

**HARD BARGAINS &
PRECARIOUS PARADOXES:**

*Livelihoods, Governance & Development Discourse
in Jinja Uganda's Informal Sector*

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INTRODUCTION

Development & the Informal Sector: *Is Good Governance Always Good?*

Entering Jinja, Uganda by the Kampala Road on a morning in June 2009, a stream of cars, trucks, bicycles and pedestrians crossed over the headwaters of the White Nile on the spine of the Owen Falls Dam. This hydroelectric dam was built in 1954 by the British colonial government where the White Nile flows from Lake Victoria. The dam symbolizes a pulse of immense growth in Jinja during the post-World War II era; a time when progress was defined in megawatts of hydroelectric power harnessed from the wild river and yards of cotton cloth spilling out of Jinja's burgeoning textile factories. Today many of Jinja's factories stand empty and electricity from the dam's generators is sold to Kenya and Rwanda. But the morning traffic crawling across the spine of Owen Falls Dam on this June day was no less congested than it was likely to have been forty years ago. Even as industry has disappeared, the streets, marketplaces and small harbors of Jinja are bursting with people fashioning a livelihood from whatever resources they find available. In many cases such livelihoods are created by self-initiated, unregulated, more-or-less legal strategies, otherwise known as the informal sector.

Since its beginnings as a colonial town and trading post in 1901 Jinja has grown to host over 80,000 people. But this transformation from crossroads to second largest urban area in Uganda has not been the steady trajectory of progress imagined by the builders of Owen Falls Dam. The city has grown and shifted in response to global and local changes, intimately linked to the shifting of peoples' livelihoods and changing notions of development over time. The promises of industrial growth and power from a harnessed river have clearly not been realized in Jinja. Vendors in the central marketplaces and fishers on landing sites around the city's edges measure progress on different terms today than the dam builders did in 1954. While focused on negotiating a steady return from daily investments of time, labor, relationships and exchanged obligations vendors and fishers are very aware that their livelihoods are linked to global economies and political changes even as they stand on a landing site folding a net or open the shutters on a small wooden food stall at the side of the road.

The research I conducted in Jinja during May, June and July of 2009 examines the dynamic intersection between development policy and the self-initiated livelihood strategies of people engaged in the unregulated informal sector. The story of this intersection over the last century reveals the ways in which foreign donors, Ugandan policy-makers as well as people negotiating livelihoods in Jinja's informal sector have contributed to a long term conversation about meanings, implications and consequences of development initiatives. Reflecting

on the connections between historical and current trajectories of development discourse along with the emergence of the informal sector in Jinja contributes to understanding development not as a singular product or set of millennial goal posts, but as an extended negotiated bargaining process at the confluence of global, local and historical flows illuminating competing assertions of authority, jurisdiction and progress.

Many scholars point to the post-World War II era as the beginning of the practice and theory of what has come to be known as development. The Owen Falls Dam was built by the British in 1954 as part of a larger project of enforcing modernization after the economic collapse associated with the Second World War. At that time many Europeans understood that “Africa’s development was inextricably linked to Europe’s” (van Beusekom 2002:xxii). Development for Africa, particularly in growing cities such as Jinja, was associated with the promise of European initiated industry and scientific expertise to resolve distortions in equal access to resources, promote equity, growth and prosperity. Projects like the Owen Falls Dam furthered the European ideal that “all peoples and nations should strive to become developed, and that the West has led the way” (van Beusekom 2002:xvi). By now it has been well recognized that foreign interventions driven by such seemingly benevolent and “expert” intentions often ended in unintended negative outcomes. These “good intentions” are significantly implicated in the perpetuation of divergent development, endemic poverty and

lack of political agency present in many cities like Jinja around the world. Twenty years ago Arturo Escobar argued that the development discourse created and legitimized by transnational institutions and donor agencies since the end of World War II amounted to an assertion of imperialism which negatively shaped the lives of those determined less developed or in need of benevolent forms of aid (Escobar 1991:671). Escobar asserts that such discourse has acted as a form of governmentality designed to “discipline the natives, control their aspirations, [and] redefine their priorities and realities” (Escobar 1991:671). James Ferguson made similar observations in his work *The Anti-Politics Machine*, describing how foreign development interventions as well as pressures to “decentralize” governance acted to suppress the political activities and agency of so-called “recipients” in Lesotho (Ferguson 1994:194-195). Monica van Beusekom notes that current development policy and action are highly influenced by “Western discourses of development [which] have created powerful categories (developed/underdeveloped), concepts (poverty, hunger, overpopulation), and practices (projects, planning) that have had unusual staying power” (van Beusekom 2002:xx).

It is also important to note that discourses of progress and development in use today can be traced to historical roots well before the post-World War II era. The discourses of progress, morality and rationality folded into current policies and plans impacting the informal sector in Uganda have clear ties to policies and

regulations from the early twentieth century. Almost as soon as new forms of livelihoods emerged in the changing contexts of East African colonial cities, new policies to control such activities were enforced. This kind of restrictive regulation often spurred new informalized innovation by livelihood seekers. The moral imperative driving a 1914 British colonial law designed to discourage women selling on the streets of Kampala is linked to the current imposition of a paternalistic management structure in open-air market formalization projects. The informal strategies used by open-air market vendors today are associated with evading and reacting to early colonial restrictions to urban access based on gender. The goal of controlling and civilizing a “wild” lakeshore natural environment and by extension “untamed” fishing communities in 1906-1960 sleeping sickness policies has influenced the 2004 National Fisheries Policy which targets small-scale fishers on Uganda’s Lake Victoria as “unruly” outlaws. The dislocation and relocation associated with the 1907-1962 sleeping sickness control policies had considerable impact on the growth of illegal, clandestine fishing in Lake Victoria that continues to persist under increasing police harassment.

The informal, illegal vending and fishing livelihoods created by men and women in Jinja over the last one hundred years have developed through an extended process of bargaining over contested notions of authority, jurisdiction, progress and success. The project of “disciplining the natives” (under seemingly benevolent actions) began long before the construction of the Owen Falls Dam

and its promise of progress. In Jinja, outcomes created through informal sector activities have not necessarily conformed to professional development practitioners' ideals or goals, but have served an important role in asserting vernacular understandings of development and responses to poverty conditions. The story of informal sectors in Jinja Uganda represented by examples from open-air market vendors and clandestine fishers shows that self-organized but often criminalized strategies have been important tools for resisting the subjugation or governmentality implicit in colonial as well as current development discourses and actions. Kate Meagher makes the crucial point that the ways in which Africans have organized themselves through informal sector strategies should not be conflated with direct political struggles for liberation (Meagher 2003:58); but rather reveal the ways in which people have navigated viable livelihoods when faced with uncertain and fluctuating forms of governance, authority and economic conditions. Exploring the ways in which past and present policies have intersected the lives and livelihoods of people in the informal sector demonstrates that development is a negotiated process, rather than an entirely "top-down" or "bottom-up" procedure. Examining the place where development policy intersects self-determined livelihoods allows us to see people engaged with the informal sector in an active relationship to the development process, rather than as passive recipients, victims or outlaws.

Current discourses of development used by development professionals

carry various definitions of success. For example, the United Nations tends to measure development through “equity, human rights and human well-being” while the World Bank tends to equate positive outcome with consistent economic growth by measures such as Gross National Product (van Beusekom 2002:*xvi*). These definitions of success wield significant power in shaping policy in countries such as Uganda that have been tagged with labels such “developing” or “late late developing country (LLDC)” (Brett 2009:*xvii*).

More recently, development practitioners have begun to use “good governance” as a measure of successful development. Donor support or aid is being increasingly linked to demands for “democratic reform” and “good governance” (Kosack 2003:4; Abrahamsen 2000:51). Just as post-World War II capital-intensive modernization projects like the Owen Falls Dam promised greater equity through large scale industrial development, donors tend to use the concept of “democracy” as if it were an indispensable instrument for creating equitable development outcomes (Kosack 2003:3; Farrington 2009:249). Rita Abrahamsen asserts that in the good governance discourse “democracy” becomes “the necessary political framework for successful economic development” (Abrahamsen 2000:51).

Proponents of development success through “human rights” as well as those promoting “economic growth” have adopted the assumption that more “democracy” through “good governance” will automatically lead to positive

outcomes. Aligned with a “human rights” oriented use of the discourse, Amartya Sen argued that factors most important to securing prosperity and/or avoiding extreme disparities such as famine are inextricably linked to “entitlements” leveraged through participation in democratic governance (Sen 1999:180). Democracy, he asserts, would “spread the penalty” of unequal distributed resources “to the ruling groups and political leaders as well” (Sen 1999:180). Sen suggests that there is a direct “connection between political rights and economic needs” mitigated through the freedoms and “protective role” of “political incentives” afforded through democratic governance (Sen 1999:181,182). On the other hand, those promoting development success through economic liberalism use the “good governance” discourse to assert that “democracy and economic liberalism are conceptually linked: bad governance equals state intervention, good governance [equals] democracy and economic liberalism” (Abrahamsen 2000:51). In this use of the discourse, international donor agencies such as the World Bank equate “good governance” with a neoliberal, market-based economic structure which preferences private interests and outward flows of revenue toward debt repayment and more efficient aid delivery (Brett 2008:340-341; Mohan and Stokke 2000:248). For example, the World Bank associates “good governance” with “robust growth, lower income inequality, ...[and] improved country competitiveness and investment climate” (World Bank 2010). These two different uses of the “good governance” discourse are often used interchangeably and

without clear distinction, confusing and conflating the promotion of human rights with neoliberal policy agendas and economic liberalism. Resulting policies which tend to mix greater “democracy” with increasing economic liberalism have tended to put vendors and fishers in Jinja’s informal sector at a greater disadvantage in their globally linked livelihoods.

The “good governance” discourse also focuses particular attention on “local” communities as the place to implement increased access to “democracy” and manage solutions to poverty conditions (Brett 2008:341). Local decision-making is associated with ensuring “economic empowerment” through enforcing more efficient aid delivery (Mohan and Stokke 2000:247). Focusing attention at the local level is also imagined to facilitate “structural transformation” meant to empower marginalized groups and wrest power from dominating, centralized approaches to development (Mohan and Stokke 2000:248-249). Local “participation” is believed to have the power to break through previous development difficulties arising from power differentials between (powerful) development practitioners, politicians and (less powerful) poor populations. Ultimately the task of holding governing forces in check is placed on the shoulders of “local” people. This assumes a high level of “local” capacity along with romantic notions of monochromatic local level cooperation and consensus (Brett 2008:3; Mohan and Stokke 2000:249). This can reinforce romanticized visions of an essentialized and monolithic version of local dynamics which do not

account for social stratification, disagreement or divergent capacity which can hinder equitable outcomes (Mohan and Stokke 2000:249). The imagined universally positive outcomes and altruistic tropes of “democracy” and “the local” have been seamlessly enfolded into development discourse. This move becomes particularly salient when examining how new “good governance” policies invite participation of “local” groups that have a long history of marginalization, such as people engaged in the informal sector. Focusing so much attention at the local level also isolates issues of local inequalities or poverty conditions from causal connections to global or larger-scale problems. The local focus allows the culpability of global or transnational political economy and/or the role of powerful donors in perpetuating regionally endemic poverty to escape scrutiny.

Development practitioners’ call for “good governance” and consistent push to include “local” people and contexts in development initiatives have contributed to the increasing popularity of “participatory policy.” This terminology refers to policy and development initiatives designed to promote greater “local” participation and inclusion in order to pave the way for greater political agency of marginalized populations as well as long term project stability by leveraging the support of “local” people (de Wit and Berner 2009: 928; Brett 2008:3). The participatory model promises to provide means for participants to become active agents in formal, legal, state-sanctioned decision-making, and thus more prosperous and positive outcomes. Others see participatory policy design as

simply an inexpensive and expedient form of delivering governance that provides “democratic reform” without much material investment by government agencies while placing the burden of implementation on “locals” (de Wit and Berner 2009:928). Eliciting “help” from local communities to implement new policy or regulation “in so-called public-community partnerships” makes it easier to comply with demands for smaller, leaner government from donors in the “context of neoliberalism” (de Wit and Berner 2009:928).

