powerful investors (at least for a while), in a context of less predictable political alliances and court rulings.

The abovementioned interactions with the courts system indicate the growing importance of the courts as part of the terrain of struggle. This is a significant development, as it pertains to a societal group accustomed to living on the margins of the law. Furthermore, the vendors seemed to actively and instrumentally use the law to strengthen their positions: they creatively responded to a law change that potentially undermined their possibility of managing their own markets, by creating a new organizational form — the collectively-owned vendors' company. They thus turned an unfavorable law to their advantage by capitalizing on it.

Indeed, the market vendors' organizing showed considerable ability to adjust to a changing legal environment. They repeatedly sought a legal basis and platform for their organized struggle for the markets, searching also for legitimacy and recognition of their organizations as valid dialogue partners and as capable of running and developing their markets. The vendors' organizations reinvented themselves in new formats, determined to remain a force to be reckoned with. The perseverance of their organizing is noteworthy since organizations of informal workers in many contexts tend to be brittle and short-lived, succumbing under various economic and political pressures. In this case, the endurance of the vendors' organizations in Kampala cannot, however, be taken for granted, as many have in the past faced periods of decline and would later face new backlashes under KCCA rule.

As the vendors organized themselves in multiple and shifting formations to make the most of the opportunities available in a particular legal and political conjuncture, this multiplicity of organizational forms was in some cases a source of complementarity in the struggle, and in other cases a source of tensions, which were eventually resolved through the courts of law. In the case of the vendors' umbrella *association* (the KDMVA) and the vendors' *union* (the UMVAWU), the lines between them were malleable and porous, making it possible for the same actors to present themselves as different legal entities depending on circumstance. The hybrid character of some of the vendors' organizational forms (in terms of their goals and daily operations) further defies clear-cut categorization into different types of organizing. Flexibility, versatility and fuzziness thus seemed to characterize these organizations. These features also call for some caution in assuming that *specific* organizational forms or models are particularly suitable for vendors or other informal actors on the basis of particular and readily identifiable identities. The subjectivities at work may be more complex and fragmented — for example, irreducible to *either* entrepreneurs *or* workers — than is often assumed.

The vendors' organizations were just as pragmatic in the ways in which they related to various state actors. They built relations across the political spectrum and linked up to influential institutions and individuals (such as the President) capable of steering the behavior of less collaborative institutions (such as the KCC). Indeed, they displayed considerable skill in navigating the complex political and bureaucratic landscape, which certainly was key to their achievements. The politics surrounding the redevelopment of markets was both complex and fractured, as both vendors and state actors were far from united but rather deeply divided in their positions.

In sum, the vendors' agency was not fixed or straightjacketed into specific modalities of resistance or particular organizational forms. Instead, their forms of collective organization were more diverse, adjustable and hybrid than can be accommodated by particular organizational categories. Their modalities of struggle were more diverse and unorthodox, their politics more fluid and pragmatic than most available models of organizing and politics can contemplate or condone. And yet, it was this flexible politics that lay behind their conquests.

However, the achievements, adjustability and relative endurance of vendors' collective organization were neither irreversible nor did they come without a cost. Later developments in Nakasero market exposed the fragile authority of the vendors' company. In addition, the exclusionary tendencies observed among the studied vendors' companies raise the question whether they cater mainly to the interest of an elite of well-resourced traders at the expense of small-scale poorer operators. It was evident in the Shaulyiako market at least that the type of redevelopment carried out by the vendors' company effectively gentrified the market. There is a risk that such vendors' companies are turning some city markets into strongholds of well-off vendors, relegating all others to street vending. Ultimately too, the vendors' organizations partly subscribed to the poor-unfriendly visions of the authorities for the city, instead of questioning them.