Participatory policy and the “good governance” discourse have emerged on the heels of pressures from Structural Adjustment Policies made by donors such as the IMF and World Bank on indebted countries such as Uganda that require limiting the size of government and public provision of social services while favoring private business interests and deregulated trade in exchange for aid. These contradictory pressures from donors are hard for Ugandan leaders to ignore. Fifty-two percent of Uganda’s national budget comes from foreign aid sources, and so the government is subject to “considerable influence... by foreign aid donors” (Robinson 2007:454). For example “policy initiatives are usually instigated with the technical and financial support of donors” (Robinson 2007:454). The contradictory demands made by donors (to increase access to democratic governance while shrinking government) present a hard bargain to Ugandan leaders. These hard bargains have then been turned over to “local” communities through similarly contradictory, potentially confusing and

ineffective “participatory” policies. This sequence of “hard bargains” is exemplified by the experience of vendors and fishers in Jinja’s informal sectors after the implementation of two recent participatory policies that are addressed in this paper.

“Good Governance” and the Informal Sector:

The implications of promoting “democratic reform” and local peoples’ “participation” should be carefully considered especially when it comes to policies concerning the informal sector. While increasing democratic participation is often construed as a panacea solution incapable of causing harm, the unintended consequences of enforcing “democratic participation” have had detrimental repercussions for people engaged in informal sector activities in Jinja. The informal sector, also known as the parallel economy or unregulated sector (Meagher 2003:58) has become recognized as an important factor in how poor people living in growing cities around the world navigate livelihoods, housing, food and other necessities. Informal sector activity has consistently accelerated in Uganda since the era of colonial rule and now accounts for ninety percent of non-agricultural labor (World Bank 2009). The German Institute for Global Area Studies reported that in 1998 the informal sector accounted for an estimated forty to sixty percent of urban employment in Sub-Saharan Africa (Ishengoma and Kappel 2006:5). People engaged in the informal sector have often been involved in more or less illegal activities. As a result of illegitimate status people engaged

in the informal sector often find themselves in opposition to state governance, portrayed as outlaws and criminals and subject to police harassment. This also leads people in the informal sector to become further marginalized from access to government protections including participation in formal decision-making processes. On the other hand, informal sector strategies make keen use of social networks and protections offered by certain types of shared risk and mutual obligation relations to manage a relative stability. These strategies act to buffer the unpredictable and precarious contexts in which most informal sector activity takes place (Musisi 1995:135; Meagher 2008:60,61,69). Through self-initiated strategies the informal sector provides access to direct control over productive resources such as material resources like fishing gear or market stalls and human labor, as well as specific skills such as bargaining or net repair. Additionally, and perhaps most crucially, the ability to leverage gains through networks and patterns of obligation can also be considered productive resources. Self or directly-shared control over these kinds of resources allows vendors and fishers the necessary flexibility to quickly respond to irregular markets subject to even greater unpredictability when integrated into global commodity chains.

Development scholars and practitioners do not agree about how the formal sector should engage with the informal sector. Under scrutiny in particular is whether or not informal sector activities should be legalized and formalized to produce greater economic empowerment and/or growth. The Organization for

Economic Co-operation and Development advocates that increased formalization would provide greater protection, legal security and equity to people engaging in the informal sector (Jutting and de Laiglesia 2009:11-13). Mendoza and Thelen suggest that “markets can be an engine not just of overall economic growth but also of individual human development and economic empowerment” (2008:427), and that the economic empowerment of people engaged in the informal sector is hampered by lack of access to formal banking systems and retail credit. Therefore, these authors argue, formalization facilitates (informal) small scale businesses greater access to expansionist capitalist forms of “progress” (Mendoza and Thelen 2008:427-428). Scholars such as Nakanyike Musisi oppose such intervention arguing that it would destroy crucial social networks and internally organized reproductive relations (Musisi 1995:135). Siri Lange argues that formalization increases the potential for exploitation of people engaged in the informal sector and destroys social capital arrangements specific to the self-organized logic of informal sector dynamics (Lange 2003:3). I would add that formalization itself does not automatically address underlying (global) structural inequalities leading to lack of agency, unpredictable political and economic contexts and/or structural vulnerabilities experienced by many people engaged in the informal sector and also often ignores the internal logic and rationale under which informal sector strategies have developed.

This paper focuses on how the implementation of two recent participatory policies has intersected with the livelihoods of people engaged in Jinja's informal sector. The formalization of open-air urban markets enforces the legalization of informally organized open-air markets while offering vendors representation through a government appointed agent to facilitate communication with the municipal government. The implications of open-air market formalization are explored in chapter one. The 2004 National Fisheries Policy (NFP) enforces the criminalization of informal fishing activities in Uganda's lakes while providing a locally elected leadership structure for fishing communities to communicate with the government about management of fisheries resources. The implications of the NFP for fishing communities near Jinja are explored in chapter two. Vendors and fishers have interacted with these participatory policies differently, but both groups expressed a preference for the freedoms and flexibility available in the informal sector and dislike for the high price required for access to participation in formal democratic decision-making.

Both the market formalization and the National Fisheries Policy require that vendors and fishers give up direct control of their own livelihoods, earning power and productive resources to large scale private interests in order to participate in the democratic decision-making systems offered by the state. In the case of open-air markets, the formalized market becomes the private business of a non-vendor manager, relegating vendors to the status of contract workers

burdened by increasing fees with little power to leverage reinvestment into the market. In the case of fishing, the fishing strategies of small-scale fishers have been outlawed and blamed for dramatic losses of fish populations in Uganda's lakes while the lucrative fishing export businesses, (responsible for exporting 30,000 metric tons of fish from Lake Victoria per year), have not been required to change their extractive business practices. In both cases, while ostensibly offering greater "democracy," preferencing larger-scale private interests has resulted in greater flows of profit and resources out of local communities, reducing capacity for reinvestment and/or local growth. Paradoxically, vendors and fishers have been reticent to participate in either policy and the implementation of these participatory policies has spurred increased reliance on informal strategies. Despite the promises of new avenues of participation, vendors and fishers expressed to me that legal status and a democratic "voice" without material support or greater bargaining power offered by these two participatory policies presented less stability and bargaining power than strategies devised in the illegal, informal system.

Vendors and fishers told me that ultimately they would prefer to have legitimate status, to have greater political agency in order to affect design and implementation of policies impacting their own communities; that they would like stronger government controls that would offer greater protections to their livelihoods on global scale and less market volatility locally. Vendors and fishers

assessed the bargain offered by the market formalization and National Fisheries policies and ultimately determined that the deal was not in their favor. The high cost of giving up reliance on informal strategies devised over the last century that offer somewhat better bargaining power and more predictable control with which to gain steady (if small) returns on labor and material investment was not equal to the access to formal democratic representation offered in exchange.

The hard bargain presented by donors to the Ugandan government has been reiterated in the hard bargain offered by the market formalization scheme and the NFP. Both policies respond to donors' demands for increasing local democratic activity through "good governance" as well as demands to increase government revenue accumulation through increased taxation and preferencing the needs of lucrative, large-scale tax generating businesses. The cycle of hard bargains has prompted vendors and fishers to continue to develop creative and self-initiated solutions to the opportunities and constraints available to them, even when outside the law or formal governance.

For the people engaged in Jinja's informal sector that I encountered, being offered a place to speak at the table does not have the same value as a place to eat at the table. The push to "formalize" informal sectors and draw people into a larger market-led liberal economic system ignores a century of developing poor-peoples' initiatives and autonomous and self-organized strategies to meet livelihood needs. The types of formalization and participation proposed by both

the open-air market formalization and the National Fisheries Policy undermine the strengths of a vibrant, active, organized and creative so-called civil society.

Unless formalization or forms of “participation” can incorporate and recognize the logic and goals of informal sector strategies, such seemingly positive “participatory” initiatives will act like an “anti-politics machine” in much the same way James Ferguson has described with regard to development interventions in Lesotho (Ferguson 1994). The “good governance” discourse often blames a “weak... African civil society” (Abrahamsen 2000:52) for the failures in development schemes and the lack of effectiveness of African states. At the same time this discourse supports the kinds of “participatory” policies which, at least in Jinja, are actively undermining the strengths established through so-called civil society self-organization.

CHAPTER 1

Managing Unpredictability: *Implications of Informal Market Privatization & Participatory Policy*

While travelling on a road north of Jinja I came upon a group of men selling fruit from a row of self-made stalls. They told me that vendors have been selling on that road since it was built during the 1950s. Now these men want to organize a formal market where everyone could sell at a cleared area not far from the road. These vendors had already begun meeting to implement their plan and have the support of local government officials. I later walked down the road and met with a group of women also selling fruit at the roadside. When I asked them about the plans for a formal market, they explained that they did not attend the meetings; that they were women and the men did not listen to them. They said they desired a separate market for women only, where they could be assured of a system of market governance responsive to their needs. The women asserted that they did not want anything to do with the men's plans for a formal market.

The enthusiasm and aversion for market formalization expressed by these roadside vendors demonstrate two poles of current debate regarding implications of formalization for informal sectors. This debate questions whether or not people

dependent on the informal sector for their livelihoods would be better off if their activities were formalized, legalized and brought under official sanction.

According to the World Bank ninety-two percent of people operating in Uganda's informal sector are women (World Bank 2009). Given the informal sector's exponential growth and importance to livelihoods of people living in poverty conditions, particularly for women, differences of opinion have emerged about how formal development schemes should engage with the informal sector. While some assert that formalization would protect against exploitation of labor and resources present in the informal sector (Jutting and de Laiglesia 2009:11-13), others have endorsed legalizing informal sector activities in order to support promotion of unregulated markets and economic liberalism (Mendoza and Thelen:2008:427). The supposedly "organic" growth of the informal sector has been cited as an example of positive growth under deregulated conditions (Meagher 2003:58). Scholars such as Nakanyike Musisi and Christine Obbo have opposed formalization arguing that it would destroy crucial social networks and internally organized reproductive relations (Musisi 1995:135; Obbo 1980:124).

In the mid-1990s the Ugandan national government responded to the question of formalization with a plan to formalize open-air markets. This plan emerged as the World Bank and IMF were placing pressure on Uganda to increase state revenues and privatization under structural adjustment plans. Under the market formalization scheme open-air markets that had previously been

managed (informally) by vendors would be run like private businesses by contract holders. The private entity awarded the contract to manage each market is explicitly responsible for delivering taxes and dues through municipal councils (Lindell and Appelblad 2009:399). This move is subtle but important. It changes the primary goals and functions of open-air markets. Where once vendor control over pricing, profits and mutual reinvestment as well as strategies to manage against risky markets were primary goals to facilitate steady individual income, under the new formalized system the central organizing principles have become individual profit accumulation and flow of resources away from the market. The new private management scheme collects fees and taxes from vendors, but vendors complain that they have seen very little of it directed back into supporting the infrastructure, sanitation or improvement of the market. This significantly alters the conditions under which vendors operate and has disrupted the political economy under which informal market vendors had developed workable livelihood strategies.

In the past, colonial and post colonial governments have outlawed many open-air marketing activities, often targeting women vendors specifically. In reaction to these conditions vendors have managed the resulting instability and unpredictability with systems of risk aversion and protections through mutual cooperation and collective self-regulation in informal markets. These strategies have offered vendors greater flexibility and control over their own labor. This

enabled vendors to react quickly to disruptions from police harassment, unexpected wholesale price fluctuations or supply and demand changes ubiquitous in Uganda's urban open-air markets. These flexible strategies have been particularly crucial for vendors selling perishable items such as food. Aili Tripp, Hilda Ntege and Christine Obbo note that the flexibility, independence, and relative socio-economic stability of small but steady returns provided by informal sectors are often more significant for participants than amassing large individual profits (Tripp 2000:102, 214; Ntege 1993:46; Obbo 1980:114-115). More recently such strategies based on cooperation, mutual obligation and leveraging social relations have been undermined by the open-air market privatization policy.

Promoters of the central government's market formalization scheme claim it was designed to increase civil society participation and inclusion in governance structures through an organized and accountable management system. Government-awarded contracts for market management were intended to bring vendors who had previously been working in unpermitted and unregulated sectors into a legitimate relationship with formal government, and therefore greater access to legal and political protection. These outcomes have not materialized, however, and vendors in Kampala and Jinja have found that formalization through private management, rather than offering protection, prosperity or inclusion, has created greater obstacles and uncertainty about market governance. It has raised crucial questions about who is or should be responsible for promoting and

protecting social wellbeing for vendors.

Vendors like the women I met on the side of the road north of Jinja recognize that compulsory integration into formal markets does not automatically promote greater security or agency of vendors selling in informal markets. An examination of informal marketing activity in Jinja and Kampala reveals that formalization has generally worked against vendors' strategies to self-advocate and maintain control over their productive resources. Historically, informal marketing in Ugandan cities developed in an atmosphere of exclusion and criminalization, particularly for women. From marginalized positions, informal market vendors devised cooperative and at times "invisible" strategies to maintain control over productive resources and protect against market volatility. Formalization (and privatization in particular) of open-air markets in Ugandan cities has not only weakened important social networking strategies but has also acted to further distance vendors from participation in formal and/or self-governance structures. Ultimately market formalization in Jinja has not addressed underlying problems contributing to divergent development such as vulnerability to transnational market dynamics, lack of access to local as well as transnational formal governance structures.

Amber Court Market: The Impact of Formalization

I observed this dynamic while investigating recently formalized and privatized markets in Jinja. This municipality has long been a hub of formal and informal trade because it is surrounded by productive agricultural areas as well as ports and fisheries resources of Lake Victoria. Following the national government's directive to privatize open-air markets in the mid-1990s, the Jinja Municipal Council began offering private contracts for the management of peripheral markets around Jinja. The story of the Amber Court Market shows how this plan has worked to disenfranchise vendors from relative control over their own productive resources otherwise offered by informal sector strategies.

The Jinja Municipal Council privatized and moved the Amber Court Market market in 2005. The market had begun on the edge of a housing estate built to house workers for the Owen Falls Dam project during the 1950s. Vendors who have been selling at the market since its early days told me that it was originally formed on a narrow roadside by a small group of women selling food and basic necessities to the hydroelectric dam and power station workers. Soon an unregulated, unregistered but highly organized Vendors' Association was created with an elected chairperson, sub-committees and rules of governance to manage collective investment in market improvement as well as safety and sanitation. Vendor fees and retail prices were set by Vendors' Association in a flexible manner taking into account seasonal fluctuations in the availability of agricultural goods being sold as well as unpredictable changes from external dynamics such as

currency inflation, increased oil and transportation costs.

Mary, a mother of four who sells beans, cassava and potatoes at Amber Court told me that she began selling in the original informal market as a young woman “just to earn a little extra” money for her family. She soon realized that by cooperating with other vendors she could make significant income from this work and so has continued for over twenty years. Her profits are not “big big big” but she expressed pride in being able to regularly contribute to providing food for her family and pay her children’s school fees. She said that this has become more difficult since the implementation of private management at Amber Court. Mary has struggled to manage rising market fees while she is seeing fewer and fewer customers due to rising food costs reverberating from the recent global food crisis. Whereas the previous Vendors’ Association might have decided to lower fees in times of high wholesale prices and few customers, the private manager has not made any such accommodations. Another woman who had been an elected leader of the informal market Vendors’ Association described her memories of the day the market was moved and privatized. “It was a hard way” she said, “even they came with guns to move us away.”

The Jinja Municipal Council (JMC) awarded the first contract for management of the Amber Court Market to a small group selected from the Vendors’ Association because there had been little competition for the contract. After two years, however, the JMC awarded the contract to a private businessman

with no previous connection to the market. A member of the local government involved in awarding contracts for the Amber Court Market management told me that vendors no longer bid for these contracts because vendors do not meet criteria for contract awards and cannot out-bid private business competitors. In an effort to secure regular payments from market managers, municipal governments are now required by law to award contracts only to bidders who have business education and access to collateral, credit as well as the initial capital to formally register as a private company eligible for collecting taxes (Lindell and Appelblad 2009:399). Most vendors cannot meet these requirements. A local government official involved with awarding contracts for Amber Court Market management told me that these new requirements were part of a directive from the national government to enforce more efficient collection of revenue from the markets, apparently without specifically addressing whether or not the move would have an exclusionary effect.

The change in market management at Amber Court has resulted in disputes regarding who is to be held accountable for responsibilities such as market improvement, service delivery and attention to vendors' needs. Ambiguity of responsibility in these matters has created a situation in which vendors have been "integrated" into the formal market without accountable representation. This has ultimately alienated vendors from the formal management system, pitting vendors against the private manager who is ostensibly their representative to local

government authorities. I was told that the contract for market management only stipulates how much money the manager is to pay the municipal council and does not specify responsibility for the kinds of “social services” or protections that the Vendors’ Association had previously taken on. Many vendors at Amber Court Market expressed dissatisfaction with the new private management system because as dues and fees increased no effort to maintain sanitation or investment in market infrastructure had been made. A group of women vendors I spoke with told me that the private manager had ignored their attempts to address concerns through the Vendors’ Association. Although the Amber Court Market Vendors’ Association continued to exist through the privatization process, many vendors expressed to me that the association has had little power to influence changes and has been reduced to carrying out menial services for the manager such as collection of daily dues. Several women vendors commented that because the new manager had not been chosen by them, he did not see himself as accountable to their needs. Grace, who has sold chapatis from a small wooden stall for over fifteen years, told me that she thought the old Vendors’ Association had been “hijacked” by the government contracted manager. Under the new management system the goal of profit extraction has stifled previous collective efforts towards self-determination.

The informal market Vendors’ Association management at Amber Court had maintained a flexible system for fees and requirements for cooperative

investment to account for price fluctuations, events of personal economic hardships, as well as seasonality and unpredictability associated with selling agricultural goods. The new private manager has offered no such flexibility even though local wholesale and retail food prices had increased five-fold from April to July of 2009. Vendors recognized that the price increases were related to lingering global economic and food crises, conflict-related food shortages in Sudan as well as lack of rainfall in agriculturally productive areas of Uganda. Vendors told me that they commonly experienced wholesale price fluctuations due to domestic and international market issues and uneven agricultural production. They said that customers buy less during high price periods, sometimes leaving many vendors with rotting unsold product and debt to wholesale suppliers.

Under these unpredictable conditions with little protection from the contracted manager I found that vendors had devised (or re-fashioned) informal self-management systems through increased reliance on savings clubs within different sectors of the Amber Court Market, divided by type of product sold. I encountered a small number of savings clubs with both men and women members, but most were comprised as a rule of women only. These organizations provide small revolving loans to individual vendors to improve their businesses and survive market irregularity. What has emerged since the new management system was implemented is that these groups are also organizing mutual investment in management of segmented portions of the market. For example, in a section of the

market selling cooked foods, vendors had mutually contributed to the cost of cleaning and removing garbage from common areas. Within their limited range of control these savings groups are acting as a kind of shadow or “invisible” management to different sectors within the market and direct a small segment of profits back into the market.

This “invisible” management system (making use of informal open-air marketing strategies) has arisen in answer to the problem of ambiguous authority. Vendors told me that under the new system, and since the old Vendors Association has lost power, it is unclear who should or does hold responsibility for protecting vendors’ interests. Although the private manager is tasked with representing vendors to the municipal council, vendors have ultimately lost leverage to “participate” in a formal democratic structure accountable to their needs.

The privatization of Amber Court Market has reduced vendors’ ability to access the flexibility needed to withstand market fluctuations and disenfranchised vendors from their previous leadership positions. The savings clubs projects created in reaction to these circumstances have allowed vendors to retain some control of the management of their labor and productive efforts, albeit within a more restricted sphere. This trend towards re-informalisation represents the persistence of open-air market vendors to assert livelihood strategies appropriate to their relatively unstable and/or unprotected economic contexts.

Outlawed & Essential: Informal Open-Air Markets & the Growth of Ugandan Cities

The strategies devised by open-air market vendors to produce markets organized to facilitate collective as well as individual benefit and protection were often created outside of formal or legal systems or sanction. The recent scheme to formalize, legalize and privatize open-air markets has come on the heels of many decades of conflict between women open-air market food vendors and government officials.

From its start women's involvement in urban trade was criminalized and not considered socially acceptable to European colonials or many African leaders. Over the last sixty years women selling food on Uganda's city streets and open-air markets have faced consistent police harassment and barriers from government agents. At the same time, their activities have made essential contributions to the urban political economy and labor reproduction.

As urban industrial production intensified in Uganda following the Second World War, the peri-urban areas surrounding Kampala were drawing increasing numbers of workers and "mushrooming [into] densely populated unplanned settlements" (Obbo 1980:21). In 1957 there were "100,000 Africans within a five mile radius of Kampala" (Musisi 1995:125). Eating outside the home was no longer a status symbol, but part of the everyday circumstances of urban laborers

who often had left their families in rural areas (Musisi 1995:127; Decker 2008:85). Although shut out of many industrial jobs, women were a significant part of this wave of urban migration. Many women entrepreneurs responded to the need to feed the growing, mostly male, industrial workforce by selling prepared foods from unpermitted roadside businesses from the 1920s, throughout the 1950s and into the present (Obbo 1980:123).

Moving to “town” and selling foods from the roadside offered women access to new independent livelihoods. But such independence was considered morally suspect by both African leaders and European colonials. Married or not, women forging their own businesses were “ridiculed and stigmatized as prostitutes” (Ntege 1993:47; Obbo 1980:26-27). The 1914 Law to Prevent Prostitution and the 1918 Adultery and Fornication Law were enforced well beyond the 1950s to discourage women from moving to cities and forging their own businesses. Under these laws, self-employed women found in cities were rounded up and sent to rural areas (Ntege 1993:47; Obbo 1980:25).

Even as their livelihoods were outlawed these food vendors contributed significantly to urban male labor reproduction “by feeding men cheaply who could not afford restaurant prices because their pay was too low or they were saving” (Obbo 1980:149). At times when women’s urban migration and unpermitted food vending were curtailed, “employers were faced with poorly fed and lethargic workers who never ate properly at lunch time” (Obbo 1980:149).

Selling prepared foods from unpermitted vending operations required little start-up capital and allowed women to build on skills they already had. Women also employed strategies of collaboration through “fictive kinship” among women who “co-operated intimately” (Obbo 1980:14). “Independent women” who “often pooled their resources and invested in joint ventures” (Obbo 1980:114) in their informal sector activities were usually neighbors but not necessarily tied by ethnic or family ties. Going across ethnic and family relations this type of cooperative organizing was not necessarily a simple replication of “traditional” norms, but a newly developed and adaptive set of strategies women devised in response to changes in their economic and political lives.

Managing in the Lost Decade: Cooperating For a Share of Urban Markets

Women selling food in informal markets became even more essential to urban life under the extreme instability and volatility brought by Idi Amin’s regime during the 1970s. Amin envisioned a centralized military state which would regain African control of Uganda’s economy. In 1972 Amin expelled all Asians from Uganda, who had been the primary owners of legal retail trade and industrial production. Most businesses were then taken over by Amin’s government or given to individuals close the regime. These businesses were badly mismanaged and generally collapsed within a few years (Decker 2008:89, 92; Musisi 1995:126). Shortages of food and basic necessities followed the expulsion of Asians and implementation of Amin’s Economic War. In an interview with

Alicia Decker, Hope Mwesigye remarked that in Kampala after 1972 “commodities started disappearing to the extent that actually people started going to Kenya to buy sugar –a kilo of sugar! And they could [arrest] people. I remember some people were arrested at the border carrying a kilo of sugar, two kilos, calling that smuggling, you know? So things became difficult” (Decker 2008:96).

Shortages and political upheaval intensified informal trade throughout Uganda. Amin’s forces enjoyed “unsurpassed economic privilege and great political power” while controlling illicit cross-border trade (Decker 2008:89-90; Musisi 1995:126). Amin’s military elite were directly involved in shortages and hoarding goods for their own benefit. A Commonwealth Secretariat Report from 1979 notes a “scarcity” of agricultural labor due to “the availability of these profitable alternative activities in the submerged informal sector of the economy” (Helleiner and Belshaw 1979:38). This document also outlines a three tiered market system that emerged under Amin’s regime. In the first tier locally produced goods such as meat, soap and sugar were marketed under government controlled prices. On a second tier goods were sold intermittently by the military, at times “at gunpoint,” for relatively cheap prices because the goods had been obtained through confiscation and sale at any price brought a profit. Thirdly, the *magendo* market sold “almost the entire range of commodities” at prices set by “supply and demand” (Helleiner and Belshaw 1979:42). Decker and Musisi

explain that the *magendo* economy was a so-called black market controlled by Nubian men favored by the Amin regime, also known as the *mafuta mingi* (get rich quick, or lots of oil) (Decker 2008:89; Musisi 1995:126).

During this time another type of informal market developed not noted by the Commonwealth Secretariat Report. Women marketers had created a thriving network of urban Night Markets known as *toninyira mukange* (don't step on mine). These Night Markets represent "an important component of the informal economy that emerged in response to the economic crises" of the 1970s and beyond (Musisi 1995:121). The *toninyira mukange* markets have been run primarily by women vendors who sell prepared foods at well organized and highly competitive prices determined by vendors within each market (Musisi 1995:134). Vendor cooperation on price controls meant greater stability of return on labor and capital investment, discouraging vendors in the same market to undersell each other.

Some have characterized Night Market activity as an assertion of women's empowerment (Musisi 1995:136; Decker 2008:98-99) even as it emerged out of their negotiation of extremely unstable times. Most vendors in the Night Markets were primary provisioners for their households and women became involved in the Night Markets because of economic necessity as well as for "freedom from dependence on male relations" (Musisi 1995:136, 129). In an interview with

Alicia Decker, Ugandan Member of Parliament Miria Mtambe described the conflicted changes encountered by women in the 1970s:

“Amin’s period pushed women from inside homes into [the] public arena because of hardships that did exist... Amin’s era actually came with... a disguised opportunity for women to be ushered into public life... When things became so bad and hard -the economic war- women had to come out and tender for themselves. Moreover, many women who lost husbands had to come out... and see how to tender for themselves. Even in their hardship during the economic war the men’s income could not be sufficient so women had to make ends meet” (Decker 2008:98).

The opportunities that women took advantage of through the tumult of the Amin years were nonetheless a response to real impoverishment and extreme state violence.

The creation of the Night Markets by women vendors did not come without risks. These vendors faced significant oppression by Amin’s forces. As Night Markets flourished they came into direct competition with the Amin controlled cross border smuggling operations and the *magendo* economy. Night Markets became the target of frequent police and military “harass[ment]” (Musisi 1995:127). On April 27th 1974 one thousand food vendors were arrested in Kampala on a police raid for selling without a “valid operating license” (Obbo 1980:25).

Throughout industrial boom and collapse of the colonial period women

carved out livelihoods for themselves by way of outlawed activities on the edges of legitimate recognition for their contributions to urban economies. The cooperative strategies of the informal sector frequently offered vendors greater stability than other options. As the Amin years ended, however, some women informal market vendors were not satisfied with their illegitimate status and exclusion from formalized arenas that held promises of greater access to political and economic agency.

Balancing Invisibility & Political Inclusion: The Risks of Inclusion Without Protections

As democratic governance has emerged in Uganda since the end of the Amin regime, informal market vendors have been evaluating the pros and cons of integrating into formal, legalized markets. Vendors have struggled to weigh the relative protections and control over their own productive resources available in the invisibility of the informal market against the potential legitimacy, inclusion and agency associated with legalized, visible, formal sector activities. This balance has become all the more complex as donor demands for structural adjustment and “good governance” have intersected with open-air market formalization schemes in Ugandan cities over the last thirty years.

The National Resistance Movement (NRM) came to power in 1986 and has remained in leadership of the Ugandan government ever since. This regime implemented a system of decentralized democratic governance through a

hierarchy of Local Councils (initially known as Resistance Councils) that stretched from the village to the national government. Soon after coming to power, strapped with foreign debt accrued since independence, the NRM government adopted International Monetary Fund (IMF) and World Bank structural adjustment programs (SAPs). The SAPs dictated increased privatization of Uganda's economy and reduction of government provided social services pressured the national government to increase its revenues from internal sources in return for readjustment of the terms of foreign debt. The NRM policy to privatize open-air markets through government awarded contracts has succeeded in directing the flow of capital from open-air markets towards the state in compliance with donor demands. The emergence of the NRM regime combined with the market privatization policy have, however, failed to bring greater political agency or access to democratic governance to vendors, and women in particular.

As the NRM government took leadership in the 1980s many women were finding participation in the Local Council system of democratic governance unsatisfactory (Tripp 1998:125). Instead, many women developed responses to their own poverty and/or lack of agency through separate women's organizations (Tripp 2000:161). These organizations often built on previous mutual support systems like those used in informal markets. Aili Tripp made a revealing study of the efforts of one women market vendors' organization to gain greater agency

through inclusion in the formal sector (see Tripp 1998; Tripp 2000). This example illuminates how the new democratic system in Uganda ultimately reinforced exclusionary practices for women informal market vendors that had begun in the colonial era.

The Kiyembe Women's Cooperative Savings and Credit Society was formed in 1983 by a group of ten informal street vendors in Kampala (Tripp 1998:128). Their main goals were to create a secure women's market space in Kampala, "gain legitimation of their business in the eyes of the authorities" (Tripp 2000:167) and to provide mutual support for their vending businesses. By 1986 the group was comprised of 107 members and had received municipal permission to use an open lot for their market (Tripp 2000:167).

Soon after attaining legitimate "formalized" status, however, a secret deal between the Kampala City Council and the market women's male employees undermined women's control of the Kiyembe Market. City Council leader Wasswa Ziritwawula declared in 1987 that "whoever was tending a stall [at the precise moment of his announcement] was the owner, regardless of whether they were an employee of the women [owners], a sub-renter or stall owner" (Tripp 2000:170). This announcement disadvantaged a significant number of women in the Kiyembe Society because many had hired others (mostly young men) to tend stalls they controlled either because the women were running several stalls, or because they were occupied with "household responsibilities" (Tripp 1998:128).

Kiyembe Society members report that their male employees had made a secret deal with Ziritwawula. This was confirmed by the male employees themselves (Tripp 2000:169; Tripp 1998:128). Most Kiyembe Society members lost all of their merchandise as well as stall space(s) to the men who had been hired as employees (Tripp 2000:170). These women were physically attacked when they attempted to re-take their market stalls. Appeals for official intervention were ignored by city government. In the end the Kiyembe Society lost control of the women's market they had founded (Tripp 2000:172-173).

The collusion of male market workers and the City Council to disenfranchise the Kiyembe Society women is linked to the ostracism that women marketers faced from their very first steps into independent urban livelihoods. When asked to act on behalf of the displaced Kiyembe Society members several council members expressed attitudes unsupportive of women's independent livelihoods. They responded that the women had lost their stalls because of "a lack of business acumen" (Tripp 2000:171) and that women were naturally unsuited for market selling. Although women had been involved in managing informal markets in Kampala since the colonial era, Council Member Ziritwawula commented that "he had never heard of a market owned by women and did not see why women should have control of the place" (Tripp 1998:129). The NRM's new decentralized democratic system had failed to create pathways for women

vendors to successfully become incorporated into formalized economic and political systems.

The Kiyembe Society and Amber Court Market examples demonstrate that integration or inclusion in formalized systems has often proved to be a dangerous prospect for women in the informal sector. Aware of existing constraints and potential negative consequences of formalization women have often kept their informal sector activities “invisible” (Snyder 2000:7) in order to hold onto strategies that allow flexible control over their own productive resources. Tripp notes that women in the informal sector have “deliberately” kept their activities and associations “small, informal, invisible and unregistered in order to make sure they did not lose control of them to an outside regulatory authority” (Tripp 1998:123). When asked by Tripp why her group remained unregistered one member of a Kampala savings club responded: “These organizations will collapse if they become formalized. We work so well informally.... The group is based on trust, mutual confidence, flexibility... What would we do if we registered? We would have to have a location, an office, and we can’t afford that....They would want a fee and we can’t afford that. We just want things nice and simple” (Tripp 1998:123). A 1992 study of women who sell surpluses from their urban agriculture plots in Kampala further underscores the economic independence women have accessed through “invisibility” in the informal sector. Daniel Maxwell found that many women sold surpluses in small

increments and informally in order to keep this income hidden from husbands and other male relatives in their households who might claim control of the women's earnings (Maxwell 1998:107).

The issue of inclusion (and by extension "visibility") has been leveraged to promote the recent plan to privatize open-air markets in Ugandan cities. The plan has been advertised as an effort to "improve efficiency in service provision" and "contribute to strengthening civil society and create conditions for participatory and inclusive governance" (Lindell and Appelblad 2009:397). The promotion of the privatization plan as a "participatory" endeavor conflates formalization with inclusion and increased representation. It suggests that integration into a system directing capital away from local sources and vendors towards the state is the primary way to access greater political agency. Adhering to the directives of donors to increase state revenue accumulation and promotion of profit motivated market-led economic activity has not provided protection, agency or flexibility required by vendors in informal markets to maintain autonomous livelihoods in urban markets, and has eroded the self-governing structures vendors had previously devised on their own.

The result of integration into a formal management system found by Ilda Lindel and Jenny Appelblad in their study of the Parkyard Market of Kampala is remarkably similar to the changes of inclusion and power dynamics I found at Amber Court Market in Jinja (Lindell and Appelblad 2009). In 1995 the Kampala

City Council awarded the first management contract of Parkyard Market to a private firm set up by vendors because there were so few bidders. In 2000, however, out of nine bidders the contract was awarded to Equator Touring, a private firm with no ties to the market or vendors association. Under this new management vendors (who were mostly women) reported that agents of Equator Touring used violence and harassment to “forcefully hinder vendors’ attempts at organizing” and prohibited any vendors associations or gatherings (Lindell and Appelblad 2009:400). Vendors also noticed that taxes and fees were raised by the new private management company and illegal taxation and embezzlement were suspected (Lindell and Appelblad 2009:400). Vendors expressed dissatisfaction with Equator because there had been scanty sanitation service provided and no investment into market infrastructure despite increased fees. Despite vendors’ efforts to actively seek help from several levels of city government for “violations of freedom of association as well as arbitrary arrests” (Lindell and Appelblad 2009:400) no help has been offered.

The vendors’ association at Parkyard has become defunct through the privatization process and the question of who should take responsibility for service provision, sanitation, and vendor well-being is left unanswered. Possibilities for vendors to collectively manage their markets have also been restricted. Formalization through private management at Parkyard has undermined the strategies and structures that vendors created for themselves to

remain in control of their livelihoods during previous decades of overt exclusion and criminalization without providing any other source of protection or directly accountable political representation.

Is Formalization Always Good?

The outcomes of privatizing markets in Kampala and Jinja demonstrate that formalization of open-air markets in Ugandan cities has tended to disenfranchise vendors from self-determined strategies, productive resources and decision-making power. This policy changed the primary goals of open-air markets from local market reinvestment, self-governance and maintenance of risk management to that of externally directed profit and capital flows. This change interrupted the strategies devised through informal market dynamics by groups like the vendors' associations at Amber Court and Parkyard markets. Although the formal and informal markets are engaged in trading goods and services, the ultimate objectives of the two systems of market organization are not necessarily the same. The prospect of formalizing the informal sector must take such contrasting goals into account. At times women vendors in particular have accessed greater livelihood protections specifically because they have kept their activities relatively invisible and informal. Legalization cannot readily duplicate these kinds of protections. Nor can we assume that enforced formal market integration or greater "visibility" would automatically serve to increase political participation, protections or economic equality of vendors engaged in informal

markets.

The needs of the women I met selling fruit on the side of the road north of Jinja will not be met by simply “not formalizing” informal sectors or promoting neoliberal ideals of total deregulation. Vendors’ struggles to retain control of their productive resources point our attention to larger problems within the development process that call for implementation of more informed protections. When I asked vendors at Amber Court Market what they would do to improve their situation not one person mentioned deregulation as a positive option; instead I heard proposals for more government action to create policies that would provide the kinds of stability and risk management and accountable governance vendors have found in informal strategies.

Vendors I talked with at the Amber Court Market are acutely aware that they operate in a highly sensitive and globally integrated economic landscape. Their daily livelihood prospects are impacted by the tumbles and unexpected turns of both local and global dynamics such as fluctuating agricultural production, military actions, changes to political regimes, transnational trade and financial crises. The conflict in Sudan is expressed in the rising wholesale price of *posho* (maize flour), pushing local retail customers away. A young man standing over a pile of green cabbages told me his price rises and falls with the price of oil because of correlated transport costs for his bulky product. “It’s hard to know how it will be tomorrow” he said. These vendors know that they do not need to be

“integrated” into transnational markets because they are already intricately connected to global trade dynamics. Formalization has not offered vendors at Amber Court the flexible protections needed to withstand such volatility and vulnerability.

Open-air market privatization has also failed to address larger inequalities contributing to the volatility and vulnerability experienced by vendors. According to vendors, the market privatization policy directed capital flows away from local control, while providing government appointed representation to the municipal council. The policy was designed to conform to donors’ demands to promote “good governance” and greater access to democratic decision-making while facilitating greater accumulation of revenue by the state. This illuminates the power of donor agencies to shape problematic outcomes for informal sector vendors at the “local” level. While policy proponents asserted that it would increase “participation” of previously marginalized vendors in a democratic political system, the market formalization scheme ultimately failed to improve open-air market vendors’ ability to access formal political agency while actually weakening informal self-governance structures. Conflating “legal” status or legitimized integration into formal markets with access to political inclusion and agency presented a hard bargain for vendors at Amber Court and Parkyard. Vendors were being asked to trade self-determination and control over their own productive resources for access to the state directed democratic system. The

outcomes at the Kiyembe, Amber Court and Parkyard markets warn us to carefully consider the potential impacts of implementing policies designed to increase local “participation,” “good governance” or advance “democratic reforms.” Such potentially benevolent policies can actually end up driving a particularly hard bargain and lead to greater exclusion and economic instability for vendors.

CHAPTER 2

Eating in the Confusion:

Implications of Criminalizing Informal Fishing & Participatory Policy

On a bright sunny morning, accompanied by a local teacher, I walked along the shores of Lake Victoria on the outskirts Jinja. We were headed to visit with fishers as they returned from their first catch of the day. First we passed through an officially regulated landing site, busy with fishing crews laying out nets to dry on a wide beach near a row of larger, flat bottomed boats outfitted with motors beached at the waters' edge. Music from the nearby beer hall thumped through the air. We walked along the lakeshore, soon leaving the fishing town behind. We passed plots of maize and yams and beans, clusters of thatch-roofed earthen homes visible in the distance. Coming through some thicker bushes we came upon a quiet, hidden landing site I call Broken Foot. As we arrived, a few fishers had just brought in their catch of small Nile perch and tilapia from small narrow canoes pulled up to the weedy shore. These fishers were met by several local wholesale traders ready with sacks and bicycles to transport fish to vendors at local markets. The negotiations, bargaining and deal-making between fishers and traders occurred in a drawn out series of careful calculations. Eventually a

price was agreed upon and cash was exchanged for fish.

Godfrey, one of the wholesale fish buyers at this hidden landing site explained to me in a low voice that I had just witnessed an illegal fish sale. “These fish” he said, patting the sack loaded on his bicycle, “are undersized fish, it is not permitted to sell juvenile fish, but we can make good money selling them in the local markets, so” he shrugged, “we do it.” Godfrey had worked for three years as a fisher hauling illegal undersized fish to hidden landing sites around Jinja for quick and relatively lucrative profits. Soon he had saved enough money to start his own wholesale fish trading business. He said that he now trades in illegal sized fish, but also sometimes in legal fish at regulated landing sites, buying from fishers he came to know in the trade. I asked him why he quit fishing for trading and he said fishing was too dangerous. He said his competitors would often steal his gear, and the police would come after him on the lake in motor boats with guns looking to receive a bribe if they caught him with undersized fish. “It was risky” he said. When I asked about the option of selling only legal sized fish at regulated landing sites several of the fishers at the landing site joined Godfrey in explaining that prices offered by wholesale traders who control the sales at regulated landing sites are below the cost of production. Selling at such low prices does not leave any profit for fishers to compensate for the work of fishing, cost of gear and upkeep of the canoe. “But these traders from the factories control the price, we cannot bargain with them.” Given such hard bargains, the

legal option carried even greater risks for fishers than the illegal fish trade.

Most of the fish sold at sanctioned legal landing sites is headed for export from Uganda. The “illegal” fish traded at landing sites like Broken Foot end up in local retail open-air markets where demand for the protein rich food is high, offering good prices. After being pulled from the lake, fish sold at such hidden landing sites pass through only one or two sets of hands before it reaches the market. This ensures that local fishers and vendors receive the greater portion of profits from this illegal trade, keeping resources within lakeshore communities.

Lake Victoria holds the largest inland fishery in sub-Saharan Africa, divided between Uganda, Kenya and Tanzania. Loss of fish stocks in the lake has been a recurring problem since the 1930s (Asowa-Okwe 1996:195-197). In January of 2010 one of Uganda’s leading newspapers reported that fish export volumes had dropped thirty-two percent between 2008 and 2009 (New Vision 2010).

Fishers like those I met at Broken Foot have been the primary target of blame for overfishing on the lake. Fishers engaged in the informal fishing trade have been characterized as drunken outlaw cowboys exploiting the lake’s resources for personal gain. A New York Times article portrays fishers on Migongo Island in the northern region of Lake Victoria as drunken “glassy-eyed fishermen” playing dice and surrounded by “squads of prostitutes” (Gettleman

2009:4). Africa News attributes “fish scarcities” in Lake Victoria to “illegal trade” (Africa News 2009).

Fishing is big business in Uganda. Second only to coffee, fish exports have grown to be the country’s largest source of foreign currency. This booming business brings significant revenue to the Ugandan government through taxes and levies. Eleven fish processing companies located on the shores of Uganda’s Lake Victoria territory control Uganda’s portion of the export of up to 30,000 metric tons of fish every year (Africa News 2009; New Vision 2010). Total exports across Lake Victoria have measured up to 600,000 metric tons annually (Heck et al. 2004:3). Ten years ago fish exports from Uganda earned \$117 million selling to growing markets in Europe, the Middle East Asia and North America (New Vision 2010; Namisi 2000:34). Profits accumulated by those who control export trade and/or fish export taxes collected by the government have not been equally distributed to fishing communities along the lake surrounding Jinja. Fishers were identified by the National Fisheries Resources Research Institute as consistently “among the poorest sections of communities, threatened by malnutrition, disease and enduring low standards of living” (Odongkara 2001:2). Forty percent of children studied in Lake Victoria fishing communities near Jinja showed stunted growth related to chronic malnutrition (Geheb et al. 2008:91).

For many fishers operating through clandestine landing sites near Jinja, the illegal fish trade represents not a devious, criminal activity or get-rich-quick

scheme, but a practical negotiation of the available opportunities and constraints. Much like the vendors in Amber Court Market, fishers have found greater relative stability of return on labor inputs as well as control of their own productive resources through informal, illegal fishing strategies. It is common for fishers to mix legal and illegal fishing activities, but fishers assert that a significant portion of their livelihoods is gained through the informal fishing economy. Unlike the participatory policy formalizing and *legalizing* informal open-air market activity, the 2004 National Fisheries Policy incorporates the *criminalization* of informal fishing activities while offering fishers greater access to democratic decision-making through elected local leadership. Many of the fishers I spoke with near Jinja were eager to engage the government to provide greater protections for their livelihoods, but had remained involved in informal, illegal fishing because legal status was less important to them than securing a relatively stable livelihood more readily available through informal means.

The 2004 National Fisheries Policy (NFP) introduces new democratic institutions designed to invite “illegal” fishers into formal democratic decision-making. Participation by fishers in these new democratic institutions has been low. Like the open-air market formalization scheme, the NFP also presents a hard bargain to people involved in the informal fishing sector. Access to participation in officially recognized local decision-making is offered only in exchange for giving up control of one’s productive resources through compliance with fishing

regulations which criminalize informal, small-scale fishing practices developed by fishers near Jinja over the last one hundred years. Fishers like those I met at Broken Foot landing site explained to me that compliance with NFP regulations would mean fishers would lose their bargaining power and become dispossessed labor because they would be left no choice but to rely solely on the legal, regulated market controlled by fish exporting interests. Michael Perelman calls this kind of “separating people from their means of providing for themselves” as primitive accumulation (Perelman 2000:13). The informal fish trade I encountered at Broken Foot landing site represents a century of strategies developed by fishers around Jinja to avoid successive policy pressures to submit their labor to a form of primitive accumulation, even at the risk of police persecution and an unflattering reputation.

The 2004 NFP represents the Ugandan government’s response not only to concerns about loss of fish stocks from over-fishing but also foreign donor pressure to introduce “good governance” through increasing “democratic” organization. The European Union, one of the major suppliers of aid and export markets for Ugandan fish, has funded researchers such as Paul Namisi who suggest that over-fishing on Lake Victoria would be mitigated by introducing systems of “co-management” to incorporate fishers and other stakeholders into the management of lake resources (Namisi 2000:34). Policy-makers have described the NFP as a participatory policy aimed at undertaking such a “co-

management” approach. The Fisheries Management Plan for Lake Victoria 2009-2014 published by the Lake Victoria Fisheries Organization states that all member states (Uganda, Kenya and Tanzania) “decided to employ a more participatory approach. In a co-management arrangement, stakeholders outside of government, including fisheries communities and the private fish industry, are given rights and responsibilities, power and a real say in management decision-making” because “In earlier years, a centralized, top-down approach had been used but this failed to protect fish resources and the many livelihoods dependent on these resources” (LVFO 2008:26).

The NFP introduces an avenue for greater “participation” by stakeholders through an entirely new local governance body known as a Beach Management Unit (BMU) operating at each sanctioned landing site. Each BMU leader is elected by the landing site community. This elected official is usually a resident of the community with a working knowledge of fishing. The BMU leader is supposed to provide lakeshore communities a line of communication to higher levels of government where lake management decisions are made. The BMU leader is also charged with implementing NFP regulations which outlaw many of the fishing practices maintained by small-scale fishers. For example, the use of certain fishing nets and gear as well as the catching of juvenile-sized Nile perch is punishable by fine or jail time. The BMU leader is expected to actively cooperate with the Maritime Police Force to enforce these fishing regulations. BMUs are

mandated to collect taxes and levies from local fishers and wholesale fish sales at regulated landing sites. Revenue from taxes, levies and fines for violating fishing regulations are then provided to the county and national government. In return for this stream of revenue BMU workers at landing sites are not paid for their service and are provided very little resources to carry out their work. The adversarial relationship between BMU leaders and informal fishers constructed by the requirement that BMU act as law enforcers makes it difficult for BMU leaders to gain trust of fishers or adequately represent fishers' needs to higher government officials.

As exemplified by the LVFO Fisheries Management Plan for Lake Victoria 2009-2014 mentioned above, policy makers and the Ugandan National Fisheries Resources Research Institute (NAFIRRI) perceive the NFP as an innovative participatory policy offering a positive enticement for fishers to be incorporated into the national democratic system. It is implied that providing a democratic "voice" for fishers will turn "outlaw" fishers into ideal democratically active "citizens" and producers of export products. People I spoke with in fishing communities are, however, keenly aware that in terms of practical impact on fishers' livelihoods, the 2004 NFP has much in common with punitive fishing regulations implemented over the last one hundred years in Uganda and does not provide the kinds of protections or agency that fishers would find beneficial.

There is an important historical context which has shaped the interaction

between fishers and the 2004 National Fisheries Policy as well as the growth of the informal fishing sector over time. Between 1907 and 1962 fishing regulations and other policies implemented in lakeside communities near Jinja were applied to control the spread of sleeping sickness. These regulations involved the criminalization of small-scale fishing as well as the forced removal and later regulated resettlement of lakeshore communities, enforcing significant changes to political and economic structures of lakeside communities. Before 1907 lakeside communities had controlled access to and trade of fish from Lake Victoria through coordination with inland Baganda and Basoga leaders. Local leaders maintained control and reinvestment of returns even from trade to distant inland areas (Hanson 2003:63; Cohen 1972:5). By 1962 fishing in Lake Victoria was controlled by fish processing-export companies owned by elite and foreign interests, shifting the majority of fish and returns from the fish trade away from the control of lakeshore communities to elite business owners in Kampala or abroad (Asowa-Okwe 1996: 199). The NFP does little to reverse this outward stream of resources, and acts to reinforce it.

In this chapter I will explore several key correlations between the early twentieth century Sleeping Sickness Policies (SSPs) and the 2004 National Fisheries Policy (NFP). The clandestine, informal and unregulated fishing practices like those used by fishers at the Broken Foot landing site have developed in direct relationship to these policies over time. Informal strategies

devised by fishers represent the contributions of fishers to the ongoing discourse about development and governance of Lake Victoria and fishing communities.

The NFP and Sleeping Sickness Policies (SSPs) have several significant aspects in common. Although separated by time and the advent of Ugandan independence in 1962, the NFP and SSPs both assume that fishers and lakeshore communities are disorganized or disorderly, in need of a standardizing official governing force to organize the disorder. The implementation of SSPs and NFP have resulted in producing multiple, ambiguous and confusing forms of authority and decision-making jurisdiction on the lake. Despite professed benevolent goals such as providing supportive and healthy livelihoods and environments, the SSPs and NFP have played a significant role in the long-term marginalization of fishers and fishing communities as well as supporting the flow of resources away from the lake and lakeshore communities.

In order to better understand how the informal fishing activities in landing sites around Jinja have interacted with the participatory aspects of the NFP since 2004 I will examine the commonalities between the NFP and SSPs in terms of: disordering order, ambiguous authority, supporting out-flowing resources and the persistence of informal risk management strategies used by fishers. Using these categories, the following sections of this chapter consider current NFP policy dynamics alongside historical examples of the SSPs in order to emphasize the

ways in which the past and the present are intertwined in the current choices of fishers to persist in informal fishing near Jinja.

Sleeping sickness, a deadly disease also known as African trypanosomiasis, is important to the story of informal fishing near Jinja. Being close to the water or marshy areas, lakeshore communities are at potentially greater risk of coming into contact with tsetse flies carrying African trypanosomiasis. There is evidence that lakeshore communities undertook careful management of their environment to control tsetse flies before colonial intervention (see Ford 1971). Since 1900 lakeshore communities near Jinja have been detrimentally impacted by successive epidemics of sleeping sickness. Between 1900 and 1920 lakeshore communities between Entebbe and Jinja lost an estimated 200,000 people, roughly one third of total population, to deaths from sleeping sickness (Langlands 1976:1). A 1976 report to the World Health Organization identified Jinja and nearby Buvuma Island as the epicenter of this outbreak, citing earliest and highest prevalence rates (Langlands 1976:8-9). High mortality rates from sleeping sickness outbreaks were recorded near Jinja until Ugandan independence in 1962, and continue to impact the area.¹

¹Since Uganda's independence in 1962 there has been little effort to record incidences of trypanosomiasis. Doctors Without Borders has noted a concerning increase of trypanosomiasis since the 1990s across sub-Saharan Africa, including the Lake Victoria region (Doctors Without Borders 2006). Post-independence regimes have relied on NGO provision of pharmaceutical control of sleeping sickness in lake areas. Pharmaceutical companies that produce the trypanosomiasis treatment drug such as Bristol-Myers and Bayer have not cooperated with appeals from health care NGOs for production and/or provision of the drug (Hoppe 2003:186).

High mortality rates from sleeping sickness near Jinja were noted by British missionaries visiting Buvuma Island in 1904. Missionary letters show that the initial British reaction to the spread of the disease was to remove investment from affected areas. In May 1904, an unidentified missionary wrote to Bishop Hanlon in Entebbe that mission health dispensaries at Buvuma Island were unable to provide any assistance to sleeping sickness sufferers, but the sick were encouraged to stay in temporary housing around the mission (Unknown Author 1904: Jinja Bishop's House Catholic Diocese Archives). In September 1907 J. Speare wrote in a letter to Father T. Mathews regarding his trip to Buvuma Island that "the population is steadily diminishing on account of the sleeping sickness" and only "about 500 tax payers" remained in the area of the Buvuma mission ... In my opinion," he wrote, referring to the general disrepair of the mission, "Buvuma mission is not worth the great expense of re-opening" (Speare 1907: Jinja Bishop's House Catholic Diocese Archives).

The same year that J. Speare suggested divesting from Buvuma Island, Uganda Protectorate Governor Henry Bell began implementing several significant sleeping sickness control policies. Between 1907 and 1919 all Africans were prohibited from living or working near the lake around Jinja (Hoppe 1997:89). Entire communities in a two mile wide strip along the lake stretching from Entebbe to Jinja as well as the nearby islands were forcibly removed to inland areas. Bell's plan designated most landing sites near Jinja "fly areas," not legally

habitable or usable. The 1907 Uganda Fishing Ordinance and 1908 Sleeping Sickness Rules made fishing or sale of fish without a permit illegal. After sleeping sickness mortality rates declined in 1919 British colonial officials designed schemes to resettle lakeshore and island areas in a highly controlled and regulated manner. These resettlement efforts, including specially designated areas for fishers, continued until 1962 and can be understood as a long term effort of the colonial government to force fishing communities to conform to British ideals of settlement and to control the commercial intensification of fishing on the lake (Hoppe 2003:129).

DISORDERING ORDER:

Colonial Policy Pressures Fishing Communities to Conform to Foreign “Order”

The sleeping sickness regulations of the early half of the twentieth century attempted not only to control the spread of disease, but to enforce specific social and economic control of lakeside communities. Kirk Hoppe argues that the sleeping sickness population removals and resettlement schemes adopted by British colonial officials represent an attempt to transform Africans from a diseased population “responsible for the disorder of their environment that allowed [tsetse] fly infestation... for being disordered themselves” (Hoppe 1997:89) into an orderly, “hygienic” population of cash crop farmers, thus producing a disciplined labor force for cotton and coffee exporting interests. In resettlement areas (located away from landing sites) British officials enforced

specific settlement patterns, home construction design, as well as land use including what crops to plant when, encouraging settlers take up cash crop farming (Hoppe 2003:109). Fishers who would resettle in designated landing site areas were required to submit to regular health testing by the government, as well as official registration and inspection of all canoes (Hoppe 2003:129). Some fisher-designated resettlement areas were restricted only to men, thus splitting up families and enforcing temporary or transient habitation (Hoppe 2003:133). Transience continues to be an aspect of many fishing communities along the lake today.

The 2004 NFP has a similarly coercive implication. The NFP is arranged under the assumption that fishing communities are not organized to make lake management decisions. The introduction of the BMU system rationalizes the idea that fishers need to be transformed from disorganized outlaw cowboys-of-the-lake into democratically empowered (but economically dependent) labor for the lucrative fish exporting trade.

The Local Council system implemented by the Ugandan government in the 1980s was active in most of the landing sites I visited. The Beach Management Unit (BMU) introduced by the 2004 NFP adds another “democratic” institution to the governance of lakeshore communities. However, the BMU system also replicates a major flaw in the decentralized Local Council system originally implemented by the NRM government in the 1980s: the allegiances and

accountability of BMU leaders is directed towards higher levels of government rather than local people while claiming to offer a forum for local people to communicate with higher government officials and/or legislators. Neither BMU leaders nor village level Local Council leaders are paid for their service. All funds allocated to them come from county and national levels of government. In order to receive these funds, local leaders must be more attentive to the agendas of higher government officials than the needs of the local people who elected them.

Fishers at a landing site near Jinja told me that while the implementation of Beach Management Units has increased the efficacy of tax collections from fishers and wholesale fish traders, lakeshore communities have seen little investment of this money back into landing site infrastructure, sanitation or protection of fishers' livelihoods. This double bind is not a mystery in fishing communities near Jinja. One soft-spoken young fisher I talked with on numerous occasions told me that although he has voted for the Beach Management Unit leaders, he understands that they have no reason to cater to his needs. Instead, he explained, the BMUs receive resources from higher levels of government, and so must be accountable to those officials and do as they are told.

Ultimately the BMUs have been successful in increasing tax collection for the government, but have failed to attract fishers to a more "democratic" system of lake resources management. BMUs will collect at least ten percent of a fisher's total catch in taxes and levies. In many ways the BMUs are similar to the

appointment of “chiefs” under colonial administration of indirect rule. A primary role of these British appointed “chiefs” was to increasing efficiency of tax collection for the British protectorate. The difference significant to donors pressing for “good governance” is that BMU leaders are elected, enforcing a notion of democratic inclusion, but this detail is less significant to fishers than measuring practical returns from livelihood investments.

AMBIGUOUS AUTHORITY:
Policy, Informality and the Confusion of Jurisdiction Over Lake Resources

The fumbled, unpredictable and ineffective implementation of the British forced removal and resettlement schemes between 1907 and 1962 invited multiple and competing systems of governance and authority over access to lake and land resources, inviting informal, unregulated strategies. The introduction of BMUs to the governance structures of landing sites and fishing communities since 2004 has brought a similar confusion associated with multiple forms of contested official and unofficial forms of authority and jurisdiction. As noted above, the BMU system replicates the existing (democratic) Local Council system at many of the landing sites near Jinja. From interviews with lakeshore residents conducted near Jinja just after NFP implementation, Heck et al report that community members expressed “differing understandings of who owns and should manage the lake resources” (Heck et al. 2004:22). The ambiguities associated with the NFP and

SSPs were also instrumental in shaping the formation of informal land settlement as well as informal fishing activities.

For all its reliance on scientific and so-called objective, rational, or modern planning, the colonial implementation of resettlement schemes after 1919 was an unpredictable and confusing process for many participating Africans aiming to re-settle near the lake. Land and landing sites were continually and erratically officially opened for settlement and then closed, forcing further dislocations (Hoppe 2003:109). British officials prescribed population densities and other settlement rules. These regulations were continually modified and difficult to predict, seemingly arbitrary to many African settlers. The slow process of clearing sites for resettlement left many prospective settlers bogged down waiting for available land. In response, many settlers created unpermitted “squatted” settlements near the lakeshore (Hoppe 1997:100).

As promised in the 1907-1919 removals, the resettlement scheme aimed at returning chiefs and their constituents to the exact land from which they had been removed. The chaos of the resettlement process and lack of British record keeping made it impossible to keep this promise, making land claims a highly contested issue. No records of land rights or ownership had been kept by the British during the removal process. There was apparently no record that British authorities recognized to rely on for re-allocating resettlement areas.

Despite the lack of documentation or recorded land claims, the British resettlement scheme allocated plots of land and landing site access through appointed local chiefs. Chiefs, as well as individuals claiming to be chiefs, were granted lands by the British authority, usually through a lengthy petition process. Some squatted areas were eventually granted official sanction, while others were denied permission in a seemingly arbitrary system, raising more confusion about contested claims to governance and access. The system was further undermined because chiefs received material compensation and power based on the amount of settlement fees and taxes he turned over to British officials (Hoppe 2003:130). This reinforced a system of governance in which chiefs were accountable to the British but not necessarily to their settler constituents. Those who were able to navigate the bureaucratic British petition process gained the most power and profit from the resettlement schemes regardless of whether or not they had any locally recognized authority.

Even with the provision of incentives such as free transport and year-long tax exemption, free iron roofing sheets, tools and seed, British resettlement schemes were unpopular and left many official resettlements sparsely populated even into the 1950s. Just as with the NFP, the unpredictable confusion and enforced rules associated with the British resettlement scheme made it an unpopular plan. Eventually squatting became a common form of claiming land as people found settling on their own terms easier than conforming to British

regulations. At an evening market in a town near several fishing villages near Jinja I met John, an elderly man selling tomatoes. He told me that he came to the area in the 1950s from the Mbale region (ninety miles to the northeast) because his brother had told him the land near Jinja was fertile and available for the taking. Although his original success producing coffee for export had waned, John and his family had managed to remain on his original claim. He told me that he was concerned about lacking official title for his land, however, because he has noticed that foreigners are becoming more interested in buying nearby land for tourism.

The institution of BMUs under the NFP exacerbates the ambiguities of authority present in the early twentieth century lakeshore communities. Today there are differing recognitions of authority and claims to control over lake resources between permitted business interests, local government officials, Maritime Police as well as informal fishers. BMU leaders are elected in a combined ballot election with the local council leaders. Enforcement of the NFP fishing regulations is the responsibility of Maritime Police and BMU leaders. Fishers have daily contact with the lake and shifting cycles of fish. Fish processor-export factories maintain significant power through leveraging economic control.

Geheb et al. suggest that the NFP has been unsuccessful in curbing illegal fishing because it does not specify how transparency and accountability are to be

maintained by the BMU (Geheb et al. 2007:472). The Geheb et al. critique, however, does not address the significant competition for jurisdiction over lake resources represented by informal fishing networks. Fishers and BMU officials expressed to me that the new system has brought more divisions than solutions in their communities. Although locked in adversarial positions, both fishers and BMU staff understand that they each occupy a precarious place in the tenuous balance between livelihoods, lake resource conservation, as well as state and private profit that direct resources away from the lake.

During a visit to a sanctioned landing site village I stopped in at a small mud brick shed announcing itself as the office of the Beach Management Unit with a chalk-on-slate sign posted out front. I was invited in by Richard, a man in his fifties and the elected leader of the local Beach Management Unit. When I asked him how he likes his work as BMU leader Richard said that “sometimes it is good,” like recently when he was able to get funds from the sub-county government to build a new latrine for the landing site. But other times he described how difficult it is to balance his responsibilities. He told me that because he is required to enforce NFP regulations, he is obligated to confront friends, neighbors and family who are using illegal fishing gear. “How can I take away my brother’s livelihood? He has no other way!” Richard explained that the government has asked him to go out on the lake and help the police to arrest fishers who are illegally harvesting juvenile fish, but he is given no resources with

which to manage the effects of these arrests in the community. Richard recognizes the bind he has been put in by the new fishing policy. Given authority without resources has left him in a difficult position, making it hard to effectively enforce the NFP regulations. Geheb et al. note that “if community members perceive that their only access to fish is through the use of an illegal gear type, and the BMU the seizes it, it is likely they will perceive a livelihood claim to have been infringed upon” (Geheb et al. 2007:472).

OUT-FLOWING RESOURCES:
Policies Draw the Tides Away from Fishing Communities

Beginning with the first fishing restrictions in 1907 most fishers found the cost and procedure of acquiring the required fishing permits inaccessible. Similar to the restrictive private management contract award system for open-air markets, the permitting process has effectively made legal fishing only open to those who could manage the cost and procedural system set by authorities that has continued since 1907. The alienation of small-scale fishers from their “traditional” fishing grounds through the SSPs removal and resettlement schemes left the door wide open to those with access to credit and means to develop a highly commercialized, vertically integrated fishing economy on the lake. Working from urban centers not affected by sleeping sickness removals such as Kampala, European and African elites with no direct ties to lake communities or fish production were able to leverage the capital necessary to obtain official permission to fish on the lake, and

increasingly gained control of the production of fish for export from harvest to processing to distribution.

As fishing and fish export production became increasingly vertically integrated from the middle of the twentieth century, rising numbers of fishers have found it necessary to sell their labor to fish processor-export firms through a system of debt obligation that amounts to a form of primitive accumulation. In the 1940s and 1950s expensive fishing gear such as more durable nylon nets and boat motors offered fishers the ability to catch greater numbers of fish with less labor. The owners of fish processing-export factories along Lake Victoria have been able to take advantage of fishers' desire and need for expensive labor-saving gear. Paul Namisi notes that in the early 1990s fish processing-exporters near Jinja were making an organized "serious and sustained effort" to reduce wholesale prices offered to fishers in order to increase profits on export, as well as to entice fishers to require expensive gear that enable larger catches needed to cover their production costs (Namisi 2000:36; Asowa-Okwe 1996:199).

The imposition of low wholesale prices and highly efficient gear has contributed to the reliance on high-yield fishing methods which increase in the amount of fish taken out of the lake for export. Government response to overfishing has also re-enforced this dynamic. Overfishing and declining catch sizes were first recognized as a problem by colonial officials in the 1930s. In response, the colonial government required more permits and licenses (Asowa-

Okwe 1996:197). In 1951 colonial officials concerned with continued fish stock depletions debated whether or not to restock Lake Victoria with non-native fish species. Concerns for how the introduction of a non-native species would impact the lake were eventually overridden and several non-native fish species were introduced into the lake by colonial officials. Most notable among the introduced fish was the predatory Nile Perch. This fish can grow to more than six feet in length and often occupies deeper and less easily accessible waters in the lake, requiring stronger nets and motorized boats. Nile perch is a predator and soon depleted remaining stocks of native fish species, becoming the dominant fish in the lake. The expanding market for Nile perch in the lake has contributed to imposing the advantages of using highly efficient (but expensive) gear.

The NFP does not require large scale fish processing/exporting companies to control the volume of fish they export or the business practices which reinforce reliance on large catch sizes. Following foreign donor directives, the NFP gives preference to these high revenue earning private interests (which provide revenue for debt repayment). At the same time the NFP targets small-scale fishers, the most vulnerable link in the fishing economy, as criminals responsible for declines in fish stocks. In response, fishing communities have continued to rely on informal fishing activities that were first developed during the SSPs. Donors have presented the Ugandan government with a hard bargain and paradoxical expectations asking for the preferential treatment of fish exporting companies

while also demanding that disenfranchised fishers are provided greater democratic “voice” and “good governance.” The NFP effectively transfers the hard bargain and paradoxical expectations onto fishing communities offering a “voice” through the BMUs while reinforcing the flow of resources away from lake communities.

At Masese landing site on the outskirts of Jinja there is a large tin-skinned fish processing plant humming along to an internal network of machinery, spilling fishy smells, surrounded by a high fence and guarded by armed security. The windowless building houses one of five fish export processing plants along Uganda’s shore of Lake Victoria. At a dock at the back of the factory jutting out into the lake, mountains of large sized Nile perch are transferred from motorized flat bottomed boats brought by wholesale traders.

Most fishing around Jinja is done by fishers who own one or two boats and hire two or three men for crew as needed. At official, sanctioned landing sites fishers sell adult sized fish to wholesale traders, who then sell the fish to the processor-exporters. The exporters control this multi-step system through a debt-obligation system. A wholesale fish trader told me that processing companies “trap” wholesale fish traders by offering expensive gear and other necessities like ice on “credit” to be paid back by selling their wholesale stock exclusively to that company at the price the factory offers, without negotiation. This arrangement is referred to as giving the factory “exclusive rights.” In turn, wholesale traders make debt-obligation arrangements with fishers by providing nets and gear at a

lower than retail price on “credit” in exchange for the fisher’s agreement to sell exclusively to that wholesaler at whatever price is offered. This system of debt ensures that fish processing-exporters can acquire an abundant flow of fish at low prices, allowing for greatest profit when the fish are resold export distributors. Fishers receive the least amount of profit from this arrangement, having the least leverage to negotiate a price which reflects the cost of production.

The debt-obligation system has resulted in fishers selling their fish below or near the cost of production at officially sanctioned landing sites. There is more room for negotiation of price at unregulated sites because the fish traded in the informal market is primarily bound for local markets. Informal wholesale and retail price is more negotiable and flexible because it is negotiated in response to local conditions of supply, demand and seasonal food fluctuations. The informal fish market will also trade in (illegal) juvenile-sized fish which require less labor and less expensive gear to catch and still fetch a good price. In this way, the informal fish trade offers a lucrative alternative to the system of debt-obligation as well as the burdens of the 2004 NFP.

RISK MANAGEMENT:

The Informal Fish Trade and Evasion of Livelihood Restrictions

Over the last hundred years fishers have found solutions to limits on small-scale fishing strategies through developing innovative clandestine fishing practices. These practices represent options for evading pressures to conform to

imposed ideals enforced by policy (governmentality), to stake claims to fish resources in an environment of contested and ambiguous systems of authority, and to keep some of the profits from lake resources reinvested into lake communities while avoiding the pull towards primitive accumulation under debt-obligation. Measuring risks involved with maintaining illegal livelihood practices against the potential returns available through informal fishing, fishers have consistently found greater benefits in the informal fish trade.

After a lakeshore area was depopulated during the forced removals of 1907 – 1919 British officials would order laborers to burn houses and canoes in order to discourage resettlement or return (Hoppe 1997:90). Noncompliance with the evacuation plans was punishable with up to a year of imprisonment and forced labor. Trespassing on evacuated land or sailing in lake waters were also punishable offenses (Hoppe 2003:91). Fishers were originally able to persist in accessing the lake in-part because colonial officials did not have the resources to enforce the SSP depopulation rules. To work around the SSPs, fishers began fishing more at night and in areas less patrolled by British officials. Learning to operate in hidden landing sites and out of reach of colonial control were important skills passed along through generations over the fifty years of sleeping sickness related restrictions on fishing and into the present.

The practice of illegally accessing the lake to fish was documented in 1957. That year British resettlement officer J.H. Flemming raided an illegal

fishing camp near Jinja and reported impounding seven bicycles, twenty-four nets and other fishing gear from twelve unpermitted fishers (Flemming 1957: Jinja Municipal Archives).

Fleming's report is remarkably similar to the kinds of policing and gear confiscation described to me by fishers operating near Jinja in 2009. In almost every conversation I had with fishers I was told that the most dangerous part of their work is dealing with constant persecution and harassment by police. Peter has been fishing since he was 10 years old, now he is in his twenties. He said that more recently when he has encountered police on the lake they "will force you to pay a bribe" but if you cannot pay, anything of value will be taken: all of the fishing gear, the entire fish catch, or even the boat. Peter also told me that many farmers who migrate to the lake to work on fishing crews do not know how to swim. He said that he had seen men drown because they have been forced to jump out of a boat confiscated by police in the middle of the lake. "We have a lot who drown, who don't know how to swim," he said. I was told by fishers that the official charge for harvesting a canoe full of juvenile-sized fish is seven years in jail or 470,000 Ugandan shillings (about \$225). Peter exclaimed, "They come and tell us to use government [approved] nets, but they don't give any assistance to buy the nets with" so fishers keep using their illegal fishing gear.

Colonial health officials, current policy makers, Ugandan city dwellers, even New York Times journalists conceive of fishers on Lake Victoria as unruly

outlaws bent on breaking the law and negatively impacting the lake environment. This negative characterization of fishers is deeply rooted in the earliest sleeping sickness control policies of the 1900s. Peter told me, however, that even as he and his fellow fishers continue to rely on informal and illegal fishing what they would prefer is more engagement with the government and greater government involvement in managing fishing on the lake. He said that he would gladly participate in a “co-management system” if the government would offer protection for his fishing livelihood and against the loss of control over productive resources resulting from the current formal fishing system of debt-obligation. While the current NFP plan has created a new system of governance and participation through the Beach Management Units, fishers understand their needs and their livelihoods to be at odds with the aims of the BMU as well as the fish processor-exporters. Many fishers identified BMUs not as a pathway to involvement in democratic decision-making, but with the continuation of a century of policies which have criminalized and persecuted small scale fishers while benefiting large scale exporters.

Ultimately the livelihood protections fishers are expecting from the Ugandan government are at odds with the expectations of foreign donors placed on the Ugandan government. Although the NFP is advertised as an innovative policy to incorporate local people into management of fisheries resources it is structured to have little leverage to shift the flow of resources away from

lakeshore communities and/or to address the long term acrimony between fishers and state forces.

Fishing communities and donor agencies are calling for “good governance” and increased participation by stakeholders in resource management. However, the meanings, uses and implementation of these sentiments tend to differ greatly between these two groups. The NFP has failed to stem the flow of fish as well as profits/resources away from lake communities even as it attempts to increase engagement of those involved in informal sectors. People in lakeshore communities that I spoke with expressed desire for greater government involvement through directing gains from the profitable fish export commerce back into the fishing communities from which those profits derive. The BMU system has not been given the power to reverse the current out-flow of resources. Even if some BMUs are able to give “voice” to fishers and fishing communities around Lake Victoria, having a chance to speak at the table is not the same as the opportunity to eat at the table. The ambiguity of authority and lines of protection that began with the sleeping sickness policies has only been exacerbated by creating another legless and resource-poor institution. Promoting equity of “representation” without more equal distribution of profits accumulated from the fishing industry has created more problems than it has solved. Increased reliance on “criminalized” informal sector activities in fishing communities shows how fishers have negotiated to remain in control of their own labor as much as possible

in the face of pressure to disenfranchise themselves in order to access legal, formalized democratic decision-making.

The long history of informal fishing near Jinja does not suggest that all regulatory policy should be done away with. This activity does show that legal status is less important to many fishers than stability of returns on livelihood investments, maintaining bargaining power as well as control over productive resources. Fishers are keenly aware of the reductions in fish populations in the lake and know that catching juvenile-sized fish is not a long term sustainable solution. Fishers also noted that the blame they receive for loss of fish stocks is unfair, and that many of the problems in lakeshore communities stem from a lack of control over resources, the out-flow of profits gained from the lake, as well as ambiguous and multiple forms of authority claiming jurisdiction over management of lake resources. Watching Godfrey and the fishers at Broken Foot landing site negotiate fish prices it was clear that people engaged in the informal fishing economy near Jinja know a good bargain when it is presented, and the NFP does not offer enough in return for what it is asking of fishers and fishing communities.

CONCLUSION

Finding a Place to Eat at the Table:

Participatory Policy, the Informal Sector & Global Governance

A place to speak at the table, to have one's "voice" represented, is not the same as having a place to eat. The ways in which vendors and fishers have chosen to continue enacting and using informal sector strategies over the options offered in the market formalization scheme and 2004 fishing policy represents a rarely documented or recognized but crucial part of the larger discourse of development. There is a practical rationality driving the ways in which people engaged in Jinja's informal sectors have interacted with recently introduced participatory policies. Understanding this rationality and evaluating the efficacy of the open-air market formalization scheme or the 2004 National Fisheries Policy requires consideration of a broader of context. The strategies and actions of people engaged in Jinja's informal sectors are embedded in an unfolding conversation between locally initiated livelihood strategies and various policies which carry external practitioners' visions of progress and prosperity. Through devising and revising informal sector strategies, vendors and fishers have been inserting themselves into these conversations over the last hundred years. The strategies of

people engaged in Jinja's informal sectors were developed in reaction to repeated forms of ambiguous authority, lack of accountability as well as pressure to conform to policy-makers' and donors' ideals. These conditions were present in the resettlements of lakeside communities during the 1930s as well as open-air urban markets facing police harassment in the 1950s, and continue today in both venues. The discussion of development and ultimately addressing global inequalities is too often truncated to the timeline of project cycles or annual budgets, or at a stretch, incorporation of the last fifty years. The discourse of development did not begin after World War II. It is at least as old as the ongoing conversation between people engaged in the informal sector and policies that have intersected their lives. Bringing a longer timeline and a wider perspective to discussions of development discourse allows for the inclusion of not just the "voice," but the actions, motivations, goals and desires of people often overlooked in development planning, even when invitations to the "locals" are offered.

Vendors lining the earthen pathways at Amber Court Market each morning at dawn, presiding over ground-cloths piled with beans or cabbages, appear to be doing exactly the same thing vendors were doing forty years ago: each vendor selling stuff, bargaining with wholesale traders or retail customers for the best deal. But forty years ago the vendors were not necessarily individual agents focused on attaining the biggest profits. That market was organized under the Vendors' Association through principals of providing a social security net first,

and individual profit accumulation as a result of that collective wellbeing. In 2009 vendors told me that the carefully constructed net had become badly unraveled under the formalized private management system. The smaller savings groups organized by vendors to provide mutual investment and shared-risk loans illustrates the importance of such strategies under unpredictable conditions.

Fishers near Jinja are intimately aware of the changes to Lake Victoria ecology that have occurred right alongside the changes to their livelihoods over the last hundred years. The kinds of social networks so important to maintaining stability and social security for vendors in open-air markets have not been as supportive for fishers. Negotiating a livelihood through “exclusive rights” deals and debt-obligation with wholesale traders (ultimately controlled by fish exporting firms) seems, on the surface, to be similar to the small-scale loans offered by the vendors’ savings groups. In contrast, however, the vertically integrated system of debt obligations experienced by fishers turns out to be a key factor in the disenfranchisement of fishers. Conforming to fishing regulations would require fishers to join this system and giving up the ability to demand a sale price based on their own calculated cost of production. Making use of strategies developed to evade the prohibitive and forced conformity of sleeping sickness policies has allowed fishers to remain in relative control of their livelihoods.

Both vendors and fishers are well experienced with contexts of ambiguous authority, and have not necessarily been surprised by new forms of ambiguous authority and jurisdiction brought by recent participatory policies. The government-appointed representative as private manager to Amber Court Market is clearly not accountable to vendors, but it is important to notice that neither are locally elected BMU leaders on landing sites near Jinja. The ability of lakeshore communities to “elect” a representative (rather than have one appointed as in the market formalization schemes) did not solve the concerns held by fishers facing loss of control over their livelihoods.

It could be argued that the lack of participation of by vendors and fishers in the open-air markets and fishing participatory policies demonstrates that any regulation of trade or commerce is inherently problematic and such policies are destined to fail. It is crucial to acknowledge, however, that the participatory policies that presented hard bargains to vendors and fishers in Jinja were devised ultimately in reaction to pressures from foreign donors and development practitioners. This shows that there are underlying issues at the global level that have not been addressed, and require systematic attention. Vendors and fishers I spoke with in 2009 seemed to be never at a loss for ideas about regulations and other government action that they would like to see in the future, many of which involved the provision of protections against global forces which impact their livelihoods but are beyond their “local” control.

Both the market formalization and the National Fisheries Policy place such intense focus on the activities of “local” factors that the global unequal flow of resources, as well as structures that reinforce this tide, escapes scrutiny. Vendors and fishers are not naïve to this. People in both groups expressed to me that they understand that the flow of resources away from their markets and communities would not be reversed by votes alone, but required changes at the level of transnational organizations, and donor institutions in particular. One vendor at Amber Court remarked to me that even if the private manager would listen to her concerns, how could she or the local council protect against the impact on wholesale prices from conflict in Sudan, or an impending global oil crisis.

Several members of savings clubs comprising the invisible, “shadow” management at Amber Court Market told me that they are also members a transnational activist and self-advocacy organization called Slum Dwellers International. When I asked these vendors why they would devote time and energy to such an organization, Grace the chapati maker replied that she hopes that the combined efforts of vendors and “slum dwellers” such as herself on a global level would provide the leverage and/or bargaining power needed to demand protections for small-scale vendors or change transnational flows of resources to encourage greater investment into her community. Engaging with Slum Dwellers International allows her access to potentially greater options to

“participate” on a wider scale, beyond any meeting with the new private manager at Amber Court Market or a local election. Grace has travelled across East Africa with Slum Dwellers International to meet with other concerned vendors like herself to gain from cross-border connections and expand on the kinds of social networking strategies she has used in her business at Amber Court.

The problems of the market formalization and National Fisheries policies are also rooted in ignoring the historical contexts from which informal sector activities arose. While open-air markets and scattered landing sites may have appeared to policy makers as disorganized and chaotic, vendors and fishers functioned on a logical, practical system of organization long before the recent participatory policies were implemented. The original Vendors’ Association created at the Amber Court Market had a distinct structure and role that could have been leveraged to gain the participation of vendors in a formal system of market management and governance. Acknowledging that cooperative practices created more stability and long term gains for vendors would have forced policy-makers to question the assumption that a system based on market-led competition would create the most beneficial outcomes. Ignoring the pre-existing Vendors Association also furthered the idea that an open-air market needed disciplining and imposed organization. Similarly, the strategies used by fishers along hidden landing sites around Jinja could have been used to activate fishers’ participation in fisheries management, but the historically rooted negative reputation of “outlaw”

fishers was not questioned by policy-makers. The perpetuated notion expressed by Kampala City Council member Wasswa Ziritwawula, that vendors who are primarily women do not have the capacity to manage themselves or their businesses, has contributed to rationalizing the imposition of the ineffective private market management scheme. Maintaining the idea that fishers are cowboys raucously depleting the lake's fish stocks has allowed the (legal, sanctioned, organized) export of 30,000 tons of fish annually by fish processors to continue unhindered. In addition, the unpopularity of the NFP and fishers' reluctance to engage with the new BMUs is also inextricably linked to fishers' long term experience of persecution by the state and police harassment. Neither legalization (of open-air markets) or criminalization (of small-scale fishers) has turned out to be a popular or beneficial plan. It is interesting to note that on the surface it appears that the vendors at Amber Court market appear are complying and "participating," while fishers appear to be enacting their assigned role as non-participating outlaws. "Participation" in these cases is not necessarily what it seems to be.

The market formalization scheme and the NFP participatory policies are not popular with vendors and fishers. This does not, however, support the idea that greater human rights and economic equity (development "success") would be achieved without a system of greater "participation." The examples of the two participatory policies I have examined demonstrate that the equity and prosperity

promised by Amartya Sen cannot be accomplished through handing out blank ballots on election day alone. Fishers and vendors require a materially relevant form of protection and leverage to affect decisions concerning their livelihoods. Sen asserts that “the exercise of basic political rights makes it more likely not only that there will be a policy response to economic needs, but also that the conceptualization... of ‘economic needs’ itself may require the exercise of such rights” (Sen 1999:153). When it comes to the informal sector, however, the consequences of awarding “democratic rights” are not automatically positive and do not necessarily guarantee the bargaining power required. In reaction to consistent marginalization from formal systems of governance and decision-making vendors and fishers had determined their own, separate and often intentionally “invisible” systems. Vendors and fishers near Jinja have approached these new invitations to gain a formal “voice” with skepticism and a bargainers’ skill in assessing risk and return.

Ignoring historical factors and unfounded assumptions are often key factors in the ability of policy-makers to enforce the governmentality or rationality of a coercive system. Whether or not conceived with benevolent motivation, it is clear that in constructing both the market formalization scheme and the NFP, policy-makers aimed at transforming the lives of people engaged in the informal sector by constructing a doorway into Sen’s ideal. The right to choose, to “participate” could be in many ways be more useful and constructive

than the hope for “progress” offered in the construction of the Owen Falls Dam. The concern for including “local” participation is perhaps a mark of potential new ground for the unfolding conversation and enactment of “development.” But the inclusion of groups that have previously been in opposition to formal state governance structures requires not just an invitation to a meeting or organizing an election. It requires shifting the paradigm of development from devising set projects or millennial goal markers to understanding development as an ongoing conversation and bargaining process in which the stumblings of the past still hold relevant and crucial lessons. But promoting positive development outcomes also requires a deliberate recognition that equity must be enforced through more than mere words or provision in a policy; that ensuring “local” participation requires changes at the level of transnational governance and policy, not just placing the burden of implementation at the feet of “locals” who are, perhaps, the most vulnerable. It requires including the kind of materially relevant systems and strategies that vendors at Amber Court have devised over the last hundred years: strategies based on their own experience that providing for the stability and wellbeing of the collective whole tends to bring the steadiest returns to each individually.

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